

**EMERGENCY**

**City of Cincinnati**

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**An Ordinance No. 273**

- 2024

**AMENDING** Ordinance No. 228-2012 passed by 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, Ordinance No. 270-2020, Ordinance No. 311-2021, Ordinance No. 237-2022, and Ordinance No. 306-2023, for the purpose of reducing those special assessments levied and to be collected in 2025 (with tax year 2024 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, 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 (now comprised of various properties with addresses on Disney Street, Factory Colony Lane, Marburg Avenue, Oakley Mill Lane, Oakley Station Boulevard, and Vandercar Way) in the Oakley neighborhood of Cincinnati, and (ii) assessing lands for the costs of the Public Infrastructure Improvements as petitioned by the owners of 100 percent 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 (as amended, 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, Ordinance No. 270-2020 passed by Council on August 5, 2020, Ordinance No. 311-2021 passed by Council on August 4, 2021, Ordinance No. 237-2022 passed by Council on August 3, 2022, and Ordinance No. 306-2023 passed by Council on September 7, 2023, 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 2024, 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 2024 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) Hamilton County Auditor Parcel Number 051-0001-0089 was subdivided in 2023 in such manner that all of the Special Assessments apportioned to that parcel should be reapportioned among Hamilton County Auditor Parcel Numbers 051-0001-0112 and 051-0001-0113 consistent with the Administrator's Report;
- (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 be amended and restated consistent with the Administrator's Report;
- (iii) the Certified Annual Installments of the Special Assessments for all remaining years of collection of the Special Assessments (from 2025 through 2036), 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 be amended and restated consistent with the Administrator's Report;
- (iv) the aggregate Annual Service Payment Credits (as defined in the Cooperative Agreement) for the current year (tax year 2024 and collection year 2025) are \$653,370.00, 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 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 2025 (with 2024 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 2024 to be reduced from the current aggregate Certified Annual Installments amount of \$653,370.00 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 the Special Assessments levied in Ordinance No. 228-2012, passed by Council on June 20, 2012 (as amended, the “Assessing Ordinance”), shall be reapportioned consistent with the current (2024) report of the administrator (the “Administrator”) appointed by the Port of Greater Cincinnati Development Authority (the “Port Authority”) for bonds issued by the Port Authority and secured by an assignment of the Special Assessments (the “Administrator’s Report”), and that Exhibit A referenced in the Assessing Ordinance and most recently amended in Section 1 of Ordinance No. 213-2017, passed by Council on August 9, 2017, is hereby amended and restated in its entirety, as follows:

**EXHIBIT A  
SPECIAL ASSESSMENT ROLL**

<b>Assessed Lands (Parcel Number)</b>	<b>Assessable Cost<sup>1</sup></b>	<b>Percentage of Benefit<sup>2</sup></b>	<b>Percentage of Assessments</b>	<b>Special Assessments<sup>1</sup></b>
051-0001-0063	\$ 661,198.60	9.6737%	9.6737%	\$ 661,198.60
051-0001-0064	\$1,023,690.79	14.9772%	14.9772%	\$1,023,690.79
051-0001-0070	\$1,399,016.92	20.4684%	20.4684%	\$1,399,016.92
051-0001-0071	\$ 388,511.92	5.6841%	5.6841%	\$ 388,511.92
051-0001-0074	\$ 157,642.92	2.3064%	2.3064%	\$ 157,642.92
051-0001-0078	\$ 154,606.02	2.2620%	2.2620%	\$ 154,606.02
051-0001-0079	\$ 431,191.03	6.3086%	6.3086%	\$ 431,191.03
051-0001-0080	\$ 226,448.62	3.3131%	3.3131%	\$ 226,448.62
051-0001-0081	\$ 333,298.71	4.8763%	4.8763%	\$ 333,298.71
051-0001-0082	\$ 375,554.12	5.4946%	5.4946%	\$ 375,554.12
051-0001-0083	\$ 128,840.06	1.8850%	1.8850%	\$ 128,840.06
051-0001-0084	\$ 133,161.06	1.9482%	1.9482%	\$ 133,161.06
051-0001-0085	\$ 123,492.41	1.8068%	1.8068%	\$ 123,492.41
051-0001-0086	\$ 137,030.77	2.0048%	2.0048%	\$ 137,030.77
051-0001-0087	\$ 106,366.87	1.5562%	1.5562%	\$ 106,366.87

