



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, November 1, 2023

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

Citizen Complaint Authority

- [202302261](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Clarice Warner to the Citizen Complaint Authority for a second term of two years beginning on December 16, 2023. This appointment is submitted to City Council for its advice and consent pursuant to its rules. (Female/AA)
Recommendation CONFIRM
Sponsors: Mayor
- [202302262](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Daniel Arturo Minera to the Citizen Complaint Authority for a term of two years. This appointment is submitted to City Council for its advice and consent pursuant to its rules. (Male/Hispanic)
Recommendation CONFIRM
Sponsors: Mayor
- [202302300](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of \$3,850,000 from balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to the unappropriated surplus of General Fund 050; **ESTABLISHING** new capital improvement program project account no. 980x164x241624, "Industrial Site Redevelopment - GF CO," to provide resources for industrial site redevelopment projects; **AUTHORIZING** the transfer of \$1,600,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, "Industrial Site Redevelopment - GF CO," to provide resources for industrial site redevelopment projects; **ESTABLISHING** new balance sheet reserve account no. 050x3423, "West End Community Development Initiatives," within the General Fund; **AUTHORIZING** the transfer of \$2,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423 "West End Community Development Initiatives," to provide resources for various community development initiatives in the West End neighborhood; **AUTHORIZING** the

transfer and appropriation of \$250,000 from the unappropriated surplus of General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements; and **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Mayor

MS. KEARNEY

4. [202302286](#) **RESOLUTION**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Lourdes Ribera as a 2023 Hispanic Heritage Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for her contributions to the City of Cincinnati through her leadership as President of the League of United Latin American Citizens Cincinnati Chapter.

Recommendation PASS

Sponsors: Kearney

CITY MANAGER

5. [202302266](#) **REPORT**, dated 11/1/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 8 Cats Bed & Breakfast LLC, 3523 Wilson Avenue. (#2456013, New, D1) [Objections: None]

Recommendation FILE

Sponsors: City Manager

6. [202302270](#) **REPORT**, dated 11/1/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for O Wines LLC, 4011 Allston Street Suite B 1st floor & basement. (#6483400, TRFO, D1 D2 D3 D6) [Objections: None]

Recommendation FILE

Sponsors: City Manager

7. [202302271](#) **REPORT**, dated 11/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Winterfest Market.

Recommendation FILE

Sponsors: City Manager

8. [202302284](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of 168 cases of water valued at \$1,083.60 from the Alpine Valley Water Company to be used by the Cincinnati Police Department.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

9. [202302287](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **AUTHORIZING** the City Manager to execute a Lease Agreement with Broadway Square II, LLC pursuant to which the City will lease for a term of up to five years a portion of City-owned property located at 1205-1209 Broadway in Over-the-Rhine.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
10. [202302290](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$34,560 from the Murray & Agnes Seasongood Good Government Foundation to administer an internship program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Citizens Jobs Fund revenue account no. 308x8571.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
11. [202302292](#) **REPORT**, dated 11/1/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Walk MS: Cincinnati.
- Recommendation** FILE
- Sponsors:** City Manager
12. [202302293](#) **RESOLUTION (LEGISLATIVE) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **DECLARING** by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
13. [202302294](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **DETERMINING** to proceed with the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
14. [202302295](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City

Manager, on 11/1/2023, **LEVYING** special assessments for the purpose of the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

15. [202302296](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 73 to change the density and uses permitted within the planned development and to enlarge the planned development by adding approximately 1.672 acres of real property located at 5401 Hetzel Street to facilitate the development of new office buildings, thereby approving the rezoning of the adjacent property from the MG, "Manufacturing General," zoning district to Planned Development District No. 73, "Madison Center."

Recommendation EQUITABLE GROWTH & HOUSING COMMITTEE

Sponsors: City Manager

16. [202302297](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **ACCEPTING AND CONFIRMING** the dedication to public use of an approximately 0.005-acre tract of real property as a portion of the Moerlein Avenue public right-of-way for street purposes in the CUF neighborhood of Cincinnati.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

17. [202302301](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/1/2023, **AUTHORIZING** the transfer of \$7,095,646 from balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$7,095,646 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for identified one-time infrastructure and capital projects for identified urgent needs.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

18. [202302288](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Associate, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (ROGER BACON HIGH SCHOOL)

Recommendation FILE

Sponsors: Clerk of Council

19. [202302289](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (ROGER BACON HIGH SCHOOL)

Recommendation FILE

Sponsors: Clerk of Council

BUDGET AND FINANCE COMMITTEE

Item held one week

20. [202302222](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** the City Manager to execute a First Amendment to Ground Lease with BLOC Ministries, Inc., pursuant to which the City will lease approximately three and one-half acres of land at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati for the operation of a youth horse riding academy.

Recommendation PASS

Sponsors: City Manager

21. [202302233](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AUTHORIZING** the City Manager to apply for a grant of up to \$10,000,000 from the Ohio Department of Transportation's Local Major Bridge program to provide resources for design and construction services associated with major preventative maintenance work on the Hopple Street Viaduct.

Recommendation PASS

Sponsors: City Manager

22. [202302274](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **ESTABLISHING** new capital improvement program project account nos. 980x232x242368, "State to Central - RAISE Grant," and 980x232x242369, "State to Central - CPF Grant," to provide federal grant resources to conduct a Complete Streets project, which includes improving the safety of City streets and enhancing bicycle and pedestrian connections and safety; **AUTHORIZING** the City Manager to accept and appropriate a Rebuilding American Infrastructure with Sustainability and Equity grant (ALN 20.933) awarded by the United States Department of Transportation ("USDOT") of up to \$20,000,000 to newly established capital improvement program project account no. 980x232x242368, "State to Central - RAISE Grant"; **AUTHORIZING** the City Manager to accept and appropriate a Community Project Funding grant (ALN 20.534) awarded by USDOT of up to \$1,500,000 to newly established capital improvement program project account no. 980x232x242369, "State to Central - CPF Grant"; and **AUTHORIZING** the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

Recommendation PASS EMERGENCY

Sponsors: City Manager

23. [202302236](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023,

AUTHORIZING the City Manager to accept and appropriate a grant of up to \$234,311 from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA) FY 2023 Health Center Bridge Access Program (ALN 93.527) to support health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8556.

Recommendation PASS

Sponsors: City Manager

24. [202302237](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$80,000 from the National Association of County and City Health Officials to strengthen the Cincinnati Health Department's capacity to prevent and respond to healthcare-associated infections and antimicrobial resistance related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

Recommendation PASS

Sponsors: City Manager

25. [202302235](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AMENDING** Ordinance No. 143-2023 which authorized the City Manager to accept an in-kind donation of new trees, boulders, plants, and related landscaping from the Cincinnati Zoo and Botanical Garden valued at up to \$25,000 to increase the in-kind donation value to up to \$35,000.

Recommendation PASS EMERGENCY

Sponsors: City Manager

26. [202302238](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AUTHORIZING** a payment of \$6,500 to Dinsmore & Shohl LLP for outstanding charges related to legal services provided to the City, to be paid from Bond Retirement Fund non-personnel operating budget account no. 151x134x0000x7289 pursuant to the attached certificate from the Director of Finance.

Recommendation PASS EMERGENCY

Sponsors: City Manager

27. [202302259](#) **REPORT**, dated 10/25/2023, submitted Sheryl M. M. Long, City Manager, regarding the Department of Finance Reports for the Month Ended July 31, 2023.

Recommendation APPROVE & FILE

Sponsors: City Manager

28. [202302260](#) **REPORT**, dated 10/25/2023, submitted Sheryl M. M. Long, City Manager, regarding the Department of Finance Reports for the Month Ended August 31, 2023.

Recommendation APPROVE & FILE

Sponsors: City Manager

29. [202302234](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **APPROVING** the revised Public Transportation Agency Safety Plan for the Connector as recommended by the streetcar's Accountable Executive and Chief Safety Officer.

Recommendation PASS EMERGENCY

Sponsors: City Manager

30. [202302132](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/11/2023, **AUTHORIZING** the City Manager to design, install, and maintain artwork on various traffic control boxes located in the CUF neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork.

Recommendation PASS EMERGENCY

Sponsors: City Manager

31. [202302258](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/25/2023, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of the Board of Trustees of Anderson Township, Hamilton County, Ohio, pursuant to which the City of Cincinnati will grant temporary and perpetual easements to construct and maintain a public shared-use path upon portions of City-owned property located south of Beechmont Avenue and west Elstun Road in the Mt. Washington neighborhood of Cincinnati, thereby connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](#))

Recommendation PASS EMERGENCY

Sponsors: City Manager

32. [202302275](#) **MOTION**, submitted by Councilmembers Keating and Cramerding, **WE MOVE** for City Council to begin the annual review of the City Manager. The review will be based on 10 categories listed below and will follow the timeline listed below. **WE FURTHER MOVE** that the City Manager present to Council a self-evaluation, including the 10 categories listed below. **WE FURTHER MOVE** that the Councilmembers communicate to internal and external stakeholders to provide informal feedback to use for their own evaluation of the City Manager. (STATEMENT ATTACHED) (STATEMENT AMENDED)

Recommendation ADOPT

Sponsors: Keating and Cramerding

33. [202302230](#) **MOTION (AMENDED)**, submitted by Councilmember Keating, **WE MOVE** that the administration provide a report detailing all childcare programs facilitated by the Cincinnati Recreation Commission, including, but not limited to day camps, mini camps, and CRC-led before and after school care at Cincinnati Public Schools. These reports should include how many students are currently enrolled, how many were waitlisted and/or denied, which locations and age

groups have the highest demand, and how many could be potentially accepted given certain investments such as increased staffing and supplies. * In addition, the report should include the following: fees for CRC's childcare programs and services, and the income levels of the families served in each program, and barriers to participation, including but not limited to transportation. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED).

