



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson David Mann
Vice Chair Chris Seelbach
Councilmember Steve Goodin
Councilmember Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Greg Landsman
Councilmember Betsy Sundermann
Councilmember Wendell Young

Monday, November 8, 2021

1:00 PM

Council Chambers, Room 300

ROLL CALL

PRESENTATIONS

ERA Program Update
William Weber Assistant City Manager
Virginia Tallent, Deputy Director

AGENDA

1. [202103043](#) MOTION, submitted by Councilmember Kearney, WE MOVE for the City Administration to prepare a report on acquiring funding for an infrastructure project on Westwood Northern Blvd from Baltimore Ave to McHenry Ave, in order to increase the pedestrian safety of Roll Hill School students. Funding sources in the report should include but not be limited to the Ohio Department of Transportation's and the Ohio-Kentucky-Indiana Regional Council of Governments' Safe Routes to School programs. (STATEMENT ATTACHED)

Sponsors: Kearney

Attachments: [Motion](#)

2. [202103020](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 10/27/2021, AUTHORIZING the Greater Cincinnati Water Works to accept the donation of certain water quality measurement equipment, namely a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, for use by the Greater Cincinnati Water Works with an estimated value of \$3,000.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

3. [202103021](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City

Manager, on 10/27/2021, AUTHORIZING the payment of \$68,189.04 as a moral obligation to Western Nursing Services for temporary services provided to the Cincinnati Health Department for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and AUTHORIZING the Finance Director to make a payment of \$68,189.04 to Western Nursing Services from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

4. [202103023](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 10/27/2021, AUTHORIZING the City Manager to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End; and AUTHORIZING the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation."

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

5. [202103024](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 10/27/2021, AUTHORIZING the establishment of new capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of accepting resources to expand and renovate Cincinnati Health Department ("CHD") infrastructure; AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of expanding and renovating CHD infrastructure.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

6. [202103026](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 10/27/2021, Authorizing the City Manager to accept and appropriate a donation totaling \$4,980 from the Cincinnati Board of Park

Commissioners' Fund; AUTHORIZING the Finance Director to deposit the resources into Parks Private Endowments and Donations Fund 430; and AUTHORIZING the payment of \$4,980 from Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 as a moral obligation to WebFEAT for payment of outstanding charges for services received by the Cincinnati Park Board for website hosting.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

7. [202103053](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 11/3/2021, ACCEPTING AND CONFIRMING the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment A](#)
[Attachment B](#)

8. [202103056](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 11/3/2021, AUTHORIZING the City Manager to execute a Grant of Easement in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

9. [202103060](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 11/3/2021, AUTHORIZING the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

10. [202103061](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 11/3/2021, MODIFYING Section 324-7, "Scope and Effective Period of

Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

Sponsors: City Manager

Attachments: [Transmittal - Ordinance Modifying CMC Chapter 324-7](#)
[Ordinance - Modifying Chapter 324-7](#)

11. [202103003](#) ORDINANCE (EMERGENCY), dated 10/15/2021, submitted by Councilmember Mann, from Andrew W. Garth, City Solicitor, ADOPTING a Council Code of Conduct pursuant to Section 101-45, “Code of Conduct,” of the Cincinnati Municipal Code to govern conduct by Councilmembers and their staff.

Sponsors: Mann

Attachments: [Transmittal](#)
[Emergency Ordinance](#)
[Attachment A](#)

ADJOURNMENT

City of Cincinnati



801 Plum Street, Suite 346 A
Cincinnati, Ohio 45202

Phone (513) 352 5205
Email Jan.Michele.Kearney@
cincinnati.oh.gov
Web www.cincinnati.oh.gov

20210304B

Jan-Michele Lemon Kearney
Councilmember

October 25, 2021

MOTION

WE MOVE for the City Administration to prepare a report on acquiring funding for an infrastructure project on Westwood Northern Blvd from Baltimore Ave to McHenry Ave, in order to increase the pedestrian safety of Roll Hill School students. Funding sources in the report should include but not be limited to the Ohio Department of Transportation's and the Ohio-Kentucky-Indiana Regional Council of Governments' Safe Routes to School programs.

Councilmember Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT

This motion requests for City Administration to prepare a report on acquiring funding so that a sidewalk can be constructed near Baltimore Ave and Westwood Northern Blvd in the neighborhood of East Westwood. With the installation of this sidewalk, children of Roll Hill School will no longer have to walk through a dirt pathway to attend class.

The report should include information about potential sources including but not limited to the Safe Routes to School program (SRTS). SRTS provides financial resources for infrastructure projects that are within two miles of a school and improve travel safety for children. The Ohio Department of Transportation's (ODOT) program reimburses up to 100% of eligible costs with a project cost limit of \$400,000. ODOT's application process is typically open from early January to early March. The Ohio-Kentucky-Indiana Regional Council of Governments' (OKI) SRTS funding is allocated via their Transportation Alternatives program. OKI's 2021 application deadline was in June. OKI's allocated federal funding has a standard local match requirement of 20%. The funding award limit is \$750,000.

CAL → NC
GPK by KP

October 27, 2021

To: Mayor and Members of City Council

202103020

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Accepting Donation of Equipment

Attached is an Ordinance captioned:

AUTHORIZING the Greater Cincinnati Water Works to accept the donation of certain water quality measurement equipment, namely a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, for use by the Greater Cincinnati Water Works with an estimated value of \$3,000.

While attending the Ohio Water Conference on behalf of GCWW, a GCWW employee won, as a raffle prize, a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, with an estimated value of \$3,000. Pursuant to prior Law Department guidance on Ohio Ethics laws, the employee may not accept the prize, but, as a public agency, GCWW is not prohibited from accepting a raffle prize where said prize will be used by the department itself and not for any individual's personal use or benefit. As such, the City may accept this prize for departmental use by GCWW. This ordinance authorizes the acceptance of the donation of the water quality measurement equipment for the City's use in water quality analysis by GCWW.

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works 

City of Cincinnati

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AWB

An Ordinance No. _____

- 2021

AUTHORIZING the Greater Cincinnati Water Works to accept the donation of certain water quality measurement equipment, namely a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer, for use by the Greater Cincinnati Water Works with an estimated value of \$3,000.

WHEREAS, while attending the Ohio Water Conference, an employee of the City of Cincinnati's Greater Cincinnati Water Works (GCWW) won as a raffle prize certain equipment used to analyze water quality, namely, a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer; and

WHEREAS, said employee attended the Ohio Water Conference in the capacity of an employee of GCWW with registration paid for by the City of Cincinnati; and

WHEREAS, City Council wishes to acknowledge and gratefully accept the donation of said equipment with an estimated value of \$3,000 for GCWW water quality uses; now, therefore,

BE IT ORDAINED by the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati hereby accepts, with gratitude, the donation of a YSI MultiLab 4010-2W, IDS ProOBOD, and IDS 4130 pH electrode with pH buffer.

Section 2. That the Director of the Greater Cincinnati Water Works is hereby authorized to accept said donation on behalf of the City of Cincinnati for the City's use in water quality analysis.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force on and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

October 27, 2021

To: Mayor and Members of City Council 202103021

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – Health: Moral Obligation Payment to Western Nursing Services**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$68,189.04 as a moral obligation to Western Nursing Services for temporary services provided to the Cincinnati Health Department for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and **AUTHORIZING** the Finance Director to make a payment of \$68,189.04 to Western Nursing Services from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297.

This Emergency Ordinance will authorize the payment of \$68,189.04 from the Cincinnati Health Department (CHD) as a moral obligation to Western Nursing Services for temporary services received for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist. This moral obligation payment is necessary due to not following Department of Human Resources procedures for requesting temporary positions. This process includes requesting approval in advance through the NEOGOV workforce management system from Human Resources, the Office of Budget and Evaluation, and the Office of Procurement prior to the start date of the temporary personnel. The Finance Department will not accept a certification request for temporary services without NEOGOV approval.

CHD has identified and resolved the issues which led to this oversight, and it is anticipated that improved communication within CHD and with the vendor will prevent similar situations in the future.

The Emergency Ordinance will also authorize the Director of Finance to make a payment from multiple accounts within the Cincinnati Health Department's operating budget as indicated on Attachment A.

The reason for the emergency is the immediate need to pay Western Nursing Services in a timely manner for temporary services received in 2021.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

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AWB

An Ordinance No. _____

-2021

AUTHORIZING the payment of \$68,189.04 as a moral obligation to Western Nursing Services for temporary services provided to the Cincinnati Health Department for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and **AUTHORIZING** the Finance Director to make a payment of \$68,189.04 to Western Nursing Services from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297.

