

EMERGENCY

City of Cincinnati

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AWB

An Ordinance No. 311

- 2021

AMENDING Ordinance No. 228-2012 passed by City Council on June 20, 2012, as previously amended by Ordinance No. 246-2013, Ordinance No. 179-2014, Ordinance No. 272-2015, Ordinance No. 268-2016, Ordinance No. 213-2017, Ordinance No. 244-2018, Ordinance No. 321-2019, and Ordinance No. 270-2020, for the purpose of reducing those special assessments levied and to be collected in 2022 (with tax year 2021 property taxes) based upon a report of the administrator for bonds issued by the Port of Greater Cincinnati Development Authority related to the Oakley Station development project.

WHEREAS, on June 20, 2012, this Council adopted Resolution No. 38-2012 declaring the necessity of (i) constructing various public infrastructure improvements (“Public Infrastructure Improvements”) related to the Oakley Station development project generally located at 4701 Marburg Avenue in Cincinnati, and (ii) assessing lands for the costs of the Public Infrastructure Improvements as petitioned by the owners of 100% of such property (the “Petition”) in accordance with Chapter 727 of the Ohio Revised Code; and

WHEREAS, on June 20, 2012, Council passed Ordinance No. 228-2012 levying Special Assessments (as defined in the Cooperative Agreement, as defined below) to pay for the costs of constructing the Public Infrastructure Improvements; and

WHEREAS, Ordinance No. 228-2012 and the Petition contemplate that the Special Assessments will be reapportioned in accordance with the Petition upon the subdivision (or consolidation) of any parcels included within the assessed lands; and

WHEREAS, Ordinance No. 228-2012 and that certain *Cooperative Special District Financing and Redevelopment Agreement* dated July 31, 2012 (the “Cooperative Agreement”) among the City of Cincinnati, the Port of Greater Cincinnati Development Authority (the “Port Authority”), and USS Realty, LLC each contemplate that Council may reduce or abate the Certified Annual Installments (as defined in the Cooperative Agreement) of the Special Assessments based upon a report of an administrator (the “Administrator”) appointed by the Port Authority for bonds issued by the Port Authority and secured by an assignment of the Special Assessments; and

WHEREAS, pursuant to Ordinance No. 246-2013 passed by Council on August 7, 2013, Ordinance No. 179-2014 passed by Council on June 25, 2014, Ordinance No. 272-2015 passed by Council on August 5, 2015, Ordinance No. 268-2016 passed by Council on August 3, 2016 and Ordinance No. 213-2017 passed by Council on August 9, 2017, each based upon and consistent with reports of the Administrator, the Certified Annual Installments of the Special Assessments were reapportioned, first among Hamilton County Parcel Numbers 051-0001-0001, 051-0001-0063, and 051-0001-0064 and, upon passage of Ordinance No. 213-2017, among Hamilton County Auditor Parcel Numbers 051-0001-0063, 051-0001-0064, 051-0001-0070, 051-0001-0071,

051-0001-0074, 051-0001-0078, 051-0001-0079, 051-0001-0080, 051-0001-0081, 051-0001-0082, 051-0001-0083, 051-0001-0084, 051-0001-0085, 051-0001-0086, 051-0001-0087, 051-0001-0088, 051-0001-0089, 051-0001-0090, and 051-0001-0091 and the Certified Annual Installments to be collected, as reapportioned in the respective years, were reduced and certified for collection; and

WHEREAS, pursuant to Ordinance No. 244-2018 passed by Council on August 1, 2018, Ordinance No. 321-2019 passed by Council on August 7, 2019, and Ordinance No. 270-2020 passed by Council on August 5, 2020, based upon and consistent with reports of the Administrator, the Certified Annual Installments of the Special Assessments to be collected in the years 2019 through 2021, as previously apportioned among Hamilton County Auditor Parcel Numbers 051-0001-0063, 051-0001-0064, 051-0001-0070, 051-0001-0071, 051-0001-0074, 051-0001-0078, 051-0001-0079, 051-0001-0080, 051-0001-0081, 051-0001-0082, 051-0001-0083, 051-0001-0084, 051-0001-0085, 051-0001-0086, 051-0001-0087, 051-0001-0088, 051-0001-0089, 051-0001-0090, and 051-0001-0091, were reduced to zero for each of the tax collection years from 2019 through 2021 and those reductions, and the amounts to be collected with respect to each such parcel in those years (\$0.00), were certified to the County Auditor; and

WHEREAS, the City has received a report of the Administrator for the current year (the “Administrator’s Report”) determining, among other things, that:

(i) There have been no parcel splits or consolidations since the passage of Ordinance No. 213-2017 and none of the Special Assessments should be reapportioned at this time;

(ii) the Special Assessment Roll for the Special Assessments, referenced in Exhibit A to Ordinance No. 228-2012, as most recently amended in Section 1 of Ordinance No. 213-2017, should not be amended and restated at this time;

(iii) the Certified Annual Installments of the Special Assessments, as apportioned and reapportioned in Exhibit D to Ordinance No. 228-2012, as most recently amended in Section 2 of Ordinance No. 213-2017, should not be amended and restated at this time;

(iv) the aggregate Annual Service Payment Credits (as defined in the Cooperative Agreement) for the current year (tax year 2021 and collection year 2022) are \$652,179.99, and such Annual Service Payment Credits are to be apportioned to each of the parcels included in the assessed lands in the same proportion as the Special Assessments; and