Recommendation ADOPT

Sponsors: Keating

SUPPLEMENTAL ITEMS

PUBLIC SAFETY & GOVERNANCE COMMITTEE

34. [202302272](#) **MOTION**, submitted by Councilmembers Walsh and Johnson, **WE MOVE** that the administration produces a report within ninety (90) days after the closure of the Cincinnati Police Department's District 5 headquarters on the impact of response times in neighborhoods formerly contained within District 5 compared to historic trends. The report should include updates on the transition to CPD Districts 1, 3 and 4 with focus on the response times to neighborhoods that were formerly in District 5 (College Hill, Mt. Airy, Northside, Camp Washington, Winton Hills, Spring Grove Village, Clifton and CUF). (BALANCE ON FILE IN THE CLERK'S OFFICE)

Recommendation ADOPT

Sponsors: Walsh and Johnson

HEALTHY NEIGHBORHOODS COMMITTEE

35. [202302162](#) **MOTION**, submitted by Mayor Aftab Pureval, Vice Mayor Kearney and Councilmembers Johnson, Parks and Harris, **WE MOVE** that the administration rename The Office of Human Relations to The Office of Equity and realign its missions. That mission and office should include the following: 1. Focusing on and prioritizing closing the racial wealth gap in The City of Cincinnati. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED).

Recommendation ADOPT

Sponsors: Mayor, Kearney, Johnson, Parks and Harris

36. [202300324](#) **MOTION**, submitted by Vice Mayor Kearney and Councilmembers Parks and Walsh, **WE MOVE** that the City Administration create a bonding program for MBE and WBE contractors who have proven themselves with the City through previous project completions in order to overcome one of the major barriers to equitable opportunities. The City Administration should consider self-bonding, working with bonding agencies and/or co-signing for first-time bonds when the MBE and WBE company meets the City's pre-determined qualifications such as *successfully* completing projects for the City totaling at least \$1 million and limiting the upper end of our bonding threshold. Successful completion of projections should be clearly defined as approval by the City Manager's Office. **WE FURTHER MOVE** that City Council receive a report at quarterly on MBEs and WBEs that have participated in the City's bonding program, and the status

of the projects, in order to assess the efficacy of the City’s bonding program.
(STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Kearney, Parks and Walsh

37. [202302196](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **DECLARING** that the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of “Ventura Navarro Crossing” in honor of Federico Ventura Navarro who was hit by a car while crossing Warsaw Avenue, as a reminder of the necessity to know and observe road and traffic regulations, and in recognition of his contributions as a business owner to the Cincinnati community.

Recommendation PASS EMERGENCY

Sponsors: Kearney

ANNOUNCEMENTS

Adjournment



AFTAB PUREVAL
City of Cincinnati, Office of the Mayor

Oct 2023

REAPPOINTMENT

I hereby reappoint Clarice Warner to the Citizen Complaint Authority for a second term of two years beginning on December 16, 2023. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL
City of Cincinnati, Office of the Mayor

Oct 2023

APPOINTMENT

I hereby appoint Daniel Arturo Minera to the Citizen Complaint Authority for a term of two years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval

Daniel Arturo Minera



OBJECTIVE

To communicate my experience as a professional and a community leader in Cincinnati, OH.

WORK EXPERIENCE

Director ReachOut, Crossroads - Cincinnati, OH	2018-Present
Spiritual Growth Site Leader, Crossroads Church Oakley - Cincinnati, OH	2017-2018
Executive Director, Hispanic Chamber Cincinnati Foundation, Cincinnati, OH	2017-Present
Missions and Outreach Pastor, Amigo Ministries, Cincinnati, OH	2007-Present
Director of Hispanic Outreach, City Gospel Mission – Cincinnati, OH	2011-2017

EDUCATION

University of Cincinnati, Cincinnati, OH - Pre-Medicine/Biology	
University of Cincinnati, Cincinnati, OH - Emergency Medical Technician	2004

COMMUNITY EXPERIENCE

Community Engagement Committee, Cincinnati Preschool Promise, Cincinnati, OH	2018-Present
Board Member, Live A Language Foundation, Price Hill, OH	2016-Present
Registered Ordained Pastor, Amigo Ministries, State of Ohio	2013-Present
Tutor and Mentor, City Gospel Mission, Cincinnati, OH	2009-Present
FBI Citizens Academy, Cincinnati, OH	2018
Puerto Rico Relief Mission Trip Coordinator, Juntos Community, Cincinnati, OH	2018
Board Member, Cincinnati Public Schools, Cincinnati, OH	2013-2017
Leadership Cincinnati Class 40, Cincinnati Chamber of Commerce, Cincinnati, OH	2016
DeVos Urban Leadership Cohort, Cincinnati, OH	2015
Leadership Committee, La Viña Community Church, Price Hill, OH	2010-2014
Local School Decision Making Committee Member (LSDMC), Roberts Academy	2010-2012

RECOGNITIONS

Distinguished Hispanic Ohioan, Ohio Commission of Hispanic and Latino Affairs	2017
Jim Semon Impact Award, Anthony Munoz Foundation Cincinnati, OH	2013
Eagle Scout, Boy Scouts of America	

202302300

Date: November 1, 2023

To: Mayor Aftab Pureval
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Emergency Ordinance – FY 2023 Year End Closeout Mayor Allocation**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer of \$3,850,000 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; **ESTABLISHING** new capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **AUTHORIZING** the transfer of \$1,600,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **ESTABLISHING** new balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” within the General Fund; **AUTHORIZING** the transfer of \$2,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423 “West End Community Development Initiatives,” to provide resources for various community development initiatives in the West End neighborhood; **AUTHORIZING** the transfer and appropriation of \$250,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements; and **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

ESW/CNS (dmm)
Attachment
392161

EMERGENCY

City of Cincinnati

CNS

115W

An Ordinance No. _____

- 2023

AUTHORIZING the transfer of \$3,850,000 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; **ESTABLISHING** new capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **AUTHORIZING** the transfer of \$1,600,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects; **ESTABLISHING** new balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” within the General Fund; **AUTHORIZING** the transfer of \$2,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423 “West End Community Development Initiatives,” to provide resources for various community development initiatives in the West End neighborhood; **AUTHORIZING** the transfer and appropriation of \$250,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements; and **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, in 2015, in Ordinance No. 253-2015, Council adopted a Stabilization Funds Policy to define appropriate funding for the City’s various reserve funds, with such policy being later revised in 2019 through Ordinance No. 213-2019 and revised again in 2022 through Ordinance No. 56-2022; and

WHEREAS, in accordance with the revised Stabilization Funds Policy, Council established a new balance sheet reserve account within the General Fund, “Infrastructure and Capital Project Reserve,” to provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and

WHEREAS, Council is now appropriating \$3,850,000 in the “Infrastructure and Capital Project Reserve” balance sheet reserve account to various projects; now, therefore,

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

Section 1. That \$3,850,000 is transferred from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050.

Section 2. That capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” is established to provide resources for industrial site redevelopment projects.

Section 3. That \$1,600,000 is transferred from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x241624, “Industrial Site Redevelopment – GF CO,” to provide resources for industrial site redevelopment projects.

Section 4. That new balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” is established within the General Fund.

Section 5. That \$2,000,000 is transferred from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3423, “West End Community Development Initiatives,” to provide resources for various community development initiatives in the West End neighborhood.

Section 6. That \$250,000 is transferred and appropriated from the unappropriated surplus of General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources to Keep Cincinnati Beautiful for capital facilities improvements.

Section 7. That the “Industrial Site Redevelopment – GF CO” capital improvement program project is declared to serve a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

Section 8. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 7.

Section 9. 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 accomplish the authorized transfers and appropriations so the funding described herein is in place immediately and so the necessary expenditures described herein may be made as soon as possible.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

202302286

Date: November 1, 2023

To: Vice Mayor Jan-Michele Lemon Kearney

From: Emily Smart Woerner, City Solicitor *ESW*

Subject: Resolution – Honoring Lourdes Ribera

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING Lourdes Ribera as a 2023 Hispanic Heritage Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for her contributions to the City of Cincinnati through her leadership as President of the League of United Latin American Citizens Cincinnati Chapter.

ESW/AKS(dmm)
Attachment
391250

EESW

RESOLUTION NO. _____ - 2023

RECOGNIZING Lourdes Ribera as a 2023 Hispanic Heritage Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for her contributions to the City of Cincinnati through her leadership as President of the League of United Latin American Citizens Cincinnati Chapter.