WHEREAS, in 2021, Western Nursing Services provided temporary staffing services to the Cincinnati Health Department ("CHD") for the positions of Customer Relations Representative, Community Health Worker, and Epidemiologist; and

WHEREAS, Western Nursing Services has not been paid for these services despite having timely submitted invoices to CHD; and

WHEREAS, prior to the start date of the temporary employees, NEOGOV approval was not obtained from the City's departments of Human Resources, Budget, and Procurement; and

WHEREAS, the Finance Department will not accept a request for certification of funds for temporary services without NEOGOV approval; and

WHEREAS, sufficient funds are available from CHD's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297, 350x263x6110x7297, and 395x265x1110x7297; and

WHEREAS, CHD has identified and resolved the issues which led to this oversight, and it is anticipated that improved communication within CHD and with the vendor will prevent similar situations in the future; and

WHEREAS, City Council desires to provide payment for such services in the amount of \$68,189.04; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$68,189.04 from the Cincinnati Health Department's operating budget account nos. 395x265x2110x7297, 395x265x3110x7297, 395x265x5110x7297, 395x265x6110x7297, 395x265x7110x7297,

350x263x6110x7297, and 395x265x1110x7297 to Western Nursing Services as a moral obligation of the City of Cincinnati for temporary services provided to the Cincinnati Health Department for the positions of Customer Service Representative, Community Health Worker, and Epidemiologist.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1 hereof.

Section 3. 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 pay Western Nursing Services in a timely manner for temporary services received in 2021.

Passed: _____, 2021

Mayor John Cranley

Attest: _____
Clerk

Attachment A

Account	Amount
395x265x2110x7297	\$772.80
395x265x3110x7297	\$7,033.69
395x265x5110x7297	\$6,906.94
395x265x6110x7297	\$5,934.87
395x265x7110x7297	\$7,993.24
350x263x6110x7297	\$38,347.50
395x265x1110x7297	<u>\$1,200.00</u>
Total	\$68,189.04

October 27, 2021

To: Mayor and Members of City Council 202103023
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Recreation: Acceptance of Cash Donation from St. Rose Church**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End; and **AUTHORIZING** the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x211900, “Outdoor Facilities Renovation.”

This Emergency Ordinance authorizes the City Manager to accept and appropriate a cash donation from St. Rose Catholic Church in the amount of \$15,000 to capital improvement program project account no. 980x199x211900 “Outdoor Facilities Renovation” for the construction of a shared parking lot located near 2501 Riverside Drive in the East End. This Emergency Ordinance also declares the expenditures on the shared parking lot to serve a public purpose.

To address parking and draining issues near Bayou, Callahan, and Lumber Streets, Stormwater Management Utility (SMU), Department of Transportation and Engineering (DOTE) and the Cincinnati Recreation Commission (CRC) are working in conjunction to facilitate various improvements. St. Rose Catholic Church requested additional parking be added during this project and has offered a donation of \$15,000.

This project is necessary to ensure the proper drainage of Callahan Street. An adjacent parking area is shared by CRC and the church in the area of Leblond Park. The parking area will need to be significantly regraded and reconstructed during this project. The Street Rehabilitation Program will cover the reconstruction costs of a section of the parking lot as Callahan Street is reconstructed to make sure it drains properly. This project will renovate existing parking, correct drainage problems, and add additional parking spots for CRC users.

DOTE requested that \$25,000 be provided towards the project. St. Rose Catholic Church agreed to contribute \$15,000. The CRC will cover the remaining project balance of \$10,000 from existing capital resources available in capital improvement program project account no. 980x199x211900 “Outdoor Facilities Renovation”. There are no new FTEs associated with this donation.

This Emergency Ordinance is in accordance with the “Live goal to “Build a robust public life” "Collaborate" goal to "Unite our communities" as described on pages 149 and 210, respectively, of Plan Cincinnati (2012).

The reason for the emergency is the need to accept the donated funds at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment



EMERGENCY

City of Cincinnati

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AWB

An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End; and **AUTHORIZING** the Finance Director to deposit the donated funds into capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation."

WHEREAS, Stormwater Management Utility, Department of Transportation and Engineering ("DOTE"), and the Cincinnati Recreation Commission ("CRC") are working in conjunction to facilitate various improvements to parking and drainage issues near Bayou, Callahan, and Lumber Streets; and

WHEREAS, this project is necessary to ensure the proper drainage on Callahan Street and will renovate existing parking, correct drainage problems, and add additional parking spots for CRC users; and

WHEREAS, St. Rose Catholic Church has requested that additional parking be added during this project to an adjacent parking area which is shared by CRC and St. Rose Catholic Church in the area of Leblond Park; and

WHEREAS, the parking area will need to be significantly regraded and reconstructed during this project the cost of which will be covered by DOTE; and

WHEREAS, DOTE has requested that a total of \$25,000 be provided towards the project, and St. Rose Catholic Church has offered a donation of \$15,000 towards the cost; and

WHEREAS, the remaining project balance of \$10,000 will be paid by CRC from existing capital resources available in capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation"; and

WHEREAS, there are no new FTEs associated with this donation; and

WHEREAS, the expenditures associated with the shared parking lot serve a public purpose; and

WHEREAS, this ordinance is in accordance with the "Live" goal to "create a more livable community" as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a cash donation in the amount of \$15,000 from St. Rose Catholic Church to existing capital improvement program project account no. 980x199x211900 "Outdoor Facilities Renovation" for the purpose of providing resources for the construction of a shared parking lot located near 2501 Riverside Drive in the East End.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation."

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof.

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 accept the donated funds at the earliest possible time.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

October 27, 2021

To: Mayor and Members of City Council 202103024

From: Paula Boggs Muething, City Manager

Subject: **Ordinance – Health: Health Resources and Services Administration (HRSA) Health Center Infrastructure Support Grant**

Attached is an Ordinance captioned:

AUTHORIZING the establishment of new capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant,” for the purpose of accepting resources to expand and renovate Cincinnati Health Department (“CHD”) infrastructure; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant,” for the purpose of expanding and renovating CHD infrastructure.

This Ordinance will authorize the establishment of new capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant,” for the purpose of accepting resources to expand and renovate Cincinnati Health Department infrastructure. The Ordinance also authorizes the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA), assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, “Health Center Infrastructure Support Grant.”

The Cincinnati Health Department (“CHD”) will use the grant funds to expand and renovate CHD infrastructure, including centralization of staff and providers at the Price Hill and Clifton facilities, renovation of the Northside registration and entry area, and renovation of the Bobbie Sterne Health Center.

No additional FTE are associated with this grant; and matching funds are not required.

This Ordinance is in accordance with the Sustain goal to “Become a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment



City of Cincinnati

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An Ordinance No. _____ - 2021

AUTHORIZING the establishment of new capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of accepting resources to expand and renovate Cincinnati Health Department ("CHD") infrastructure; AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of expanding and renovating CHD infrastructure.

WHEREAS, grant resources are available from the United States Department of Health and Human Services, Health Resources and Services Administration, assistance listing 93.526, for the purpose of making facility improvements to and building capacity in health centers; and

WHEREAS, the Cincinnati Health Department ("CHD") will use such grant funds, if accepted, to expand and renovate CHD infrastructure, including centralization of staff and providers in Price Hill and Clifton facilities, renovation of the Northside registration and entry area, and renovation of the Bobbie Sterne Health Center; and

WHEREAS, no additional FTEs or local matching funds are required to accept this grant; and

WHEREAS, CHD applied for this grant on July 2, 2021, and was notified of being awarded grant resources on September 15, 2021, but no funds will be accepted without Council approval; and

WHEREAS, this ordinance is in accordance with the "Sustain" goal to "become a healthier Cincinnati" as described on page 181 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," is established for the purpose of accepting resources to expand and renovate Cincinnati Health Department ("CHD") infrastructure.

Section 2. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human

Services, Health Resources and Services Administration, assistance listing 93.526, to newly established capital improvement program project account no. 980x261x222609, "Health Center Infrastructure Support Grant," for the purpose of expanding and renovating CHD infrastructure.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

October 27, 2021

To: Mayor and Members of City Council 202103026
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – Parks: WebFEAT Moral Obligation

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation totaling \$4,980 from the Cincinnati Board of Park Commissioners' Fund; **AUTHORIZING** the Finance Director to deposit the resources into Parks Private Endowments and Donations Fund 430; and **AUTHORIZING** the payment of \$4,980 from Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 as a moral obligation to WebFEAT for payment of outstanding charges for services received by the Cincinnati Park Board for website hosting.

Approval of this Emergency Ordinance will authorize the acceptance and appropriation of a donation of \$4,980 from the Cincinnati Board of Park Commissioners' Fund and authorize the deposit of these resources into Parks Private Endowment and Donations Fund 430.

