

EMERGENCY

City of Cincinnati

JML

AWB

An Ordinance No. 514

- 2021

CLASSIFYING certain improvements to real property located at 3035 Clifton Avenue in the CUF neighborhood of Cincinnati as residential improvements eligible for a real property tax abatement, notwithstanding Ordinance Nos. 274-2017, 275-2017, 276-2017, and 370-2020.

WHEREAS, Ordinance No. 274-2017, passed by this Council on September 27, 2017, as amended by Ordinance No. 166-2018, passed by this Council on June 27, 2018 (as amended, the "Reauthorizing Ordinance"), designated the area within the corporate boundaries of the City of Cincinnati as a "Community Reinvestment Area" ("CRA") pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute"); and

WHEREAS, the Reauthorizing Ordinance also classifies what constitutes commercial improvements and what constitutes residential improvements eligible for a real property tax abatement; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Ordinance No. 275-2017, passed by this Council on September 27, 2017 (as subsequently amended, the "Commercial Policy Ordinance"), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial structures in the CRA; and

WHEREAS, Ordinance No. 276-2017, passed by this Council on September 27, 2017 (the "Residential CRA Policy Ordinance" and together with the Commercial Policy Ordinance and the Reauthorizing Ordinance, collectively, the "2017 Ordinances"), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled residential structures in the CRA; and

WHEREAS, Ordinance No. 370-2020, passed by this Council on November 12, 2020 (the "2020 Ordinance"), amends the 2017 Ordinances to (i) expand the definition of residential properties to include structures containing four dwelling units, and (ii) create additional caps on residential real property tax abatements and make certain other changes; and

WHEREAS, The Phi Delta Theta Chapter House Association of Cincinnati ("Developer") purchased property located at 3035 Clifton Avenue, which property is more particularly described on Attachment A hereto (the "Property"), on November 8, 2016, and demolished the previously existing structure thereon on January 11, 2018; and

WHEREAS, Developer recently constructed a LEED Gold certified off-campus communal housing facility consisting of 15 bedrooms, at a cost to Developer of \$1,794,499.70, which was completed on August 21, 2019; and

WHEREAS, prior to the date of this ordinance, Developer submitted to the Department of Community and Economic Development all necessary applications, fees, certificates, and other paperwork that would otherwise be required for a real property tax abatement of residential improvements; and

WHEREAS, pursuant to the 2017 Ordinances and the 2020 Ordinance, fraternities and sororities are treated as commercial improvements that require an executed CRA agreement prior to commencing construction pursuant to the Statute; and

WHEREAS, Developer commenced construction prior to the execution of a CRA agreement on the well-intentioned belief that the improvements to the Property constituted residential improvements eligible for a real property tax abatement and thus a CRA agreement would not be required; and

WHEREAS, Developer represents that it will enter into a contribution agreement with the Board of Education of the Cincinnati City School District (the "Board of Education") to contribute an amount equal to 33% of the abated real property taxes to the Board of Education for the term of the abatement; and

WHEREAS, in consideration for the significant improvements that Developer has made to the Property, Council desires to classify the improvements to the Property as residential improvements eligible for a real property tax abatement, notwithstanding the 2017 Ordinances and the 2020 Ordinance; now, therefore,

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

Section 1. That this Council desires to classify the improvements to the property described on Attachment A to this ordinance (the "Property") as residential improvements eligible for a real property tax abatement in the amount of up to \$562,000 in market improved value, for a period of up to 15 years, subject to and in accordance with Ohio Revised Code Sections 3735.65 through 3735.70.

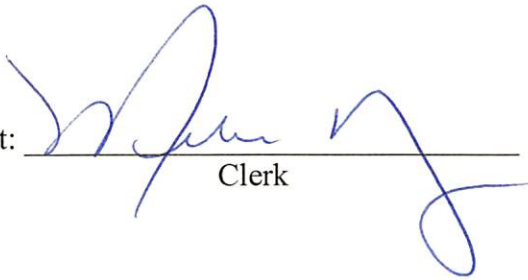
Section 2. That this Council enacts Section 1 of this ordinance notwithstanding Ordinance Nos. 274-2017, 275-2017, 276-2017, and 370-2020 (collectively, the "CRA Ordinances").

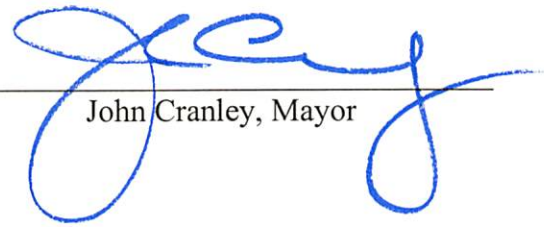
Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the provisions of Sections 1 and 2 herein.

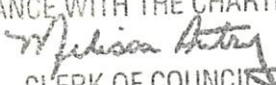
Section 4. That all other provisions of the CRA Ordinances, except as expressly stated in Sections 1 and 2 of this ordinance, remain in full force and effect with respect to the Property.

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 to allow the real property tax abatement described herein to take effect as soon as allowable by law.

Passed: December 15, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 516-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-28-2021

CLERK OF COUNCIL