WHEREAS, Lourdes Ribera was born in Bolivia, studied Business Administration in Lima, Peru, studied English at Mass Bay Community College in Wellesley, Massachusetts, and now resides in Cincinnati with her husband David Reed; and

WHEREAS, Lourdes retired from Proctor & Gamble in June of 2012 after 35 years of service, and in her last assignment, she was a project manager in Multicultural External Relations, where she was dedicated to the needs of US Hispanic and African American consumers; and

WHEREAS, in 2005, Lourdes was one of the founders of the League of United Latin American Citizens ("LULAC"), Cincinnati Chapter, the oldest and largest Hispanic Civil Rights organization in the United States with a rich history of advocacy in civil rights, education, economic development, immigration, and equal opportunity, and she became president of the organization in 2009; and

WHEREAS, this year, LULAC Cincinnati awarded 32 LULAC scholarships to talented, underserved Hispanic students, and since its inception in 2006, it has awarded a total of 338 scholarships for a total of approximately a quarter of a million dollars; and

WHEREAS, Lourdes serves on the Cincinnati Hispanic Chamber Advisory Board, and she has received many awards including LULAC Ohio Woman of the Year, LULAC Presidential Commendation Award, and in 2011 she was named Distinguished Hispanic Ohioan by the Commission of Hispanic Latino Affairs; and

WHEREAS, in 2022, she received the Su Casa Lifetime Achievement Award for her outstanding service and dedication to the Hispanic Community and the "Make a Difference" award by the Cincinnati English Language Foundation for her contribution to education; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Lourdes Ribera as a 2023 Hispanic Heritage Month honoree for her contributions to the Cincinnati community through her leadership as President of the League of United Latin American Citizens Cincinnati Chapter.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Lourdes Ribera through the office of Vice Mayor Jan Michele Kearney.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____

Clerk

Submitted by Vice Mayor Jan-Michele Lemon Kearney

Date: November 1, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Liquor License – TRFO**

202302266

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 6483400
PERMIT TYPE: TRFO
CLASS: D1 D2 D3 D6
NAME: O WINES LLC
DBA: NONE LISTED
4011 ALLSTON ST STE B
1ST FL & BSMT
CINCINNATI, OH 45209

On October 2, 2023 the Oakley Community Council was notified of this application and does not object.

Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
 Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 24, 2023

Date: November 1, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Liquor License – TRFO**

202302270

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 6483400
PERMIT TYPE: TRFO
CLASS: D1 D2 D3 D6
NAME: O WINES LLC
DBA: NONE LISTED
4011 ALLSTON ST STE B
1ST FL & BSMT
CINCINNATI, OH 45209

On October 2, 2023 the Oakley Community Council was notified of this application and does not object.

Police Department Approval

David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
 Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 24, 2023

Date: 11/01/2023

To: Mayor and Members of City Council 202302271
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Winterfest Market)**

In accordance with Cincinnati Municipal Code, Chapter 765; (East Walnut Hills Farmers Market LLC) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Winterfest Market
EVENT SPONSOR/PRODUCER: East Walnut Hills Farmers Market LLC
CONTACT PERSON: Deborah Dereshkevich
LOCATION: 2722-2817 Woodburn Av.
DATE(S) AND TIME(S): 12/9/2023 10:00AM to 08:00PM
EVENT DESCRIPTION: Winter festival to include beer/alcohol sales, vendors, winter activities (Santa booth, market, cookie exchange, etc.)
ANTICIPATED ATTENDANCE: 2,500
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

November 1, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – Police: Acceptance of In-Kind Donation of Water from the Alpine Valley Water Company**

202302284

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of 168 cases of water valued at \$1,083.60 from the Alpine Valley Water Company to be used by the Cincinnati Police Department.

This Emergency Ordinance authorizes the City Manager to accept an in-kind donation of 168 cases of water valued at \$1,083.60 from the Alpine Valley Water Company to be used by the Cincinnati Police Department.

The Alpine Valley Water Company has generously donated 168 cases of water to the Cincinnati Police Department.

This in-kind donation does not require matching funds or additional FTEs/full time equivalents.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to ensure timely acceptance of the donation.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

LES

- 2023

AUTHORIZING the City Manager to accept an in-kind donation of 168 cases of water valued at \$1,083.60 from the Alpine Valley Water Company to be used by the Cincinnati Police Department.

WHEREAS, the Alpine Valley Water Company has generously donated 168 cases of water to the Cincinnati Police Department; and

WHEREAS, there are no match requirements or new FTEs/full time equivalents associated with acceptance of this in-kind donation; and

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-212 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 authorized to accept an in-kind donation of 168 cases of water valued at \$1,083.60 from the Alpine Valley Water Company to be used by the Cincinnati Police Department.

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

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 ensure timely acceptance of the donation.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



November 1, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Ordinance** – Lease of Property at 12th Broadway to Model Group’s Affiliate

202302287

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to execute a Lease Agreement with Broadway Square II, LLC pursuant to which the City will lease for a term of up to five years a portion of City-owned property located at 1205-1209 Broadway in Over-the-Rhine.

The Administration recommends passage of this Ordinance.

cc: Daniel Betts, Director, Cincinnati Recreation Commission

City of Cincinnati

CHM

EESW

An Ordinance No. _____

- 2023

AUTHORIZING the City Manager to execute a Lease Agreement with Broadway Square II, LLC pursuant to which the City will lease for a term of up to five years a portion of City-owned property located at 1205-1209 Broadway in Over-the-Rhine.

WHEREAS, the City of Cincinnati owns certain real property located at 1205-1209 Broadway in Over-the-Rhine (“Property”), which Property is under the management of the Cincinnati Recreation Commission (“CRC”); and

WHEREAS, Broadway Square II, LLC, an Ohio limited liability company, an affiliate or subsidiary of the Model Group (“Lessee”), owns or otherwise controls certain real property abutting the Property located at 1201-1203 Broadway, and the City currently leases a portion of the Property to Lessee for use as an outdoor restaurant patio pursuant to a lease that expired on November 29, 2022, which lease has continued on a month-to-month basis since that time, as more particularly described and depicted in the Lease Agreement attached to this ordinance as Attachment A and incorporated herein by reference (“Leased Premises”); and

WHEREAS, the City Manager, in consultation with CRC, has determined that (i) the Leased Premises is not needed for recreation or any other municipal purpose for the duration of the lease, and (ii) leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises or the Property; and

WHEREAS, the City’s Real Estate Services Division has determined by a professional appraisal that the fair market rental value of the Leased Premises is approximately \$1,175 per year, which Lessee has agreed to pay; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the lease 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 leasing the Leased Premises to Lessee is in the best interest of the City because (i) the City desires to lease the Leased Premises to Lessee to because the City desires to lease the Leased Premises to Lessee to enhance Lessee’s Broadway Square development project, for the benefit of the City and its residents, and (ii) as a practical matter, no one other than an adjoining property owner would have any interest in leasing the Leased Premises for use as an outdoor restaurant patio and assuming responsibility for the maintenance and repair thereof; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Leased Premises at its meeting on November 17, 2017, and Lessee has been in continuous possession of the Leased Premises pursuant to the terms of the prior lease since that time, therefore, the new lease does not constitute a change in use of City property; 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 Lease Agreement with Broadway Square II, LLC, an Ohio limited liability company (“Lessee”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City of Cincinnati will lease for a term of up to five years a portion of real property located at 1205-1209 Broadway in Over-the-Rhine, as more particularly described and depicted in the Lease Agreement (“Leased Premises”).

Section 2. That the Leased Premises is not needed for recreation or any other municipal purpose for the duration of the lease.

Section 3. That leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Leased Premises is in the best interest of the City because (i) the City desires to lease the Leased Premises to Lessee to enhance Lessee’s Broadway Square development project, for the benefit of the City and its residents, and (ii) as a practical matter, no one other than an adjoining property owner would have any interest in leasing the Leased Premises for use as an outdoor restaurant patio and assuming responsibility for the maintenance and repair thereof.

Section 5. That the fair market value of the lease, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$1,175 per year, which Lessee has agreed to pay.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the Lease Agreement, including executing any and all ancillary documents associated with the Lease Agreement, such

as amendments or supplements to the Lease Agreement deemed by the City Manager to be in the vital and best interests of the City.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Contract No. _____

Property: portion of 12th & Broadway Rec Area at
332-334 East 12th St & 1205-1209 Broadway
for use as outdoor restaurant patio

LEASE

This Lease is made and entered into by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which for purposes of this Lease is 805 Central Avenue, Suite 800, Cincinnati, OH 45202, Attention: Recreation (the "**City**"), and **Broadway Square II, LLC**, an Ohio limited liability company, the address of which is 1826 Race Street, Cincinnati, OH 45202 ("**Lessee**").

Recitals:

A. The City owns the land located at 332-334 East 12th Street and 1205-1209 Broadway in Pendleton as shown on Exhibit A (Site Plan) hereto (the "**Property**"), which is under the management and control of the Cincinnati Recreation Commission ("**CRC**").

B. Lessee, or an affiliate entity thereof, has redeveloped the adjacent property known as Broadway Square, which includes a restaurant at the property shown on Exhibit B (Survey), and in connection therewith desires to lease a portion of the Property shown on Exhibit A (the "Leased Premises") for use of an outdoor restaurant patio (the patio and other improvements constructed or installed by Lessee on the Leased Premises, including without limitation pavement, lighting, fencing, landscaping and signage, being referred to herein as the "**Leasehold Improvements**").

C. Lessee, or an affiliate entity thereof, has leased the Leased Premises since November 30, 2017, pursuant to a Lease by and between the City and Lessee or its affiliate (the "**Prior Lease**"). The Prior Lease expired on November 29, 2022; however, Lessee has continued to use the Leased Premises on a month-to-month basis since that time.

D. CRC approved the lease of the Leased Premises to Lessee at its meeting on September 19, 2023.

E. The City's Real Estate Services Division has determined that the fair market rental value of the Leased Premises, as determined by appraisal, is approximately \$1,175 per year, which Lessee has agreed to pay.