This Emergency Ordinance will also authorize the Finance Director to make a payment of \$4,980 from the Cincinnati Parks Department non-personnel operating budget account no. 430x203x2059x7289 in the name of WebFEAT as a moral obligation of the City of Cincinnati, for payment of charges owed for services used by the Cincinnati Park Board.

WebFEAT is the Cincinnati Parks website host. Enterprise Technology Solutions (ETS) was scheduled to have a new website completed by July 1, 2021 but was unable to complete the work within the established timeframe. The original professional services contract (PSC) expired on July 1, 2021, and the new PSC was not executed until October 1, 2021. ETS set a new project completion date for January 1, 2022. If this date is not met, Parks will execute a new contract.

The reason for the emergency is the immediate need to pay the vendor in a timely manner for services performed outside of a contract.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

An Ordinance No. _____

CFG

AWB

- 2021

AUTHORIZING the City Manager to accept and appropriate a donation totaling \$4,980 from the Cincinnati Board of Park Commissioners' Fund; **AUTHORIZING** the Finance Director to deposit the resources into Parks Private Endowments and Donations Fund 430; and **AUTHORIZING** the payment of \$4,980 from Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 as a moral obligation to WebFEAT for payment of outstanding charges for services received by the Cincinnati Park Board for website hosting.

WHEREAS, the Cincinnati Board of Park Commissioners' Fund is donating \$4,980 to the Cincinnati Parks Department; and

WHEREAS, the donation is being provided to make a payment of \$4,980 as a moral obligation to WebFEAT because the Cincinnati Park Board required website hosting services to keep its public facing website online, and the work was performed outside of a contract; and

WHEREAS, the Cincinnati Park Board has executed a new professional services contract and is again under contract for future website hosting services; and

WHEREAS, City Council desires to provide payment for such charges in the amount of \$4,980; now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a donation of up to \$4,980 from the Cincinnati Board of Park Commissioners' Fund to Parks Private Endowment and Donations Fund 430.

Section 2. That the Finance Director is authorized to deposit the amount of \$4,980 into Parks Private Endowment and Donations Fund 430.

Section 3. That the Finance Director is authorized to make a payment of \$4,980 from the Parks Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x203x2059x7288 to WebFEAT as a moral obligation of the City of Cincinnati for payment of charges owed for services rendered to the Cincinnati Board of Park Commissioners.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 3 herein.

Section 5. 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 pay the vendor in a timely manner for services performed outside of a contract.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

November 3, 2021

To: Mayor and Members of City Council

202103053

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Stormwater Sewer Easements North of River Road

Attached is an Ordinance captioned:

ACCEPTING AND CONFIRMING the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

The City initiated this project to redirect outfall from a County storm sewer in Delhi township that was creating localized flooding issues to private properties within the City of Cincinnati. The City installed stormwater facilities on the affected properties to redirect the outfall to stormwater facilities in the public right of way.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director/Greater Cincinnati Water Works 

City of Cincinnati

CHM

AWB

An Ordinance No. _____

- 2021

ACCEPTING AND CONFIRMING the grant of permanent public utility easements in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property located north of River Road in Riverside.

WHEREAS, Mark W. Vincent and Nancy E. Hautman have granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 484, Page 19, Hamilton County, Ohio Recorder's Office; and

WHEREAS, Patricia E. Gutzwiller has granted an easement in favor of the City of Cincinnati for stormwater sewers, appurtenances, fixtures, and equipment in and upon certain real property generally located north of River Road in Riverside, as more particularly depicted and described on an easement plat recorded in Plat Book 483, Page 88, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plats have been examined and approved as to their technical features by the City Stormwater Management Engineer, who has found them to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works on behalf of the Stormwater Management Utility, recommends that Council accept and confirm the acceptance of the aforementioned stormwater sewer easements; now, therefore,

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

Section 1. That the easement granted by Mark W. Vincent and Nancy E. Hautman to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment A and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in Deed Book 4108, Page 913, Hamilton County, Ohio Records.

Section 2. That the easement granted by Patricia E. Gutzwiller to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of public stormwater sewers in and upon certain real property located north of River Road in Riverside, as depicted on the plat entitled *Easement Plat 162-3-30, 50*, a copy of which is attached to this ordinance as Attachment B and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller in Official Record 13511, Page 474, Hamilton County, Ohio Records.

Section 3. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 4. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

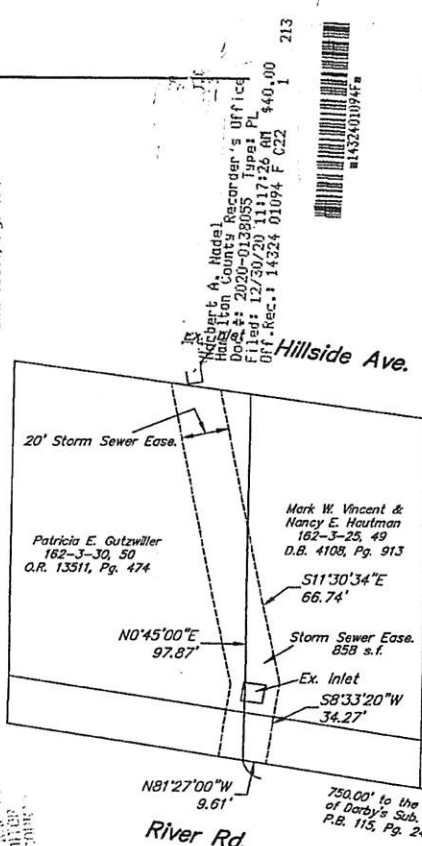
Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

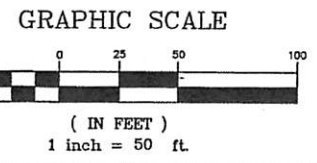
ATTACHMENT A

O.R. 13511, Pg. 474



Transfer Not Necessary

Dusty Rhodes
Hamilton County Auditor



The undersigned Mark W. Vincent and Nancy E. Hautman, husband and wife, ("Grantor") being the owners of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Mark W. Vincent & Nancy E. Hautman

By: *Mark W. Vincent*
Nancy E. Hautman

STORM SEWER EASEMENT
Parcel 162-3-25, 49
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in D.B. 4108, Pg. 913 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence North 00°45'00" East, 97.87 feet to a point; thence South 11°30'00" East, 66.74 feet to a point; thence South 88°33'20" West, 34.27 feet to a point in said lower River Road; thence with the said north line, North 81°27'00" West, 9.61 feet to the Place of Beginning. Containing 858 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020. Passed by Council on June 24, 2020

Approved as to form: *CRK*
Sr. Asst. City Solicitor

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - TNW

CAGIS - _____

ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWM upon Council's acceptance.

APPROVED BY:
Cris Taylor
City Stormwater Management Engineer
Stormwater Management Utility

RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HEREOFTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR ITS ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

Be it remembered that on this 8th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Mark W. Vincent and Nancy E. Hautman, husband and wife, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



Tina Hayes

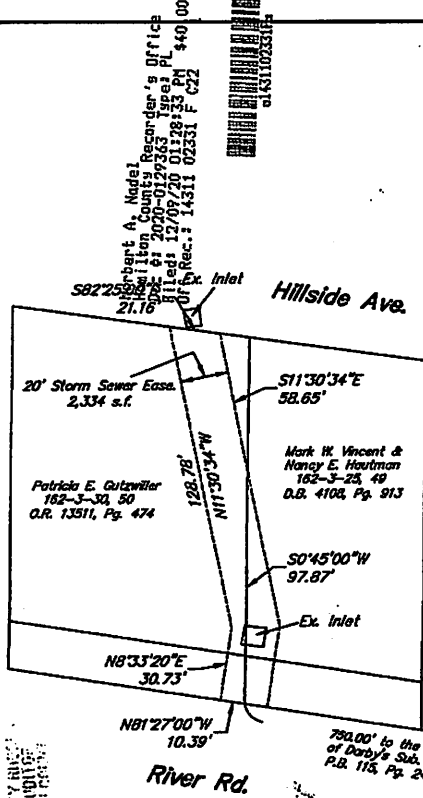
Ch. Koopman 9-14-20
Joseph N. Koopman
Ohio Reg. No. 7184

Section 29, Town 3, F.R. 1, Delhi Township
City of Cincinnati, Hamilton County, Ohio

<p>Department of Transportation and Engineering City of Cincinnati City Hall 801 Plum Street Cincinnati, Ohio 45202</p>	<p>Easement Plat</p>
	<p>162-3-25, 49</p>
	<p>Date: July, 2020</p>

ATTACHMENT B

O.R. 13511, Pg. 474



The undersigned Patricia E. Gutzwiller, unmarried ("Grantor") being the owner of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Patricia E. Gutzwiller
 By: *Patricia E. Gutzwiller*

STORM SEWER EASEMENT
 Parcel 162-3-30, 50
 July 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller, in O.R. 13511, Pg. 474 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road North 01°27'00" West, 780.00 feet to the Place of Beginning; thence with the said north line, North 81°27'00" West, 10.39 feet to a point; thence North 08°33'20" East, 30.73 feet to a point; thence North 11°30'34" West, 128.78 feet to a point in the south line of Hillside Avenue; thence with the said south line, South 82°25'00" East, 21.16 feet to a point; thence South 11°30'34" East, 58.65 feet to a point; thence South 00°45'00" West, 97.87 feet to the Place of Beginning, Containing 2,334 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474.

RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HEREOFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONSTRUCTION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEE OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEE OR ITS ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS.

ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.



ALEXANDRIA HAMILTON
 Notary Public, State of Ohio
 My Commission Expires:
 1/28/2025

Be it remembered that on this 5th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Patricia Gutzwiller, unmarried, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed, in testimony whereof, I hereunto subscribe my name and affix my notary seal.

P.B 483, Pg 88

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020 Passed by Council on June 24, 2020

DESCRIPTION ACCEPTABLE
 HAMILTON COUNTY ENGINEER

Tax Map - TNN
 CAGIS - _____

Approved as to form:

[Signature]
 Sr. Asst. City Solicitor

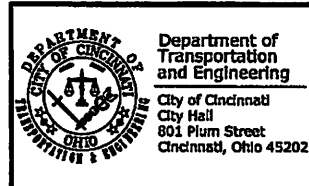
ACCEPTANCE:
 Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWH upon Council's acceptance.

APPROVED BY:
[Signature]
 City Stormwater Management Engineer
 Stormwater Management Utility



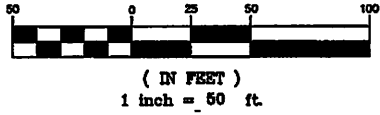
[Signature] 9-14-20
 Joseph N. Koopman
 Ohio Reg. No. 7184

Section 29, Town 3, F.R. 1, Delhi Township
 City of Cincinnati, Hamilton County, Ohio



Easement Plat
 162-3-30, 50
 Date: July, 2020

Transfer Not Necessary
 Dusty Rhodes
 Hamilton County Auditor
 GRAPHIC SCALE



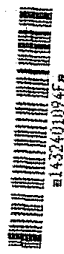
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2020 DEC -3 PM 2:03

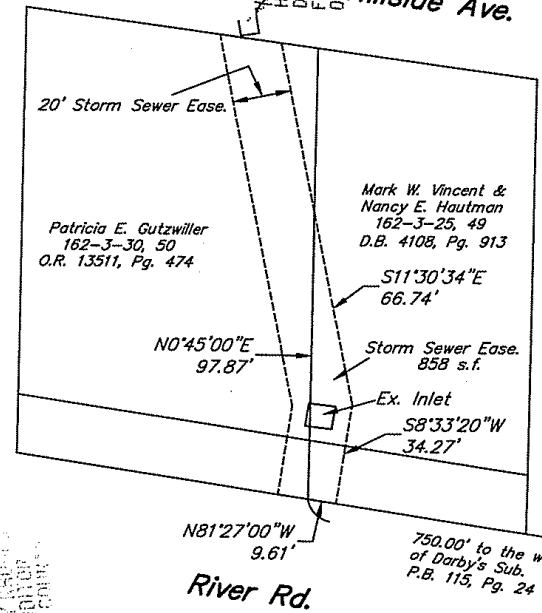
DUSTY RHODES
 HAMILTON COUNTY AUDITOR

O.R. 13511, Pg. 474

Robert A. Hadel
Hamilton County Recorder's Office
Date #: 2020-0130055 Type: PL
Filed: 12/30/20 11:17:26 AM \$40.00
Off. Rec.: 14324 01094 F C22



Hillside Ave.



The undersigned Mark W. Vincent and Nancy E. Hautman, husband and wife, ("Grantor") being the owners of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Mark W. Vincent & Nancy E. Hautman

By: Mark W. Vincent
Nancy E. Hautman

STORM SEWER EASEMENT
Parcel 162-3-25, 49
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Mark W. Vincent and Nancy E. Hautman in D.B. 4108, Pg. 913 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence North 00°45'00" East, 97.87 feet to a point; thence South 11°30'34" East, 66.74 feet to a point; thence South 08°33'20" West, 34.27 feet to a point in said lower River Road; thence with the said north line, North 81°27'00" West, 9.61 feet to the Place of Beginning. Containing 858 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474

RESTRICTIONS ON STORM SEWER EASEMENTS:

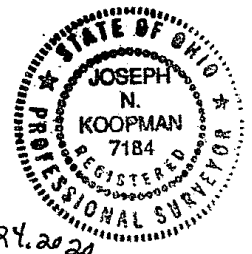
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ALL COVENANTS, EASEMENTS, AGREEMENTS AND RESTRICTIONS STATED ON THIS PLAT, INCLUDING BUT NOT LIMITED TO MAINTENANCE RESPONSIBILITIES, SHALL RUN WITH THE LAND AND SHALL BE BINDING ON AND INURE TO THE BENEFIT OF GRANTOR(S), GRANTEE(S), THE BENEFICIARIES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS.

Be it remembered that on this 9th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Mark W. Vincent and Nancy E. Hautman, husband and wife, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



Tina Keyes

RB 484, Pg 19

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020. Passed by Council on June 24, 2020

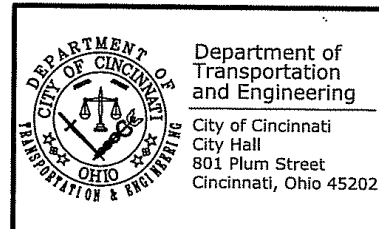
DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - TNR
CAGIS - _____

Approved as to form:
CRK
Sr. Ast. City Solicitor

ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWW upon Council's acceptance.

APPROVED BY:
Eric Sawyer
City Stormwater Management Engineer
Stormwater Management Utility



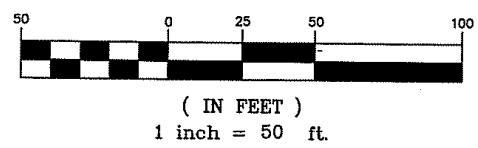
Department of Transportation and Engineering
City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

Easement Plat
162-3-25, 49
Date: July, 2020

Transfer Not Necessary

Dusty Rhodes
Hamilton County Auditor

GRAPHIC SCALE



UNRECORDED

2020 DEC -8 PM 2:00

DUSTY RHODES
AUDITOR
HAMILTON COUNTY

O.R. 13511, Pg. 474

Robert A. Madel
Hamilton County Recorder's Office
1000 Walnut Street
Cincinnati, OH 45202-0129
Phone: 513-251-2333
Fax: 513-251-2334
Email: r.madel@hamiltoncounty.org



414

The undersigned Patricia E. Gutzwiller, unmarried ("Grantor") being the owner of the real property depicted on this plat and more particularly described on this plat (the "Property"), do hereby grant and convey to the City of Cincinnati (the "City"), its successors and assigns, a non-exclusive permanent easement, as depicted on this plat, for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of storm sewers, fixtures, equipment, and appurtenances (the "storm sewer") through, in, and upon the easement areas and for the right to enter and re-enter upon the subject properties to access the easement area and the storm sewer, which easement shall run with the land and inure to the benefit of the City and be binding upon Grantor, their heirs, and successors-in-interest to the easement area. Grantor, their heirs, and successors-in-interest, shall comply with the terms, conditions, and restrictions described hereon and the rules and regulations of the Greater Cincinnati Water Works, Storm Water Management Utility as pertains to the easement area and storm sewer.

Owner: Patricia E. Gutzwiller
By: *Patricia E. Gutzwiller*

RESTRICTIONS ON STORM SEWER EASEMENTS:

NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PUBLIC SEWER SHALL BE PLACED IN OR UPON A PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS, BEING NATURAL OR ARTIFICIAL.

ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT, SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS, AND THE GRANTEE OR ASSIGNS OF ANY PERMANENT EASEMENT HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THEIR HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITION, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEES OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT STORM SEWER EASEMENT EXISTS SHALL BE KEPT NOT LESS THAN THREE (3) FEET OUTSIDE THE PERMANENT STORM SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE.

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ALEXANDRIA HAMILTON
Notary Public, State of Ohio
My Commission Expires:
1/28/2025



Be it remembered that on this 5th day of October, 2020 before me, a notary public in and for the State of Ohio, personally appeared Patricia Gutzwiller, unmarried, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.