(v) the required Certified Annual Installments of the Special Assessments to be certified by the City to the Hamilton County, Ohio Auditor and collected by the Hamilton County, Ohio Treasurer in 2022 (with 2021 taxes) (i.e., the applicable Certified Annual Installments after applying the Annual Service Payment Credits, as allocated in accordance with the Administrator’s Report), is \$0.00, requiring the annual Special Assessments for tax year 2021 to be reduced from the current aggregate Certified Annual Installments amount of \$652,179.99 to \$0.00 consistent with the Administrator’s Report; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, Hamilton County, Ohio:

Section 1. That, pursuant to the Cooperative Agreement (that term and any other term used but not defined herein being used as defined in the recitals to this ordinance) and based upon the

Administrator's Report: (a) the aggregate Annual Service Payment Credits for collection year 2022 shall be \$652,179.99; (b) such Annual Service Payment Credits shall be apportioned to each of the parcels included in the assessed lands in the same proportion as the Special Assessments; and (c) the aggregate required Certified Annual Installments of the Special Assessments to be certified by the City to the Hamilton County, Ohio Auditor and collected by the Hamilton County, Ohio Treasurer in 2022 (with tax year 2021 property taxes) shall be reduced from \$652,179.99 to \$0.00, all as shown in the following table:

| Assessed Lands (Parcel Number) | Current Year Certified Annual Installment | Current Year Annual Service Payment Credit | Special Assessments to be Certified for Collection in 2022 |
|---|--|---|---|
| 051-0001-0063 | \$ 63,090.05 | \$ 63,090.05 | \$0.00 |
| 051-0001-0064 | 97,678.22 | 97,678.22 | \$0.00 |
| 051-0001-0070 | 133,490.98 | 133,490.98 | \$0.00 |
| 051-0001-0071 | 37,070.91 | 37,070.91 | \$0.00 |
| 051-0001-0074 | 15,041.93 | 15,041.93 | \$0.00 |
| 051-0001-0078 | 14,752.15 | 14,752.15 | \$0.00 |
| 051-0001-0079 | 41,143.26 | 41,143.26 | \$0.00 |
| 051-0001-0080 | 21,607.21 | 21,607.21 | \$0.00 |
| 051-0001-0081 | 31,802.60 | 31,802.60 | \$0.00 |
| 051-0001-0082 | 35,834.51 | 35,834.51 | \$0.00 |
| 051-0001-0083 | 12,293.62 | 12,293.62 | \$0.00 |
| 051-0001-0084 | 12,705.92 | 12,705.92 | \$0.00 |
| 051-0001-0085 | 11,783.36 | 11,783.36 | \$0.00 |
| 051-0001-0086 | 13,075.16 | 13,075.16 | \$0.00 |
| 051-0001-0087 | 10,149.28 | 10,149.28 | \$0.00 |
| 051-0001-0088 | 13,879.37 | 13,879.37 | \$0.00 |
| 051-0001-0089 | 67,050.07 | 67,050.07 | \$0.00 |
| 051-0001-0090 | 13,599.58 | 13,599.58 | \$0.00 |
| 051-0001-0091 | <u>6,131.81</u> | <u>6,131.81</u> | <u>\$0.00</u> |
| Total | \$652,179.99 | \$652,179.99 | \$0.00 |

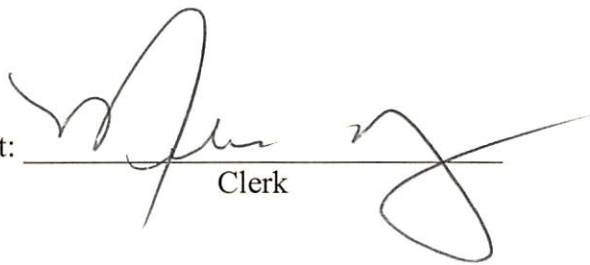
Section 2. That all existing provisions of Ordinance No. 228-2012 passed by City Council on June 20, 2012, as previously amended by Ordinance No. 246-2013, Ordinance No. 179-2014, Ordinance No. 272-2015, Ordinance No. 268-2016, Ordinance No. 213-2017, Ordinance No. 244-

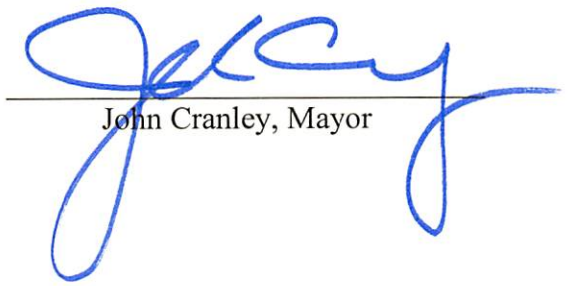
2018, Ordinance No. 321-2019, and Ordinance No. 270-2020, not amended hereby and not inconsistent with this ordinance shall remain in full force and effect.

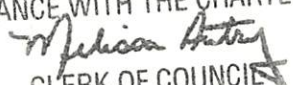
Section 3. That the Clerk of Council is hereby directed to deliver a certified copy of this ordinance to the Hamilton County, Ohio Auditor within fifteen (15) days after its adoption or, if earlier, within the time required by law for the certification of assessments to be collected in 2022 (with tax year 2021 property taxes).

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to certify the revised Special Assessments to the Hamilton County, Ohio Auditor by the certification deadline of September 13, 2021.

Passed: August 4, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 311-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 8-17-2021

CLERK OF COUNCIL