F. The City has determined that eliminating competitive bidding in connection with the City's lease of the Leased Premises is in the best interest of the public because the City desires to lease the Leased Premises to Lessee to enhance Lessee's Broadway Square development project, for the benefit of the City and its residents.

G. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Leased Premises to Lessee at its meeting on November 17, 2017, and Lessee has been in continuous possession of the Leased Premises pursuant to the terms of the Prior Lease; therefore, this Lease does not constitute a change in use of City property.

H. Cincinnati City Council authorized the execution of this Lease by Ordinance No. [____]-2023, passed on [____], 2023.

NOW THEREFORE, the parties hereby agree as follows:

1. **Grant.** The City does hereby lease the Leased Premises to Lessee, and Lessee does hereby lease the Leased Premises from the City, on the terms and conditions set forth therein. The rights herein granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions, and other matters of record affecting the Leased Premises. The City makes no representations or warranties concerning the title, condition, or characteristics of the Leased Premises or the suitability or fitness of the Leased

Premises for any purpose. Lessee acknowledges and agrees that it is not relying upon any such representations or warranties from the City. Without limitation of the foregoing, under no circumstances shall the City be responsible or liable for any pre-existing environmental conditions affecting the Leased Premises. Lessee shall accept the Leased Premises in "as is," "where is" condition with all faults and defects, known or unknown.

2. Term.

(A) Term. The term ("**Term**") of this Lease shall be one (1) year and shall commence the Effective Date (the "**Commencement Date**") and, unless extended or sooner terminated as herein provided, shall expire on the one year anniversary thereof.

(B) Automatic Renewals. If neither party notifies the other party in writing (which notice shall be given at least 60 days prior to the date that the Term of this Lease would otherwise to expire) that such party does NOT wish to extend the Term for an additional period of one (1) year, the Term of this Lease shall automatically be extended for up to four (4) successive periods of one (1) year each. Annual rent payable by Lessee during each renewal period shall be as set forth in section 3 below. As used herein, the "Term" of this Lease means the initial Term and, if applicable, the renewal periods.

3. Rent.

(A) Initial Term. On the Commencement Date, Lessee shall pay to the City **\$1,175** as annual base rent for the Leased Premises for the initial Term of this Lease.

(B) Renewal Periods. If the Term is extended under paragraph 2(B) above, annual base rent for each renewal period shall increase by **\$50.00**. Rent for each renewal period shall be due and payable no later than the first day of each renewal period.

(C) Late Charge. If the Term of this Lease is terminated prior to the scheduled expiration date, the City shall not be required to refund any portion of the prepaid rent to Lessee. All payments shall be made by check payable to the "City of Cincinnati - Treasurer" and mailed to: City of Cincinnati, 801 Plum Street, Cincinnati, Ohio 45202, Attention: Real Estate, or to such other address as the City may from time to time designate in writing. If any payment hereunder is not paid when due, a late charge in the amount of 5.0% of the amount past due, or \$100, whichever is greater, shall automatically become due and payable, and the past due amount shall accrue interest at the rate of 12% until paid in full.

4. Permitted Use. Lessee shall use the Leased Premises for the following purpose and for no other purpose: as an outdoor restaurant patio. Lessee shall comply with all applicable federal, state and local laws, codes, ordinances, regulations and other governmental requirements of governmental authorities having jurisdiction and shall abide by such reasonable rules and regulations governing Lessee's use of the Leased Premises as may from time to time be communicated to Lessee by CRC. Lessee shall not bring or permit to be brought onto the Leased Premises any hazardous materials or other contaminants or substances that are harmful to the public or to the environment. Lessee's operating hours for the outdoor restaurant patio must be approved by CRC. Lessee shall take steps to limit music and other noise as directed by CRC.

5. Utilities; Real Estate Taxes; Other Expenses. During the Term of this Lease, Lessee shall pay (i) any and all utility expenses associated with the Leased Premises, (ii) any and all real estate taxes and assessments levied against the Leased Premises as the result of Lessee's use of the Leased Premises, and (iii) any and all other operating expenses associated with the Leased Premises. *Lessee acknowledges and agrees that the City shall not be liable for any expenses associated with the Leased Premises during the Term of this Lease.*

6. Maintenance and Repairs. Lessee shall, at its sole expense, keep and maintain the Leased Premises, including the Improvements, in good, safe, orderly, sanitary, and clean condition and repair. Lessee shall not permit garbage, debris or unsightly or odorous materials to accumulate within the Leased Premises. In the event of damage to the Leased Premises or the Improvements caused by fire or other casualty, Lessee shall promptly repair such damage at its sole expense. Lessee shall be solely responsible for all sweeping and

snow and ice removal from the Leased Premises. *During the Term of this Lease, the City shall have no maintenance or repair obligations with respect to the Leased Premises or the improvements thereon.*

7. Construction of Improvements; Alterations & Signs.

(A) Alterations. Lessee shall be permitted to construct the Improvements solely in accordance with professionally prepared plans and specifications to be prepared by Lessee and approved in writing by CRC prior to the commencement of construction. Lessee shall not install or alter any other signs, fences, walls, walkways, curbs, structures, or lighting or make any other improvements or alterations to the Leased Premises, or change the existing grade of the Leased Premises, without first obtaining the written approval of CRC. Lessee shall obtain all necessary permits and other approvals from the City prior to constructing the Improvements.

(B) Access by City Departments, Utility Companies and Others. Lessee shall ensure continuous access to the Leased Premises (24 hours/day, 7 days/week, 52 weeks/year) by the City's Police and Fire Departments, Greater Cincinnati Water Works (GCWW), Metropolitan Sewer District (MSD), Cincinnati Bell, Duke Energy, and any and all other utility companies that have utility lines or other utility installations within or near the Leased Premises for the maintenance, repair, modification, and replacement thereof or addition thereto. CRC shall also have the right to enter upon the Leased Premises at any time for inspection and all other reasonable purposes. Lessee shall not construct any structures or other improvements above any existing utility lines within the Leased Premises that would interfere with the operation or maintenance thereof. If Lessee constructs any improvements within the Leased Premises or undertakes any other action that interfere with the access rights reserved to the City and third parties herein, the same shall constitute an immediate default of Lessee under this Lease, whereupon the City shall be permitted to take all actions reasonably necessary to eliminate such interference. The City shall not be responsible for any damage to the Leased Premises or the Improvements resulting from the entry onto the Leased Premises by utility companies and others having the right to enter upon the Leased Premises. In the event of damage to utility lines or other utility facilities located within or near the Leased Premises resulting from Lessee's use of the Leased Premises, Lessee shall be liable for all costs associated with the repair or replacement thereof, which amount shall be payable within thirty (30) days after Lessee receives written notice of the amount thereof accompanied by documentation substantiating such amount.

(C) Trees. If there are public trees within or near the Leased Premises at any time, Lessee shall obtain a public tree work permit before performing any work within fifteen (15) feet of a public tree. Lessee shall obtain the approval of CRC prior to removing any trees.

(D) No Liens. Lessee shall not permit any mechanic's liens to attach to the Leased Premises in connection with work performed by or at the request of Lessee.

(E) Compliance with Laws. Lessee shall obtain all necessary City inspection permits for work within the Leased Premises performed by Lessee and shall pay all required permit fees. Lessee shall ensure that all work is performed in compliance with all applicable federal, state, and local laws, codes, ordinances, regulations and other governmental requirements.

8. Insurance; Indemnification.

(A) Insurance. Throughout the Term, Lessee shall maintain Commercial General Liability insurance with respect to the Leased Premises in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, naming the City of Cincinnati as an additional insured, and such additional insurance as CRC or the City's Department of Risk Management may from time to time reasonably require. All insurance required to be maintained by Lessee hereunder shall be issued by insurance companies reasonably acceptable to the City. Lessee shall also maintain property insurance on the Improvements in the amount of the full replacement cost thereof. On or prior to the Commencement Date and prior to the expiration of each insurance policy, Lessee shall furnish to the City a certificate of insurance evidencing the insurance required hereunder.

(B) **Waiver of Subrogation.** All improvements, materials, equipment and other personal property of every kind that may at any time be on the Leased Premises shall be on the Leased Premises at Lessee's sole risk, and under no circumstances shall the City be liable for any loss or damage thereto, no matter how such loss or damage is caused. Lessee hereby waives, as against the City, its employees, agents and contractors, all claims and liability, and on behalf of Lessee's insurers, rights of subrogation, with respect to property damaged or destroyed by fire or other casualty or any other cause, it being the agreement of the parties that Lessee shall at all times protect itself against such loss or damage by carrying adequate insurance.

(C) **Indemnification.** Lessee shall defend (with counsel reasonably acceptable to the City), indemnify and hold the City harmless from and against any and all claims, causes of action, losses, costs, judgments, fines, liability and damages relating to the Leased Premises and accruing during or with respect to the Term of this Lease, including without limitation any of the foregoing that may occur or be claimed with respect to any death, personal injury or loss of or damage to property on or about the Leased Premises.