J. N. Koopman 9-14-20
Joseph N. Koopman
Ohio Reg. No. 7184


P.B 483, Pg 88

The City's acquisition of the easement depicted hereon was authorized by Cincinnati Municipal Ordinance No. 191-2020 Passed by Council on June 24, 2020

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

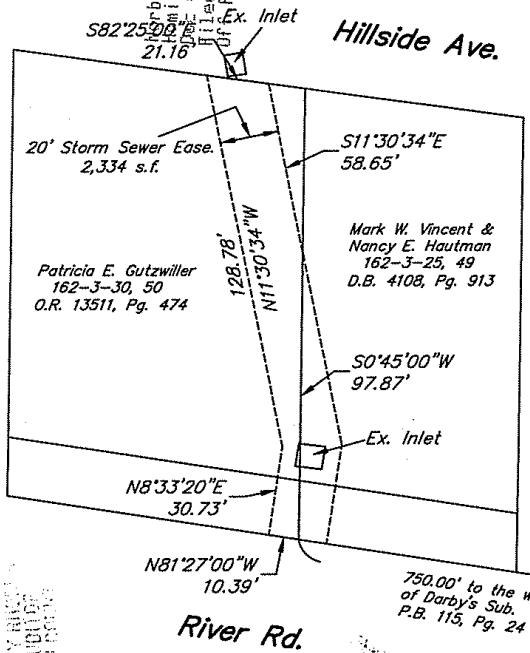
Tax Map - TNN
CAGIS - _____

Section 29, Town 3, F.R. 1, Delhi Township
City of Cincinnati, Hamilton County, Ohio



Department of Transportation and Engineering
City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

Easement Plat	
162-3-30, 50	
Date: July, 2020	



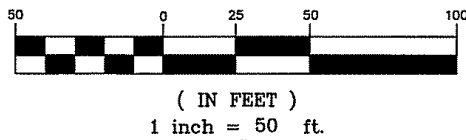
STORM SEWER EASEMENT
Parcel 162-3-30, 50
July, 2020

Situate in Section 29, Town 3, Fractional Range 1, Delhi Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Patricia E. Gutzwiller in O.R. 13511, Pg. 474 and being more particularly described as follows:

Commencing at the intersection of the north line of lower River Road and the west line of Darby's Subdivision as recorded in Plat Book 115, Pg. 24; thence with the north line of said lower River Road, North 81°27'00" West, 750.00 feet to the Place of Beginning; thence with the said north line, North 81°27'00" West, 10.39 feet to a point; thence North 08°33'20" East, 30.73 feet to a point; thence North 11°30'34" West, 128.78 feet to a point in the south line of Hillside Avenue; thence with the said south line, South 82°25'00" East, 21.16 feet to a point; thence South 11°30'34" East, 58.65 feet to a point; thence South 00°45'00" West, 97.87 feet to the Place of Beginning. Containing 2,334 square feet of land more or less. Bearings based on O.R. 13511, Pg. 474.

Transfer Not Necessary

Dusty Rhodes
Dusty Rhodes
Hamilton County Auditor
GRAPHIC SCALE



Approved as to form:
[Signature]
Sr. Asst. City Solicitor

ACCEPTANCE:
Not yet accepted by the Council of the City of Cincinnati; ordinance to be submitted and will be recorded separately by GCWW upon Council's acceptance.

APPROVED BY:
[Signature]
City Stormwater Management Engineer
Stormwater Management Utility

TRANSFERRED

2020 DEC -8 PM 2:03

DUSTY RHODES
AUDITOR
HAMILTON COUNTY

Date: November 3, 2021

To: Mayor and Members of City Council 202103056
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE – GRANT OF EASEMENT – STORRS STREET

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

Almira Alim Darden (“Grantee”) owns the property located at 2117 Storrs Street in the Lower Price Hill neighborhood and has requested an encroachment easement for a stairway and landing to encroach upon portions the Storr Street public right-of-way.

The City has determined that granting the easement to Grantee is not adverse to the City’s retained interest in the public right-of-way.

The fair market value of the easement is approximately \$50 which Grantee has agreed to pay.

The City Planning Commission approved the easement at its meeting on July 16, 2021.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Easement

cc: John S. Brazina, Director, Transportation and Engineering

City of Cincinnati

CHM

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Almira Alim Darden, pursuant to which the City of Cincinnati will grant an encroachment easement upon a portion of Storrs Street in Lower Price Hill.

WHEREAS, Almira Alim Darden (“Grantee”) owns certain real property located at 2117 Storrs Street in Lower Price Hill; and

WHEREAS, the City of Cincinnati owns the adjoining Storrs Street public right-of-way (the “Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOTTE”); and

WHEREAS, Grantee has requested an easement from the City for an encroachment upon a portion of the Property, namely, a stairway and landing, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, the City Manager, in consultation with DOTTE, has determined (i) that granting the easement to Grantee is not adverse to the City’s retained interest in the Property, and (ii) that granting the easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City’s Real Estate Services Division has determined by an appraisal that the fair market value of the easement is approximately \$50, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement* in favor of Almira Alim Darden (“Grantee”), owner of the property located 2117 Storrs Street in Lower Price Hill, in substantially the form attached to this ordinance as Attachment A and

incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee an easement for an encroachment upon the Storrs Street public right-of-way (the "Property").

Section 2. That granting the easement to Grantee (i) is not adverse to the City's retained interest in the Property, and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located within the public right-of-way.

Section 3. That it is in the best interest of the City to grant the easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the easement.

Section 4. That the fair market value of the easements, as determined by appraisal by the City's Real Estate Services Division, is approximately \$50, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the easement, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms

of the *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachments upon a portion of Storrs Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "City"), in favor of **Almira Alim Darden**, single, with a tax mailing address of 2117 Storrs Street, Cincinnati, OH 45204 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on April 02, 2021, in OR 14388, Page 2763, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2117 Storrs Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Storrs Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested the City to grant an easement for an encroachment upon the Storrs Street public right-of-way, i.e., stairway and landing (the "**Encroachment**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Storrs Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Storrs Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easements, as determined by professional appraisal, are \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. ____-2021, passed on _____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove a stairway and landing in, on, and across the portion of the Storrs Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description) hereto (the “**Stairway Easement**” or “**Stairway Easement Area**”, as applicable). Grantee shall not make any modifications to the Encroachment within the Stairway Easement Area without the City’s prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Stairway Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Stairway Easement Area, such that the Stairway Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Stairway Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Encroachment is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Stairway Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Stairway Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys’ fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE’s satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee’s expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully

paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #21-2020). The following additional conditions shall apply:

(A) DOTe:

(i) [Intentionally Omitted].

(ii) [Intentionally Omitted].

(iii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description*

[Signature Page Follows]

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACCEPTED AND AGREED TO BY:

ALMIRA ALIM DARDEN, single

By: _____

Date: _____, 2021

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, AND BEING LOT NUMBER 5 OF JOHN B. PURCELL'S SUBDIVISION AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE, FRONTING 26 FEET ON THE SOUTH SIDE OF STORRS STREET AND EXTENDING SOUTH SAME WIDTH 80 FEET.

ALSO, THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING PART OF LOT NO. 6 OF JOHN B. PURCELL'S SUBDIVISION, AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE SOUTH LINE OF STORRS STREET AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTWARDLY ALONG THE SOUTH LINE OF STORRS STREET A DISTANCE OF 0.55 FEET; THENCE SOUTHWARDLY ALONG THE EAST WALL OF A TWO AND ONE-HALF STORY BRICK BUILDING A DISTANCE OF 80 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 6, 0.55 FEET EASTWARDLY FROM THE SOUTHWEST CORNER OF SAID LOT 6; THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 0.55 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT 6 A DISTANCE OF 80 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Parcel ID: 149-0011-0305-00

EXHIBIT B

to Grant of Easement

Survey Plat

- 1. JOHN & JUAN PAR O&A
D.B. 8667, PG. 2418 (0.4485 ACRES)
AUDITOR'S PARCEL: 149-0011-5301
- 2. KIM R. TERBY TR
O.P. 13623, PG. 750 (0.4480 ACRES)
AUDITOR'S PARCEL: 149-0011-5304