051-0001-0088	\$ 145,459.06	2.1282%	2.1282%	\$ 145,459.06
051-0001-0090	\$ 142,526.77	2.0852%	2.0852%	\$ 142,526.77
051-0001-0091	\$ 64,262.85	0.9403%	0.9403%	\$ 64,262.85
051-0001-0112	\$ 533,683.84	7.8081%	7.8081%	\$ 533,683.84
051-0001-0113	\$ 169,016.66	2.4728%	2.4728%	\$ 169,016.66
TOTALS	\$6,835,000.00	100.0000%	100.0000%	\$6,835,000.00
<sup>1</sup> Exclusive of interest thereon and administrative expenses with respect thereto.				
<sup>2</sup> Determined in accordance with Ordinance No. 228-2012 and the Petition; with rounding.				

Section 2. That each of the remaining Certified Annual Installments (as defined in the Cooperative Agreement referred to and defined in the recitals to this ordinance) of the Special Assessments levied in the Assessing Ordinance is hereby apportioned and allocated, or reapportioned and reallocated, consistent with the apportionments and allocations of the Special Assessments provided for under Section 1 of this ordinance, and that Exhibit D, referenced in and attached to the Assessing Ordinance and most recently amended in Section 2 of Ordinance No. 213-2017 and restated in its entirety in Attachment A referenced in that Section 2 and attached to Ordinance No. 213-2017, is hereby amended in its entirety to read as set forth in Attachment A to this ordinance, incorporated herein by this reference.

Section 3. 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 2024 shall be \$653,370.00; (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 2025 (with tax year 2024 property taxes) shall be reduced from \$653,370.00 to \$0.00, all as shown in the following table:

<b>Assessed Lands (Parcel Number)</b>	<b>Current Year Certified Annual Installment</b>	<b>Current Year Annual Service Payment Credit</b>	<b>Special Assessments to be Certified for Collection in 2024</b>
051-0001-0063	\$ 63,205.17	\$ 63,205.17	\$0.00
051-0001-0064	97,856.45	97,856.45	\$0.00
051-0001-0070	133,734.56	133,734.56	\$0.00
051-0001-0071	37,138.56	37,138.56	\$0.00
051-0001-0074	15,069.37	15,069.37	\$0.00
051-0001-0078	14,779.07	14,779.07	\$0.00
051-0001-0079	41,218.33	41,218.33	\$0.00
051-0001-0080	21,646.63	21,646.63	\$0.00
051-0001-0081	31,860.63	31,860.63	\$0.00
051-0001-0082	35,899.90	35,899.90	\$0.00
051-0001-0083	12,316.05	12,316.05	\$0.00
051-0001-0084	12,729.11	12,729.11	\$0.00
051-0001-0085	11,804.86	11,804.86	\$0.00
051-0001-0086	13,099.02	13,099.02	\$0.00
051-0001-0087	10,167.80	10,167.80	\$0.00
051-0001-0088	13,904.69	13,904.69	\$0.00
051-0001-0090	13,624.39	13,624.39	\$0.00
051-0001-0091	6,143.00	6,143.00	\$0.00
051-0001-0112	51,015.87	51,015.87	\$0.00
051-0001-0113	<u>16,156.54</u>	<u>16,156.54</u>	<u>\$0.00</u>
<b>Total</b>	<b>\$653,370.00</b>	<b>\$653,370.00</b>	<b>\$0.00</b>

Section 4. That all existing provisions of Ordinance No. 228-2012 passed by 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, Ordinance No. 270-2020, Ordinance No. 311-2021, Ordinance No. 237-2022, and Ordinance No. 306-2023, not amended hereby and not inconsistent with this ordinance shall remain in full force and effect.

Section 5. That the Clerk of Council is hereby directed to deliver a certified copy of this ordinance, including Attachment A incorporated by reference herein, to the Hamilton County, Ohio Auditor within fifteen days after its adoption or, if earlier than fifteen days after its adoption, within the time required by law for the certification of assessments to be collected in 2025 (with tax year 2024 property taxes).

Section 6. 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 9, 2024.

Passed: August 7, 2024

Jan Michele Leno Kearney  
VICE Mayor

Attest: [Signature]  
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 273-2024  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 8/20/2024  
Melissa Antley  
CLERK OF COUNCIL