9. Default. Should Lessee fail to pay the rent or to perform any other obligation under this Lease within ten (10) days after receiving written notice thereof from the City (herein, a "default"), the City, at its option, immediately or at any time during the continuance of the default, may terminate this Lease by delivering a written notice of termination to Lessee. Lessee shall pay to the City, upon demand, all costs and damages suffered or incurred by the City in connection with Lessee's default or the termination of this Lease. Without limitation of the City's other rights and remedies hereunder, upon the occurrence of a default, the City may, but shall not be obligated to, cure or attempt to cure such default at Lessee's sole expense and may, if necessary, enter onto the Leased Premises in order to undertake such cure. Lessee shall pay the City within ten (10) days after the City's written demand an amount equal to all costs paid or incurred by the City in effecting compliance with Lessee's obligations under this Lease, together with interest thereon from the date that the City pays or incurs such costs at an annual rate of ten percent. The rights and remedies of the City under this Lease are cumulative and are not intended to be exclusive of, and the City shall be entitled to, any and all other rights and remedies to which the City may be entitled hereunder, at law or in equity. The City's failure to insist in any one or more cases on strict performance of any provision of this Lease or to exercise any right herein contained shall not constitute a waiver in the future of such right.

10. Notices. All notices required to be given hereunder by either party shall be in writing and personally delivered, sent by Federal Express or other recognized overnight courier that in the ordinary course of business maintains a record of each delivery, or mailed by U.S. certified mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Lease or at such other address as either party may from time to time specify by notice to the other. Notices shall be deemed to have been given on the date of receipt if personally delivered, on the following business day if sent by an overnight courier, and on the date noted on the return receipt if mailed by U.S. certified mail. If Lessee sends a notice to the City alleging that the City is in default under this Lease, Lessee shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202.

11. Surrender; Holdover.

(A) **Surrender; Holdover.** At the end of the Term, Lessee shall surrender the Leased Premises to the City in the condition in which Lessee is required to maintain the Leased Premises under the terms of this Lease. If Lessee remains in possession of the Leased Premises after the end of the Term, then, at the City's option, such holdover shall create a tenancy at will, on the same terms and conditions as set forth in this Lease except that rent payable during such tenancy shall be equal to two hundred percent of the rent in effect immediately prior to the end of the Term.

(B) **Removal of Alterations.** Lessee shall surrender to the City all Improvements to the Leased Premises made by or for Lessee during the Term except such improvements, if any, that CRC expressly designates be removed. If Lessee fails to timely remove improvements that CRC designates for removal, such improvements shall be deemed abandoned by Lessee, whereupon the City may remove, store, keep, sell, discard, or otherwise dispose of such improvements, and Lessee shall pay all costs incurred by the City in so doing within ten (10) days after the City's written demand.

12. General Provisions. This Lease constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior understandings and agreements of the parties. This Lease may be amended only by a written amendment signed by both parties hereto. Lessee shall not assign its interests under this Lease or sublet any portion of the Leased Premises without the prior written consent of the City, which consent may be withheld in the City's sole discretion. This Lease shall be binding upon the parties and their respective successors and permitted assigns. This Lease shall not be recorded in the Hamilton County Recorder's Office. This Lease shall be governed by the laws of the City of Cincinnati and the State of Ohio.

13. Additional Coordinated Report Conditions—CR#92-2022.

(i) **Buildings and Inspections.** The patio area must remain the size previously approved by the Prior Lease and associated building improvements. Any expansion of the patio area shall require a new certificate of occupancy and all necessary building, zoning, and historic district approvals before any expansion may occur.

[SIGNATURE PAGES FOLLOW]

Executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "Effective Date").

Broadway Square II, LLC,
an Ohio limited liability company

By: _____

Printed name: _____

Title: _____

Date: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of **Broadway Square II, LLC**, an Ohio limited liability company, on behalf of the company.

City of Cincinnati

By: _____

Printed name: _____

Title: _____

Date: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ___ day of _____, 2023 by _____, the _____ of the **City of Cincinnati**, an Ohio municipal corporation, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

Recommended by:

Daniel Betts, Director
Cincinnati Recreation Commission

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

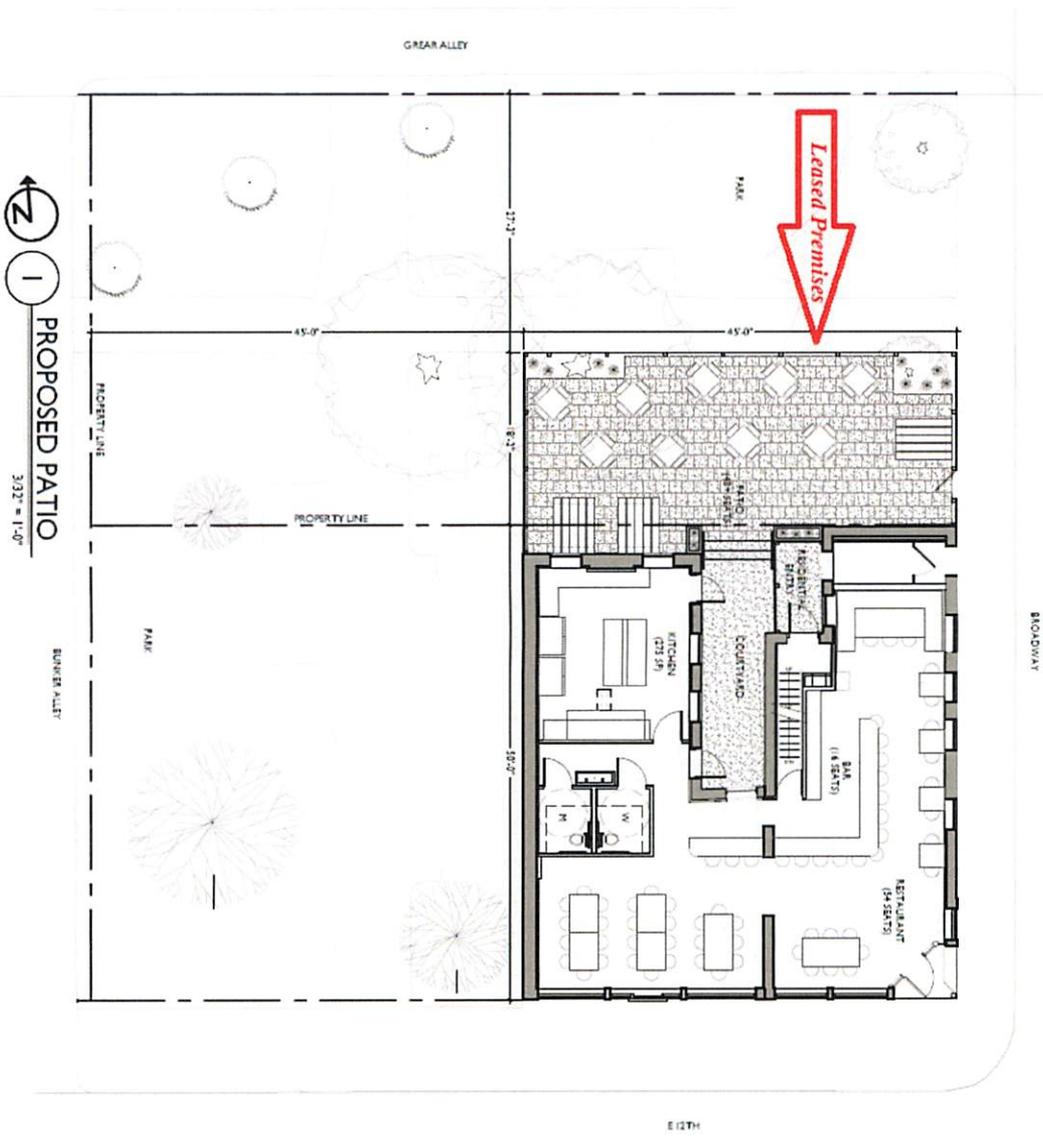
Fund/Code: _____

Amount: _____

By: _____

Karen Alder, City Finance Director

EXHIBIT A
to Lease
Site Plan



TENANT IMPROVEMENT FOR:
1201 BROADWAY
BOOMTOWN BISCUIT BAR

PLATTE
architecture + design
202 W. ELDER ST. SUITE 400 CINCINNATI, OH 45202

EXHIBIT B to Lease Survey



Contract No. _____

Property: portion of 12th & Broadway Rec Area at
332-334 East 12th St & 1205-1209 Broadway
for use as outdoor restaurant patio

LEASE

This Lease is made and entered into by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which for purposes of this Lease is 805 Central Avenue, Suite 800, Cincinnati, OH 45202, Attention: Recreation (the "**City**"), and **Broadway Square II, LLC**, an Ohio limited liability company, the address of which is 1826 Race Street, Cincinnati, OH 45202 ("**Lessee**").

Recitals:

A. The City owns the land located at 332-334 East 12th Street and 1205-1209 Broadway in Pendleton as shown on Exhibit A (*Site Plan*) hereto (the "**Property**"), which is under the management and control of the Cincinnati Recreation Commission ("**CRC**").

B. Lessee, or an affiliate entity thereof, has redeveloped the adjacent property known as Broadway Square, which includes a restaurant at the property shown on Exhibit B (*Survey*), and in connection therewith desires to lease a portion of the Property shown on Exhibit A (the "**Leased Premises**") for use of an outdoor restaurant patio (the patio and other improvements constructed or installed by Lessee on the Leased Premises, including without limitation pavement, lighting, fencing, landscaping and signage, being referred to herein as the "**Leasehold Improvements**").

C. Lessee, or an affiliate entity thereof, has leased the Leased Premises since November 30, 2017, pursuant to a *Lease* by and between the City and Lessee or its affiliate (the "**Prior Lease**"). The Prior Lease expired on November 29, 2022; however, Lessee has continued to use the Leased Premises on a month-to-month basis since that time.