LEGEND

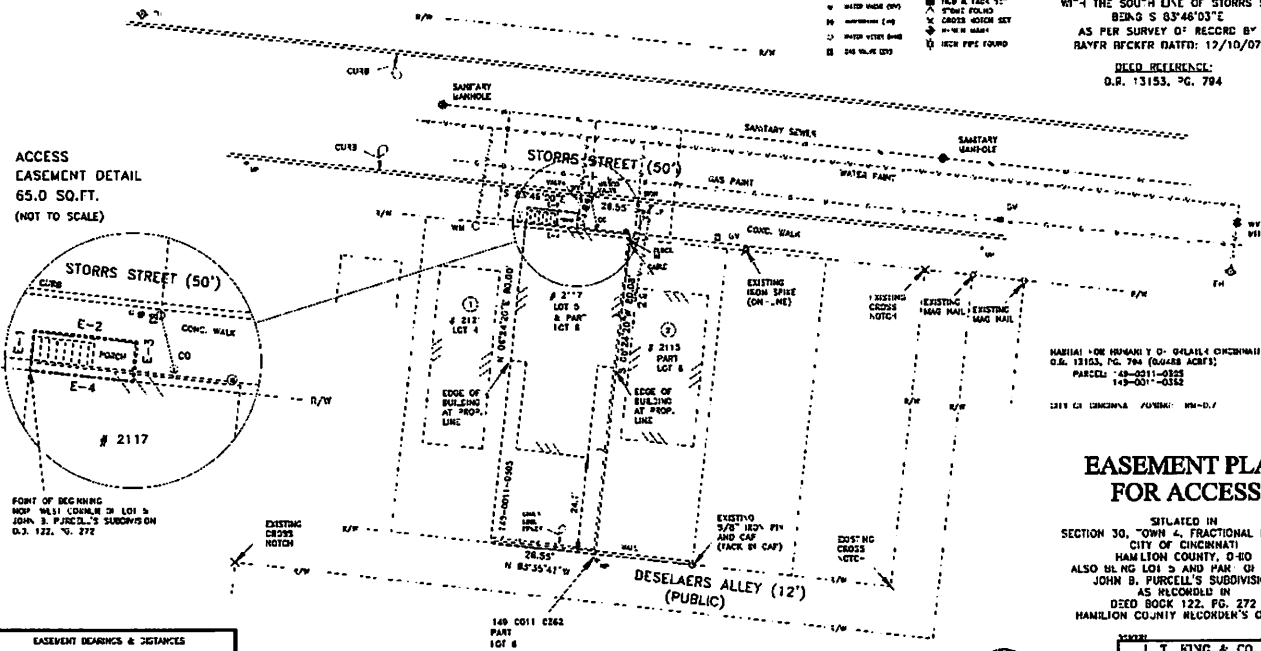
STANDARD SYMBOLS THAT MAY APPEAR ON "B" EASEMENTS:

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AUDITOR'S BOOK: 149, PAGE: 0011
PARCELS: 0305, 0362

BASIS OF REFERRING:
JOHN'S B. PURCELL'S SUBDIVISION
D.B. 122, PG. 272
AND
O.R. 13153, PG. 794
WITH THE SOUTH LINE OF STORRS ST.
BEING S 83°46'03"E
AS PER SURVEY OF RECORD BY
RAYFR RECKER DATED: 12/10/07

DEED REFERENCE:
O.R. 13153, PG. 794



EASEMENT BEARINGS & DISTANCES			
E-1	N 06°41'00\"	3.00'	
E-2	S 83°46'00\"E	13.26'	
E-3	S 08°26'20\"E	3.00'	
E-4	N 06°46'00\"W	3.00'	

MARSHAL JOHN HUNNERTY O' GARLAH CINCINNATI
O.R. 13153, PG. 794 (0.4488 ACRES)
PARCEL: 149-0011-0305
149-0011-0362

1319 CH CINCINNATI AVENUE NW-D-1

EASEMENT PLAT FOR ACCESS

SITUATED IN
SECTION 30, TOWN 4, FRACATIONAL RANGE 1
CITY OF CINCINNATI
HAMILTON COUNTY, O-80
ALSO BEING LOT 5 AND PART OF LOT 6
JOHN B. PURCELL'S SUBDIVISION
AS RECORDED IN
DEED BOOK 122, PG. 272
HAMILTON COUNTY RECORDER'S OFFICE



J. T. KING & CO., INC. CIVIL ENGINEER & LAND SURVEYOR 1000 W. WASHINGTON ST. SUITE 100 CINCINNATI, OH 45202 PHONE: 513-521-1100 FAX: 513-521-1101			
DATE	BY	CHECKED	DATE
12/10/07	JTK	JTK	12/10/07

EXHIBIT C

to Grant of Easement

Legal Description

Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly defined as follows:

Beginning at the north west corner of Lot 5 of John B. Purcell's Subdivision, as recorded in Deed Book 122, Pg. 272, in the Hamilton County Recorder's Office; said point lies in the south right of way line of Storrs Street;

THENCE, leaving the south line of Storrs Street, North 06 degrees 24 minutes 20 seconds East for a distance of 5.00 feet;

THENCE, South 83 degrees 46 minutes 00 seconds East for a distance of 13.00 feet;

THENCE South 06 degrees 24 minutes 20 seconds West for a distance of 5.00 feet;

THENCE North 83 degrees 46 minutes 00 seconds West for a distance of 13.00 feet with the south line of Storrs Street, to the place of beginning;

Containing in all 65 Square Feet more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated December 03, 2021, and revised on May 6, 2021, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachments upon a portion of Storrs Street)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **Almira Alim Darden**, single, with a tax mailing address of 2117 Storrs Street, Cincinnati, OH 45204 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on April 02, 2021, in OR 14388, Page 2763, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 2117 Storrs Street, Cincinnati, OH 45204, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining Storrs Street public right-of-way, which is under the management of the City's Department of Transportation and Engineering ("**DOTE**").

C. Grantee has requested the City to grant an easement for an encroachment upon the Storrs Street public right-of-way, i.e., stairway and landing (the "**Encroachment**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easement will not have an adverse effect on the City's retained interest in the Storrs Street public right-of-way, and (ii) granting the easement will not have an adverse effect on the usability or accessibility of any existing Storrs Street public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easements, as determined by professional appraisal, are \$50, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on July 16, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. ____-2021, passed on _____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive encroachment easement to use, maintain, repair, reconstruct, replace, and remove a stairway and landing in, on, and across the portion of the Storrs Street public right-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (Legal Description) hereto (the “**Stairway Easement**” or “**Stairway Easement Area**”, as applicable). Grantee shall not make any modifications to the Encroachment within the Stairway Easement Area without the City’s prior written consent.

2. Termination. Notwithstanding anything herein to the contrary, the Stairway Easement shall automatically terminate upon (i) the complete or partial demolition of the Encroachment within the Stairway Easement Area, such that the Stairway Easement would be rendered unnecessary; (ii) upon written notice from the City, if the City determines that it needs the Stairway Easement Area, or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iii) or upon written notice from the City if the City determines that the Encroachment is creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

3. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachment in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Stairway Easement Area (“**Third-Party Utility Lines**”). In connection with Grantee’s maintenance, repair, and use of the Encroachment, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the maintenance, repair, reconstruction, removal, or sealing of the Encroachment under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Stairway Easement Area. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Encroachment, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys’ fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, maintenance, repair, and all other matters associated with the Encroachment.

5. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fails to address the same to DOTE’s satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee’s expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the Benefitted Property until fully

paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

6. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

7. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

8. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

9. Coordinated Report Conditions (CR #21-2020). The following additional conditions shall apply:

(A) DOTe:

(i) [Intentionally Omitted].

(ii) [Intentionally Omitted].

(iii) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

10. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description - Benefitted Property*

Exhibit B – *Survey Plat*

Exhibit C – *Legal Description*

[Signature Page Follows]

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACCEPTED AND AGREED TO BY:

ALMIRA ALIM DARDEN, single

By: _____

Date: _____, 2021

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, AND BEING LOT NUMBER 5 OF JOHN B. PURCELL'S SUBDIVISION AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE, FRONTING 26 FEET ON THE SOUTH SIDE OF STORRS STREET AND EXTENDING SOUTH SAME WIDTH 80 FEET.

