



City of Cincinnati

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An Ordinance No. 369

- 2022

AUTHORIZING the establishment of capital improvement program project account nos. 980x233x232372, “Western Hills Viaduct OKI STBG Grant 2021,” 980x233x232373, “Western Hills Viaduct TRAC Grant 2021,” 980x233x232374, “Western Hills Viaduct Federal Earmark 2022,” and 980x233x232375, “Western Hills Viaduct INFRA Grant 2022”; **AUTHORIZING** the City Manager to accept and appropriate an Ohio-Kentucky-Indiana Surface Transportation Block Grant (ALN 20.205) in an amount up to \$1,000,000 for the purpose of providing resources for the demolition and construction of the Western Hills Viaduct (the “Western Hills Viaduct Project”); **AUTHORIZING** the City Manager to accept and appropriate a Transportation Review Advisory Council Grant (ALN 20.205) in an amount up to \$25,000,000 for the purpose of providing resources for the Western Hills Viaduct Project; **AUTHORIZING** the City Manager to accept and appropriate an amount up to \$1,000,000 in federal funding earmarked in the Consolidation Appropriations Act of 2022 for Highway Infrastructure Programs (ALN 20.205) for the purpose of providing resources for the Western Hills Viaduct Project; **AUTHORIZING** the City Manager to accept and appropriate a Nationally Significant Freight and Highway Projects grant (ALN 20.934) in an amount up to \$127,115,954 for the purpose of providing resources for the Western Hills Viaduct Project; **AUTHORIZING** the Finance Director to deposit a total sum of up to \$154,115,954 (the “Funds”) to the various newly established capital improvement program project accounts set forth in the attached Schedule of Appropriation; and **AUTHORIZING** the City Manager to enter into any agreements necessary to accept the Funds.

WHEREAS, on June 4, 2021, the Hamilton County Engineer applied for grant resources from the Surface Transportation Block Grant (“STBG”) through the Ohio-Kentucky-Indiana Regional Council of Governments (“OKI”) for the demolition and construction of the Western Hills Viaduct (the “Western Hills Viaduct Project”), for which the City is the Local Public Authority receiving the funds, and was awarded \$1,000,000 for the Project (the “OKI STBG”); and

WHEREAS, on April 7, 2021, Council approved Ordinance No. 0106-2021, which authorized the City Manager to apply for a grant in an amount up to \$150,000,000 from the Transportation Review Advisory Council (“TRAC”) (ALN 20.205), awarded by and through the Ohio Department of Transportation, to provide resources for the Western Hills Viaduct Project, and the City was awarded an amount up to \$25,000,000 (the “TRAC Grant”); and

WHEREAS, on June 15, 2022, Council approved Ordinance No. 0156-2022, which authorized the City Manager to apply for grant resources in an amount up to \$200,000,000 awarded by the United States Department of Transportation through the Nationally Significant Multimodal Freight and Highway Projects (“INFRA”) (ALN 20.934) and the National Infrastructure Project Assistance (ALN 20.937) discretionary grant programs for the construction of the Western Hills

Viaduct Project, and the City has been awarded an amount up to \$127,115,954 from the INFRA program (the “INFRA Grant”); and

WHEREAS, on June 28, 2022, the Federal Highway Administration (“FHWA”) announced appropriations for Highway Infrastructure Programs (ALN 20.205) in Division L, Title I of the Consolidated Appropriations Act of 2022, which included \$1,000,000 for the Western Hills Viaduct Project (the “FHWA Allocation”); and

WHEREAS, total funds in the amount of \$154,115,954 (the “Funds”) are therefore available from the OKI STBG, TRAC Grant, INFRA Grant, and the FHWA Allocation for the purpose of providing resources for the Western Hills Viaduct Project; and

WHEREAS, the Funds will not be accepted without approval from Council; and

WHEREAS, acceptance of the OKI STBG, the TRAC Grant, and the FHWA Allocation require 20 percent local matches, which will be provided from a combination of existing and future City of Cincinnati capital improvement program project accounts, Hamilton County resources, and Transit Infrastructure Grant resources; and

WHEREAS, acceptance of the INFRA Grant requires a minimum 40 percent match, of which 20 percent may come from other federal sources; and

WHEREAS, no new FTEs are associated with the Funds; and

WHEREAS, acceptance of the Funds for the Western Hills Viaduct Project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as well as the strategy to “[p]lan, design and implement a safe and sustainable transportation system,” described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish capital improvement program project account nos. 980x233x232372, “Western Hills Viaduct OKI STBG Grant 2021,” 980x233x232373, “Western Hills Viaduct TRAC Grant 2021,” 980x233x232374, “Western Hills Viaduct Federal Earmark 2022,” and 980x233x232375, “Western Hills Viaduct INFRA Grant 2022.”

Section 2. That the City Manager is hereby authorized to accept and appropriate an Ohio-Kentucky-Indiana Surface Transportation Block Grant (ALN 20.205) in an amount up to

\$1,000,000 for the purpose of providing resources for the demolition and construction of the Western Hills Viaduct (the “Western Hills Viaduct Project”) in accordance with the attached Schedule of Appropriation.

Section 3. That the City Manager is hereby authorized to accept and appropriate a Transportation Review Advisory Council Grant (ALN 20.205) in an amount up to \$25,000,000 for the purpose of providing resources for the Western Hills Viaduct Project in accordance with the attached Schedule of Appropriation.

Section 4. That the City Manager is hereby authorized to accept and appropriate an amount up to \$1,000,000 in federal funding earmarked in the Consolidation Appropriations Act of 2022 for Highway Infrastructure Programs (ALN 20.205) for the purpose of providing resources for the Western Hills Viaduct Project in accordance with the attached Schedule of Appropriation.

Section 5. That the City Manager is hereby authorized to accept and appropriate a Nationally Significant Freight and Highway Projects grant (ALN 20.934) in an amount up to \$127,115,954 for the purpose of providing resources for the Western Hills Viaduct Project in accordance with the attached Schedule of Appropriation.

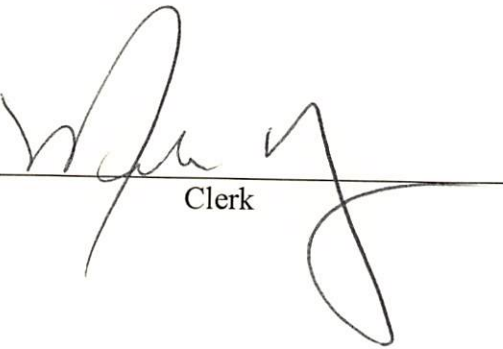
Section 6. That the sum of \$154,115,954 (the “Funds”) is hereby authorized to be deposited to the various newly established capital improvement program project accounts as set forth in the attached Schedule of Appropriation.

Section 7. That the City Manager is authorized to enter into any agreements necessary to accept the Funds.

Section 8. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of these funding sources and Sections 1 through 7 hereof.

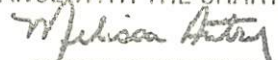
Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 7, 2022

Attest: 
Clerk


VICE- Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 369-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 12-20-2022


CLERK OF COUNCIL