D. CRC approved the lease of the Leased Premises to Lessee at its meeting on September 19, 2023.

E. The City's Real Estate Services Division has determined that the fair market rental value of the Leased Premises, as determined by appraisal, is approximately \$1,175 per year, which Lessee has agreed to pay.

F. The City has determined that eliminating competitive bidding in connection with the City's lease of the Leased Premises is in the best interest of the public because the City desires to lease the Leased Premises to Lessee to enhance Lessee's Broadway Square development project, for the benefit of the City and its residents.

G. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Leased Premises to Lessee at its meeting on November 17, 2017, and Lessee has been in continuous possession of the Leased Premises pursuant to the terms of the Prior Lease; therefore, this Lease does not constitute a change in use of City property.

H. Cincinnati City Council authorized the execution of this Lease by Ordinance No. [____]-2023, passed on [____], 2023.

NOW THEREFORE, the parties hereby agree as follows:

1. **Grant.** The City does hereby lease the Leased Premises to Lessee, and Lessee does hereby lease the Leased Premises from the City, on the terms and conditions set forth therein. The rights herein granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions, and other matters of record affecting the Leased Premises. The City makes no representations or warranties concerning the title, condition, or characteristics of the Leased Premises or the suitability or fitness of the Leased

Premises for any purpose. Lessee acknowledges and agrees that it is not relying upon any such representations or warranties from the City. Without limitation of the foregoing, under no circumstances shall the City be responsible or liable for any pre-existing environmental conditions affecting the Leased Premises. Lessee shall accept the Leased Premises in "as is," "where is" condition with all faults and defects, known or unknown.

2. Term.

(A) Term. The term ("**Term**") of this Lease shall be one (1) year and shall commence the Effective Date (the "**Commencement Date**") and, unless extended or sooner terminated as herein provided, shall expire on the one year anniversary thereof.

(B) Automatic Renewals. If neither party notifies the other party in writing (which notice shall be given at least 60 days prior to the date that the Term of this Lease would otherwise to expire) that such party does NOT wish to extend the Term for an additional period of one (1) year, the Term of this Lease shall automatically be extended for up to four (4) successive periods of one (1) year each. Annual rent payable by Lessee during each renewal period shall be as set forth in section 3 below. As used herein, the "Term" of this Lease means the initial Term and, if applicable, the renewal periods.

3. Rent.

(A) Initial Term. On the Commencement Date, Lessee shall pay to the City **\$1,175** as annual base rent for the Leased Premises for the initial Term of this Lease.

(B) Renewal Periods. If the Term is extended under paragraph 2(B) above, annual base rent for each renewal period shall increase by **\$50.00**. Rent for each renewal period shall be due and payable no later than the first day of each renewal period.

(C) Late Charge. If the Term of this Lease is terminated prior to the scheduled expiration date, the City shall not be required to refund any portion of the prepaid rent to Lessee. All payments shall be made by check payable to the "City of Cincinnati - Treasurer" and mailed to: City of Cincinnati, 801 Plum Street, Cincinnati, Ohio 45202, Attention: Real Estate, or to such other address as the City may from time to time designate in writing. If any payment hereunder is not paid when due, a late charge in the amount of 5.0% of the amount past due, or \$100, whichever is greater, shall automatically become due and payable, and the past due amount shall accrue interest at the rate of 12% until paid in full.

4. Permitted Use. Lessee shall use the Leased Premises for the following purpose and for no other purpose: as an outdoor restaurant patio. Lessee shall comply with all applicable federal, state and local laws, codes, ordinances, regulations and other governmental requirements of governmental authorities having jurisdiction and shall abide by such reasonable rules and regulations governing Lessee's use of the Leased Premises as may from time to time be communicated to Lessee by CRC. Lessee shall not bring or permit to be brought onto the Leased Premises any hazardous materials or other contaminants or substances that are harmful to the public or to the environment. Lessee's operating hours for the outdoor restaurant patio must be approved by CRC. Lessee shall take steps to limit music and other noise as directed by CRC.

5. Utilities; Real Estate Taxes; Other Expenses. During the Term of this Lease, Lessee shall pay (i) any and all utility expenses associated with the Leased Premises, (ii) any and all real estate taxes and assessments levied against the Leased Premises as the result of Lessee's use of the Leased Premises, and (iii) any and all other operating expenses associated with the Leased Premises. *Lessee acknowledges and agrees that the City shall not be liable for any expenses associated with the Leased Premises during the Term of this Lease.*

6. Maintenance and Repairs. Lessee shall, at its sole expense, keep and maintain the Leased Premises, including the Improvements, in good, safe, orderly, sanitary, and clean condition and repair. Lessee shall not permit garbage, debris or unsightly or odorous materials to accumulate within the Leased Premises. In the event of damage to the Leased Premises or the Improvements caused by fire or other casualty, Lessee shall promptly repair such damage at its sole expense. Lessee shall be solely responsible for all sweeping and

snow and ice removal from the Leased Premises. *During the Term of this Lease, the City shall have no maintenance or repair obligations with respect to the Leased Premises or the improvements thereon.*

7. Construction of Improvements; Alterations & Signs.

(A) Alterations. Lessee shall be permitted to construct the Improvements solely in accordance with professionally prepared plans and specifications to be prepared by Lessee and approved in writing by CRC prior to the commencement of construction. Lessee shall not install or alter any other signs, fences, walls, walkways, curbs, structures, or lighting or make any other improvements or alterations to the Leased Premises, or change the existing grade of the Leased Premises, without first obtaining the written approval of CRC. Lessee shall obtain all necessary permits and other approvals from the City prior to constructing the Improvements.

(B) Access by City Departments, Utility Companies and Others. Lessee shall ensure continuous access to the Leased Premises (24 hours/day, 7 days/week, 52 weeks/year) by the City's Police and Fire Departments, Greater Cincinnati Water Works (GCWW), Metropolitan Sewer District (MSD), Cincinnati Bell, Duke Energy, and any and all other utility companies that have utility lines or other utility installations within or near the Leased Premises for the maintenance, repair, modification, and replacement thereof or addition thereto. CRC shall also have the right to enter upon the Leased Premises at any time for inspection and all other reasonable purposes. Lessee shall not construct any structures or other improvements above any existing utility lines within the Leased Premises that would interfere with the operation or maintenance thereof. If Lessee constructs any improvements within the Leased Premises or undertakes any other action that interfere with the access rights reserved to the City and third parties herein, the same shall constitute an immediate default of Lessee under this Lease, whereupon the City shall be permitted to take all actions reasonably necessary to eliminate such interference. The City shall not be responsible for any damage to the Leased Premises or the Improvements resulting from the entry onto the Leased Premises by utility companies and others having the right to enter upon the Leased Premises. In the event of damage to utility lines or other utility facilities located within or near the Leased Premises resulting from Lessee's use of the Leased Premises, Lessee shall be liable for all costs associated with the repair or replacement thereof, which amount shall be payable within thirty (30) days after Lessee receives written notice of the amount thereof accompanied by documentation substantiating such amount.

(C) Trees. If there are public trees within or near the Leased Premises at any time, Lessee shall obtain a public tree work permit before performing any work within fifteen (15) feet of a public tree. Lessee shall obtain the approval of CRC prior to removing any trees.

(D) No Liens. Lessee shall not permit any mechanic's liens to attach to the Leased Premises in connection with work performed by or at the request of Lessee.

(E) Compliance with Laws. Lessee shall obtain all necessary City inspection permits for work within the Leased Premises performed by Lessee and shall pay all required permit fees. Lessee shall ensure that all work is performed in compliance with all applicable federal, state, and local laws, codes, ordinances, regulations and other governmental requirements.

8. Insurance; Indemnification.

(A) Insurance. Throughout the Term, Lessee shall maintain Commercial General Liability insurance with respect to the Leased Premises in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, naming the City of Cincinnati as an additional insured, and such additional insurance as CRC or the City's Department of Risk Management may from time to time reasonably require. All insurance required to be maintained by Lessee hereunder shall be issued by insurance companies reasonably acceptable to the City. Lessee shall also maintain property insurance on the Improvements in the amount of the full replacement cost thereof. On or prior to the Commencement Date and prior to the expiration of each insurance policy, Lessee shall furnish to the City a certificate of insurance evidencing the insurance required hereunder.

(B) Waiver of Subrogation. All improvements, materials, equipment and other personal property of every kind that may at any time be on the Leased Premises shall be on the Leased Premises at Lessee's sole risk, and under no circumstances shall the City be liable for any loss or damage thereto, no matter how such loss or damage is caused. Lessee hereby waives, as against the City, its employees, agents and contractors, all claims and liability, and on behalf of Lessee's insurers, rights of subrogation, with respect to property damaged or destroyed by fire or other casualty or any other cause, it being the agreement of the parties that Lessee shall at all times protect itself against such loss or damage by carrying adequate insurance.

(C) Indemnification. Lessee shall defend (with counsel reasonably acceptable to the City), indemnify and hold the City harmless from and against any and all claims, causes of action, losses, costs, judgments, fines, liability and damages relating to the Leased Premises and accruing during or with respect to the Term of this Lease, including without limitation any of the foregoing that may occur or be claimed with respect to any death, personal injury or loss of or damage to property on or about the Leased Premises.