ALSO, THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING PART OF LOT NO. 6 OF JOHN B. PURCELL'S SUBDIVISION, AS RECORDED IN DEED BOOK 122, PAGE 272 OF THE HAMILTON COUNTY, OHIO RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE SOUTH LINE OF STORRS STREET AT THE NORTHWEST CORNER OF SAID LOT 6, THENCE EASTWARDLY ALONG THE SOUTH LINE OF STORRS STREET A DISTANCE OF 0.55 FEET; THENCE SOUTHWARDLY ALONG THE EAST WALL OF A TWO AND ONE-HALF STORY BRICK BUILDING A DISTANCE OF 80 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT 6, 0.55 FEET EASTWARDLY FROM THE SOUTHWEST CORNER OF SAID LOT 6; THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 0.55 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT 6 A DISTANCE OF 80 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Parcel ID: 149-0011-0305-00

EXHIBIT C

to Grant of Easement

Legal Description

Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly defined as follows:

Beginning at the north west corner of Lot 5 of John B. Purcell's Subdivision, as recorded in Deed Book 122, Pg. 272, in the Hamilton County Recorder's Office; said point lies in the south right of way line of Storrs Street;

THENCE, leaving the south line of Storrs Street, North 06 degrees 24 minutes 20 seconds East for a distance of 5.00 feet;

THENCE, South 83 degrees 46 minutes 00 seconds East for a distance of 13.00 feet;

THENCE South 06 degrees 24 minutes 20 seconds West for a distance of 5.00 feet;

THENCE North 83 degrees 46 minutes 00 seconds West for a distance of 13.00 feet with the south line of Storrs Street, to the place of beginning;

Containing in all 65 Square Feet more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated December 03, 2021, and revised on May 6, 2021, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

November 3, 2021

To: Mayor and Members of City Council 202103060
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance: Authorizing the Implementation of the AFSCME Labor Management Agreement**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

This agreement provides the employees with a 5.0% wage increase (effective August 7, 2022), a 4.0% wage increase (effective August 6, 2023), and a 3.0% wage increase (effective August 4, 2024). Additionally, the agreement authorizes a one-time lump sum payment of \$1,000 of Premium Pay, also called “Hazard Pay,” to be paid to employees. For eligible employees, this payment will be reimbursed using funds allocated under the American Rescue Plan Act of 2021, wherever applicable. The agreement incorporates significant reforms in the corrective action process that creates administrative efficiencies and limits liability for the City. The parties agreed to additional operational and language changes. A summary of the agreement is attached hereto.

The reason for the emergency is the immediate need to enter into the labor and management agreement and provide Premium Pay, also called Hazard Pay, to employees in the American Federation of State, County and Municipal Employees, Locals 190,223, 240, 250, 1543, and 3119 at the earliest possible date.

The Administration recommends passage of this Emergency Ordinance.

cc: Edward G. Ramsey, Interim Human Resources Director

EMERGENCY

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- 2021

AUTHORIZING the City Manager to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

WHEREAS, the current labor management agreement (“Agreement”) between the City of Cincinnati and the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119 (“AFSCME”) will expire on August 6, 2022; and

WHEREAS, the City and AFSCME, through their respective negotiating teams, have reached tentative agreement on the terms of a successor to the Agreement (“Tentative Agreement”), the updated terms of which are reflected in the summary attached hereto; and

WHEREAS, the Tentative Agreement has a duration of three years beginning on August 7, 2022, and expiring on August 2, 2025; and

WHEREAS, all employees in the AFSCME bargaining unit (“AFSCME employees”) will receive a 5.0% increase to their base wage effective August 7, 2022, a 3.0% increase to their base wage effective August 6, 2023, and a 3.0% increase to their base wage effective August 4, 2024; and

WHEREAS, all AFSCME employees will be subject to streamlined and cost-effective disciplinary reforms; and

WHEREAS, the parties will execute a Letter of Agreement memorializing the allocation of Premium Pay, also called Hazard Pay, in an amount equal to \$1,000 for each AFSCME employee, which will be paid at the earliest possible date; and

WHEREAS, the terms and conditions of the Tentative Agreement as agreed to by the parties represent fair and equitable gains for both parties; and

WHEREAS, the membership of the AFSCME bargaining unit ratified the terms of the negotiated labor management agreement on September 30, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute and implement the labor management agreement between the City of Cincinnati and the American Federation of State,

County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119, the updated terms of which are reflected in the summary attached hereto.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 herein.

Section 3. 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 enter into the labor and management agreement and provide Premium Pay, also called Hazard Pay, to employees in the American Federation of State, County and Municipal Employees, Locals 190, 223, 240, 250, 1543, and 3119 at the earliest possible date.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

**Summary of Tentative Agreement with
AFSCME
Locals 190, 223, 240, 250, 1543, and 3119**

Article 16: Corrective Action

- Streamline procedure
 - Weingarten rights to determine representation rights for investigative meetings
 - Eliminate redundant paperwork and unnecessary paper service by certified mail
 - Remove risk of missing contractual deadline based on scheduling
 - Return hearing officers to departments
 - Set final disposition deadline for Health, Recreation, and Parks based on the meetings of their respective Boards
- Limitation of liability
 - Establish standard for just cause
 - Limit Civil Service Commission remedies in cases of termination
 - Establish clear progression of corrective penalties
 - Waive process in cases of job abandonment
 - Consistent application of retention period set on date of service

Article 17: Grievances

- Changed the third-party administrator of arbitration procedures from the Arbitration and Mediation Service (AMS) to the Federal Mediation and Conciliation Service (FMCS)
- Union and Department may now forego a hearing at Central HR in favor of a record review with mutual agreement

Article 20: Filling of Positions

- Added Storekeeper and Operator and Dispatcher to the Non-Tested Positions list and removed Assistant Operator and Dispatcher.

Article 23: Sick Leave

- Updated Medical-Dental Leave to apply to minor children of employees.

Article 43: General Wage Increases

- 5% effective in the first year of the contract (August 7, 2022).
- 4% effective in the second year of the contract (August 6, 2023).
- 3% effective in the third year of the contract (August 4, 2024).

Article 47: Length of Contract

- 3-year agreement (August 7, 2022 – August 2, 2025).

Premium Pay (“Hazard” Pay)

- \$1,000 one-time lump sum payment to be processed as soon as possible after ratification.

**** There were a few other articles that contained housekeeping changes.**

The remaining articles will stay as current contract language.

November 3, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager **202103061**
Subject: Ordinance – Modifying Cincinnati Municipal Code Chapter 324-7

Attached is an Ordinance captioned:

MODIFYING Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

Cincinnati Municipal Code Chapter 324, “Minority and Women Business Enterprise Programs,” was ordained by Ordinance No. 308-2015, and has an effective date of January 1, 2016, thru January 1, 2021. This Chapter was later amended by Emergency Ordinance 198-2020 to include Section 324-7, “Scope and Effective Period of Chapter,” effective June 24, 2020. This amendment states that Chapter 324 will automatically expire six years after its initial effective date, unless it is determined that there is a need to extend for an additional five years.

The City of Cincinnati entered into a contract with Griffin & Strong, P.C. on June 7, 2021, to complete an updated disparity study. However, the report and recommendations will not be ready for the Administration and City Council to evaluate and act upon by December 31, 2021, the initial date for Chapter 324 to expire.

The attached Ordinance will extend the effective date of Chapter 324 thru March 31, 2023, enabling the MBE/WBE Program to continue without interruption while the disparity study and subsequent report and recommendations are completed, evaluated, and implemented.

The Administration recommends passage of this Ordinance.

cc: Edgar DeVeyra, Interim Director of Economic Inclusion

MODIFYING Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code to extend the effective period of Chapter 324 to allow time for a new disparity study to be completed.

WHEREAS, on January 15, 2014, following a competitive proposal process, City Council passed Ordinance No. 0006-2014 authorizing the City Manager to enter into a contract with Mason Tillman Associates, Ltd. (“Mason Tillman”) to conduct a disparity study; and

WHEREAS, the Final Disparity Study Report prepared by Mason Tillman, which was dated July 2015 (“the Disparity Study Report”), identified statistically significant disparities in the participation of minority business enterprises (MBEs) and women business enterprises (WBEs) in City contracts; and

WHEREAS, on September 30, 2015, City Council ordained new Chapter 324, “Minority and Women Business Enterprise Programs,” of the Cincinnati Municipal Code (“MBE/WBE Program”) to implement race- and gender-conscious programs designed to mitigate those disparities; and

WHEREAS, the ordinance ordaining Chapter 324 was effective January 1, 2016; and

WHEREAS, Cincinnati Municipal Code Section 324-7, “Scope and Effective Period of Chapter,” as amended by Ordinance 198-2020 passed on June 24, 2020, provides the chapter will automatically expire six years after its initial effective date unless, prior to that time, Council finds, after authorizing an appropriate study and conducting public hearings, that statistically significant disparity continues to exist and extends the effective period of Chapter 324 for an additional five years; and

WHEREAS, the City has contracted with Griffin & Strong, P.C. to complete an updated disparity study, but the study will not be completed and the subsequent report and recommendations will not be evaluated by the Administration and Council by December 31, 2021, which is the date Chapter 324 would otherwise expire; and

WHEREAS, an extension of Chapter 324 until April 1, 2023 will allow the MBE/WBE Program to continue without interruption while the disparity study and the report and recommendations are completed, evaluated, and implemented; now, therefore,

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

Section 1. That Section 324-7, “Scope and Effective Period of Chapter,” of Chapter 324, “Minority and Women Business Enterprise Program,” of the Cincinnati Municipal Codes is hereby amended to read as follows:

Sec. 324-7 – Scope and Effective Period of Chapter.