9. Default. Should Lessee fail to pay the rent or to perform any other obligation under this Lease within ten (10) days after receiving written notice thereof from the City (herein, a "default"), the City, at its option, immediately or at any time during the continuance of the default, may terminate this Lease by delivering a written notice of termination to Lessee. Lessee shall pay to the City, upon demand, all costs and damages suffered or incurred by the City in connection with Lessee's default or the termination of this Lease. Without limitation of the City's other rights and remedies hereunder, upon the occurrence of a default, the City may, but shall not be obligated to, cure or attempt to cure such default at Lessee's sole expense and may, if necessary, enter onto the Leased Premises in order to undertake such cure. Lessee shall pay the City within ten (10) days after the City's written demand an amount equal to all costs paid or incurred by the City in effecting compliance with Lessee's obligations under this Lease, together with interest thereon from the date that the City pays or incurs such costs at an annual rate of ten percent. The rights and remedies of the City under this Lease are cumulative and are not intended to be exclusive of, and the City shall be entitled to, any and all other rights and remedies to which the City may be entitled hereunder, at law or in equity. The City's failure to insist in any one or more cases on strict performance of any provision of this Lease or to exercise any right herein contained shall not constitute a waiver in the future of such right.

10. Notices. All notices required to be given hereunder by either party shall be in writing and personally delivered, sent by Federal Express or other recognized overnight courier that in the ordinary course of business maintains a record of each delivery, or mailed by U.S. certified mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Lease or at such other address as either party may from time to time specify by notice to the other. Notices shall be deemed to have been given on the date of receipt if personally delivered, on the following business day if sent by an overnight courier, and on the date noted on the return receipt if mailed by U.S. certified mail. If Lessee sends a notice to the City alleging that the City is in default under this Lease, Lessee shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202.

11. Surrender; Holdover.

(A) Surrender; Holdover. At the end of the Term, Lessee shall surrender the Leased Premises to the City in the condition in which Lessee is required to maintain the Leased Premises under the terms of this Lease. If Lessee remains in possession of the Leased Premises after the end of the Term, then, at the City's option, such holdover shall create a tenancy at will, on the same terms and conditions as set forth in this Lease except that rent payable during such tenancy shall be equal to two hundred percent of the rent in effect immediately prior to the end of the Term.

(B) Removal of Alterations. Lessee shall surrender to the City all Improvements to the Leased Premises made by or for Lessee during the Term except such improvements, if any, that CRC expressly designates be removed. If Lessee fails to timely remove improvements that CRC designates for removal, such improvements shall be deemed abandoned by Lessee, whereupon the City may remove, store, keep, sell, discard, or otherwise dispose of such improvements, and Lessee shall pay all costs incurred by the City in so doing within ten (10) days after the City's written demand.

12. General Provisions. This Lease constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior understandings and agreements of the parties. This Lease may be amended only by a written amendment signed by both parties hereto. Lessee shall not assign its interests under this Lease or sublet any portion of the Leased Premises without the prior written consent of the City, which consent may be withheld in the City's sole discretion. This Lease shall be binding upon the parties and their respective successors and permitted assigns. This Lease shall not be recorded in the Hamilton County Recorder's Office. This Lease shall be governed by the laws of the City of Cincinnati and the State of Ohio.

13. Additional Coordinated Report Conditions—CR#92-2022.

(i) Buildings and Inspections. The patio area must remain the size previously approved by the Prior Lease and associated building improvements. Any expansion of the patio area shall require a new certificate of occupancy and all necessary building, zoning, and historic district approvals before any expansion may occur.

[SIGNATURE PAGES FOLLOW]

Executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the “**Effective Date**”).

Broadway Square II, LLC,
an Ohio limited liability company

By: _____

Printed name: _____

Title: _____

Date: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of **Broadway Square II, LLC**, an Ohio limited liability company, on behalf of the company.

City of Cincinnati

By: _____

Printed name: _____

Title: _____

Date: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of the **City of Cincinnati**, an Ohio municipal corporation, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

Recommended by:

Daniel Betts, Director
Cincinnati Recreation Commission

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

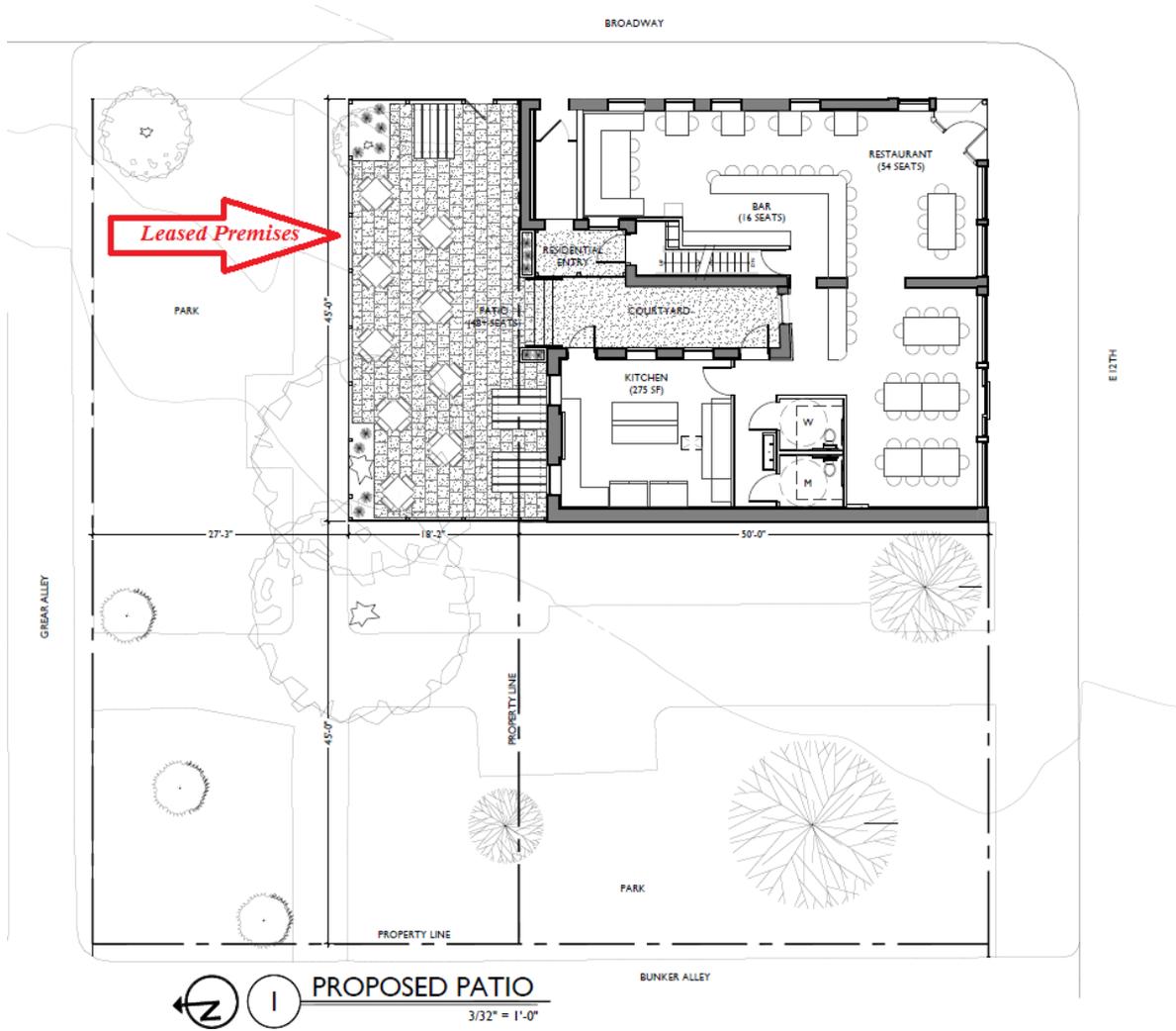
Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A
to Lease

Site Plan



PLATTE
architecture + design
202 W. ELDER ST. SUITE 400 CINCINNATI, OH 45202

TENANT IMPROVEMENT FOR:
1201 BROADWAY
BOOMTOWN BISCUIT BAR

November 1, 2023

To: Mayor and Members of City Council

202302290

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Human Resources: Seasongood Good Government Foundation Internship Program Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$34,560 from the Murray & Agnes Seasongood Good Government Foundation to administer an internship program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Citizens Jobs Fund revenue account no. 308x8571.

Approval of this Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$34,560 from the Murray & Agnes Seasongood Good Government Foundation for the purpose of administering an internship program. Approval of this Ordinance further authorizes the Director of Finance to deposit the grant resources into Citizens Jobs Fund revenue account no. 308x8571.

There is a grant available from the Murray & Agnes Seasongood Good Government Foundation that will allow for the administration of an internship program for the temporary placement of up to six interns in various departments across the City.

No new FTEs/full-time equivalents or local matching funds are required to accept this grant.

The grant application deadline was October 15, 2023. The City has already applied for the grant, but no grant resources will be accepted without approval by the City Council.

Acceptance of this grant is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 209-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$34,560 from the Murray & Agnes Seasongood Good Government Foundation to administer an internship program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Citizens Jobs Fund revenue account no. 308x8571.

WHEREAS, there is a grant available from the Murray & Agnes Seasongood Good Government Foundation that will allow the administration of an internship program for temporary placement of up to six interns in various departments across the City; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline was October 15, 2023, and the City already applied for the grant, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 209-212 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 authorized to apply for, accept, and appropriate a grant of up to \$34,560 from the Murray & Agnes Seasongood Good Government Foundation to administer an internship program.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Citizens Jobs Fund revenue account no. 308x8571.