- (a) This chapter applies to all contracts for construction, professional services, and non-professional services and supplies valued at \$50,000.00 or more for which a contractor provides goods or services to the city.
- (b) This chapter shall remain in effect until April 1, 2023~~for a period of six years after its initial effective date~~ and shall automatically expire on April 2, 2023~~at the end of that six-year period~~ unless, prior to that time, the council of the city of Cincinnati, after authorizing an appropriate study to be undertaken and conducting public hearings, finds that statistically significant disparity continues to exist and extends the effective period of this chapter for an additional five years.

Section 2. That existing Section 324-7 of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

202103003

Date: October 15, 2021

To: Councilmember David Mann
From: Andrew W. Garth, City Solicitor *AWG/EBSW*
Subject: **Emergency Ordinance – Adopting Council Code of Conduct**

Transmitted herewith is an emergency ordinance captioned as follows:

ADOPTING a Council Code of Conduct pursuant to Section 101-45, “Code of Conduct,” of the Cincinnati Municipal Code to govern conduct by Councilmembers and their staff.

AWG/AKS/(lnk)
Attachment
349674

EMERGENCY

AKS

AWG/EEB

-2021

ADOPTING a Council Code of Conduct pursuant to Section 101-45, “Code of Conduct,” of the Cincinnati Municipal Code to govern conduct by Councilmembers and their staff.

WHEREAS, on December 16, 2020, City Council passed Ordinance 384-2020, establishing the Economic Development Reform Panel (“EDRP”), with a mission of studying the City’s development process and making recommendations regarding best practices regarding economic development to insulate the development process from political influence and cronyism; and

WHEREAS, on July 29, 2021, the EDRP submitted its report and recommendations to Council, which included that Council and the Mayor adopt and abide by Codes of Conduct setting out expected behaviors for elected officials particularly in relation to the development process; and

WHEREAS, on October ___, 2021, Council amended Chapter 101 of the Cincinnati Municipal Code to create new Section 101-45, “Code of Conduct,” to require City Council to adopt and abide by a code of conduct as recommended by the EDRP; and

WHEREAS, Council wishes to adopt the attached Code of Conduct for members of Council and their staff; now, therefore,

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

Section 1. That pursuant to Cincinnati Municipal Code Section 101-45, Council hereby approves and adopts the attached Council Code of Conduct which will govern the conduct of members of Council and their staff.

Section 2. 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 put Codes of Conduct in place to govern the behavior of elected officials and their staff in order to restore public trust.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

CINCINNATI CITY COUNCIL

CODE OF CONDUCT

This code of conduct contains both required and aspirational principles and shall guide the conduct of members of City Council and their staff. Within forty-five days of becoming a member of City Council, whether by election or appointment, every member of City Council shall sign a commitment to follow the Cincinnati City Council's Code of Conduct set forth in this document. Within forty-five days of being hired as a staff member for a member of City Council, every staff member shall sign a commitment to follow the Cincinnati City Council's Code of Conduct set forth in this document. The clerk of council shall administer this requirement and provide a copy of the commitment to each member of Council and their staff members.

Pursuant to Section 101-45 of the Cincinnati Municipal Code, Council is charged with enforcement of this Code by public censure of violations, which requires a vote of majority of the members of Council, excluding the member of Council subject to possible censure.

All members of Council and their staff shall:

- 1) Remember that they are public servants who owe a fiduciary duty to act in the best interest of the City and must place loyalty to the City of Cincinnati, compliance with its charter, applicable law, and ethical principles above their private gain or interest.
- 2) Maintain an appropriate level of decency, decorum, and respect during the performance of official City business as to maintain the integrity of elected public offices and public confidence in them, to facilitate productive and efficient public meetings, and to invite open public conversation.
- 3) Act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment, including refraining from sponsoring legislation to appropriate public funds to specific private organizations or individuals and instead sponsoring proposals to appropriate public funds to identified public needs.
- 4) To maintain the integrity of the development process and avoid impropriety, direct inquiries from private parties related to financial assistance or land use approvals to the City Manager's Office and not privately interfere with quasi-judicial proceedings of City boards and commissions or the Zoning Hearing Examiner.
- 5) Read the City Charter; understand the Charter mandated roles of the Mayor, City Council, and the City Manager as set forth in the City Solicitor Opinion on Charter Roles, Generally and in Economic Development dated January 26, 2021; and abide by the specific roles allocated to the City Manager, Mayor, and City Council, specifically acknowledging and accepting that:

- i. The Mayor has a combination of administrative and legislative powers under the Charter;
 - ii. The Mayor has the authority to engage external parties in discussion, persuasion, and other action as official representative of the City but must work in collaboration with and through the City Manager to engage City staff and departments regarding City operations and the exercise of administrative action;
 - iii. The Mayor's legislative powers include the ability to introduce legislation, to preside over Council meetings, to refer items to committees, to appoint and remove the vice-mayor and the chair of all committees, and to veto legislation;
 - iv. Council's Charter role is legislative, which includes enacting legislation, appropriating funding for public purposes, passing the City's budget, passing motions to request reports, and holding public hearings;
 - v. Except through interactions with the City Manager's office or other appropriate legislative channels (e.g., motions), members of Council should not involve themselves directly in administrative actions, including the negotiation of development contracts and financial incentives, sale of City-owned property, or the procurement by the City of goods or services;
 - vi. As elected representatives of City residents, members of Council play an important role in receiving and relaying constituent inquiries and community feedback to the City administration, but under the Charter members of Council should utilize legislative tools to serve this function, including creating awareness of such issues and feedback through motions and by setting policy direction through legislative initiatives and budget approval;
 - vii. The City Manager is the chief executive and administrative officer of the City and, as further detailed in the Charter, is responsible for management of the City's administrative service, appointment and removal of officials or employees in the administrative service, advising Council and the Mayor of the financial condition and future needs of the City, and executing City contracts; and
 - viii. Elected officials must work through the City Manager or the City Manager's designee if they seek to influence or reprioritize administrative actions under the authority of the City Manager, including on behalf of constituents. Elected officials have Charter authority to make direct inquiries of City staff or departments for simple factual and informational inquiries or legislative inquiries. The City Manager has authority to establish departmental processes for efficient tracking and response to informational or other inquiries made by members of Council on behalf of constituents.
- 6) Refrain from making any unauthorized promises purporting to bind the City.
 - 7) Never use City resources or personnel for political activity or use or disclose any nonpublic or confidential information obtained through the performance of City work for private gain or publicity or as prohibited by Ohio Revised Code ("ORC") Section 102.03(B).
 - 8) Educate themselves regarding the Ohio public records and open meetings laws, abide by those laws, and organize their office to comply with these laws, including staffing their offices appropriately to retain and locate public records as required under City and

Ohio laws and using City email to conduct City business rather than personal email accounts and texts whenever possible.

- 9) Educate themselves regarding Ohio Ethics laws and abide by those laws, including the acceptance of gifts and other items of value. See ORC Chapter 102 and Section 2921.42.
- 10) Participate in at least one training session each year that covers Ohio ethics laws and other state and local laws pertinent to members of Council and their staff.
- 11) Not engage in any business or financial transaction with any individual, organization, or business that is inconsistent with the proper performance of their City duties or that would create a conflict of interest or an appearance of impropriety. This includes soliciting or accepting campaign contributions once there is a reasonable belief that the contributor or their business or organization will be seeking public funding, financial incentives, or other development approvals from the City.
- 12) Educate themselves regarding conflicts of interest, the legislation coming before Council, and the identity of those doing business with the City as to avoid conflicts of interest and also to seek out guidance from the City Solicitor or the Ohio Ethics Commission when necessary.
- 13) Recuse themselves in matters coming before Council when there is an appearance of impropriety even if there is not a legal conflict of interest.
- 14) Not discuss fundraising or campaign activities while conducting City business.
- 15) Report, without undue delay, to the City Manager, City Solicitor, Ohio Ethics Commission, or other appropriate authority, any and all information concerning conduct which such member of Council or Council staff knows or should reasonably know involves corrupt or other unlawful activity (i) by an elected City official or City employee in their capacity as such official or employee; or (ii) by any person dealing with the City which concerns the person's dealings with the City.
- 16) Not take any retaliatory action against an employee or any other person because the employee or the person discloses or threatens to disclose an activity, policy, or practice of any official, employee, or City contractor that the employee or other person reasonably believes evidences:
 - i. An unlawful use of City funds or City funding for actions performed by or on behalf of the City, unlawful use of official authority, or other unlawful official conduct that poses a substantial and specific danger to public safety by any official, employee, or City contractor; or
 - ii. Any other violation of a law, rule, or regulation by any official, employee, or City contractor that relates to their work performed for, or on behalf of, the City.
- 17) Adhere to all applicable laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, gender, gender identity, national origin, age,

sexual orientation, or handicap and not engage in, encourage, or permit – by action or inaction – behavior constituting discrimination or harassment of another City official or employee, City contractor or the contractor’s employees, or City residents.