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

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

Passed: _____ 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: 11/1/2023

To: Mayor and Members of City Council 202302292
 From: Sheryl M. M. Long, City Manager
 Subject: **SPECIAL EVENT PERMIT APPLICATION: Walk MS: Cincinnati**

In accordance with Cincinnati Municipal Code, Chapter 765; Rebekah Schraer has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Walk MS: Cincinnati
 EVENT SPONSOR/PRODUCER: National MS Society
 CONTACT PERSON: Alex Mangas
 LOCATION: Sawyer Point
 DATE(S) AND TIME(S): 04/27/2024 8:00am—04/27/2024 12:30pm
 EVENT DESCRIPTION: Walk MS: Cincinnati is a fundraising event for those affected by Multiple Sclerosis. A 1 and 3 mile walking option will be provided to the participants.
 ANTICIPATED ATTENDANCE: 650
 ALCOHOL SALES: YES. NO.
 TEMPORARY LIQUOR PERMIT HOLDER IS: N/A

cc: Colonel Teresa A. Theetge, Police Chief

November 1, 2023

To: Mayor and Members of City Council

202302293

From: Sheryl M.M. Long, City Manager

**Subject: EMERGENCY LEGISLATIVE RESOLUTION DECLARING THE
NECESSITY OF THE PACE ASSESSMENT PROJECT FOR 4710
MADISON ROAD**

Attached is an Emergency Legislative Resolution captioned:

DECLARING by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.

BACKGROUND/CURRENT CONDITIONS

The Ohio PACE (Property Assessed Clean Energy) program allows commercial property owners to opt into a special assessment added to the property tax bill to access long-term, fixed-rate financing for energy efficiency upgrades. Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC, has requested to have their property added to the Energy Special Improvement District (ESID) and special assessments levied on the property to access PACE financing for energy efficiency upgrades to their commercial development project.

DEVELOPER INFORMATION

The development entity is Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC. Morelia Group, based out of Mason, Ohio, is a real estate investment trust engaged in ownership of various shopping, dining, entertaining, and mixed-use developments throughout Greater Cincinnati. They have recently completed two commercial development projects along Madison Road in Oakley, the Oakley Connection and the Encore of Oakley.

PROJECT DESCRIPTION

This project will include the construction of 43,200 square feet of new commercial space consisting of two 14,800 square foot retail buildings and an additional 4,200 square feet of retail space across two (2) separate parcels sharing the common

mailing address of 4710 Madison Road in Madisonville. The total cost of the PACE-eligible improvements is \$15,896,383.64.

PROPOSED INCENTIVE

The Developer has petitioned the City to amend the Energy Special Improvements District (ESID) boundaries to add this property to the district and levy special assessments on the property. DCED has reviewed the request and recommends adding this property to the ESID boundary to allow the developer to be assessed for qualifying costs for energy efficiency upgrades to building envelopes and qualifying soft costs.

RECOMMENDATION

The Administration recommends approval of this emergency legislative resolution.

cc: Markiea Carter, Director, Department of Community & Economic Development

Attachment A: Location and Site Rendering



4710 Madison Road Location



4710 Madison Road Picture

EMERGENCY

Legislative Resolution

RESOLUTION NO. _____ - 2023

DECLARING by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, Ohio Revised Code (“R.C.”) Section 1710.02(F) provides that a political subdivision that has approved a petition for special assessments for public improvements in a special improvement district pursuant to R.C. Chapter 1710 shall levy said special assessments pursuant to R.C. Chapter 727; and

WHEREAS, pursuant to Resolution No. 28-2014 passed on April 9, 2014, Council approved the Petition for the Creation of the City of Cincinnati, Ohio Energy Special Improvement District, together with the Articles of Incorporation of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. and, following said approvals by Council, on July 23, 2014, the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (hereinafter, the “ESID”) was formed as an ESID and is now duly authorized and operating pursuant to R.C. Chapter 1710; and

WHEREAS, Oakley Capital Partners 2, LLC (the “Owner”), as the owner of 100 percent of the lots and lands, including air parcels, to be assessed for the improvements described in this Resolution, has executed and filed with this Council a Petition for Special Assessments for Special Energy Improvement Projects dated as of October 23, 2023 (the “Petition”), including a Supplement to Plan for 4710 Madison Road Project (the “Supplemental Plan”), proposing the necessity of special assessments to pay the costs of special energy improvement projects (as more fully identified in the Petition and Supplemental Plan, the “Authorized Improvements”) to be located at 4710 Madison Road in Cincinnati (the “Assessed Property”); and

WHEREAS, the Petition and the Supplemental Plan are on file with the Clerk of Council, and copies thereof are attached to this Resolution as Attachment A; and

WHEREAS, in the Petition, the Owner requests that the Authorized Improvements be paid for by special assessments assessed upon the Assessed Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Authorized Improvements and other related costs of financing the Authorized Improvements, which include, without limitation, the payment of principal of, interest on, and financing, credit enhancement, and issuance expenses related to, any bonds, notes, loans, or other financing provided to pay the costs of the Authorized Improvements, and requests that the Authorized Improvements be undertaken cooperatively by the City, the ESID, and the Owner, in accordance with the Standing Assignment Agreement dated as of February 28, 2017 by and among the City, the Port of Greater Cincinnati Development Authority, and the ESID (the “Standing Assignment Agreement”); and

WHEREAS, in order to provide for the assignment and transfer of the Special Assessments, the ESID has requested that the City execute and deliver an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council; and

WHEREAS, (i) the Special Assessments are conducive to the public health, convenience and welfare of this City and the inhabitants of the City; (ii) the Assessed Property is specially benefited by the Special Assessments; and (iii) the Special Assessments have been petitioned for by the owner of 100 percent of the Assessed Property; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition for Special Assessments for Special Energy Improvement Projects dated October 23, 2023 (the “Petition”), which Petition, together with a Supplement to Plan for 4710 Madison Road Project (the “Supplemental Plan”), are hereby approved and accepted, and copies of which are attached to this Resolution as Attachment A.

Section 2. That this Council hereby approves and authorizes the City Manager to execute an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council, together with any modifications as may be necessary to effectuate the purpose of the Petition and Ohio Revised Code (“R.C.”) Chapter 1710, provided that any such modifications shall not, in the judgment of the City Manager, be adverse to the City.

Section 3. That it is hereby declared necessary, and a vital and essential public purpose of the City, to improve the real property located at 4710 Madison Road, Cincinnati, Ohio (the “Assessed Property”), by providing for special energy improvement projects as more fully identified in the Petition and Supplemental Plan (the “Authorized Improvements”) on the Assessed Property, including any and all costs and expenses in connection with or otherwise related thereto as described in the Petition (collectively, the “Assessment Project”), which Assessment Project is described in the plans, specifications, profiles, and estimates of costs included in the Petition and on file in the office of the Clerk of Council.

Section 4. That the plans and specifications and total cost of the Assessment Project now on file in the office of the Clerk of Council are approved, subject to changes as provided for in the Standing Assignment Agreement among the City, the Port of Greater Cincinnati Development Authority, and the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the “ESID”), and as permitted by R.C. Chapter 727. The Assessment Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Assessment Project.

Section 5. That this Council finds and determines that: (i) the Assessment Project is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and that it is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project as defined in R.C. Section 1710.01(I); (ii) the Assessed Property is specially benefited by the Assessment Project; and (iii) the Assessment Project has been petitioned for by the owner of 100 percent of the Assessed Property. It is hereby determined that the Assessment Project’s elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Assessment Project’s elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner, and that the Assessment Project’s elements shall be treated as a single improvement pursuant to R.C. Section 727.09.

Section 6. That pursuant to R.C. Section 1710.02(G)(4), Council hereby determines that the Assessment Project is not required to be owned exclusively by the City. Council accordingly hereby authorizes the board of directors of the ESID to act as its agent to sell, transfer, lease, or convey the Assessment Project. The board of directors of the ESID must obtain from any sale, transfer, lease, or conveyance of the Assessment Project any consideration greater than or equal to \$1.00.

Section 7. That the costs of the Assessment Project, as set forth in the Petition, shall be assessed in proportion to the benefits upon the Assessed Property, and the assessment for such purpose (the “Special Assessments”) shall be assessed and paid as specified in the Petition. The portion of the costs of the Assessment Project allocable to the City will be zero percent. The City does not intend to issue securities in anticipation of the levy of the Special Assessments.

Section 8. That the City’s Finance Director and/or her designee is authorized to cause to be prepared and filed in the office of the Clerk of Council the estimated Special Assessments and the cost of the Assessment Project in accordance with the method of assessment set forth in the Petition and this Resolution.

Section 9. That the Special Assessments shall be levied and paid in 58 semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition. The Owner has waived the right to pay the Special Assessment in cash within thirty days after the first publication of the notice of the assessing ordinance.

Section 10. That the Owner has waived notice of the adoption of this Resolution and the filing of the estimated Special Assessments upon the filing of the estimated Special Assessments with the Clerk of Council under R.C. Section 727.13.

Section 11. That pursuant to and subject to the provisions of a valid Petition signed by the Owner, as the owner of 100 percent of the Assessed Property, which Petition is hereby accepted, the entire cost of the Assessment Project, which shall be located entirely on the Assessed Property, shall be paid by the Special Assessments levied against the Assessed Property, which is the benefited property.

Section 12. That this Council hereby accepts and approves the waivers contained in the Petition of all further notices, hearings, claims for damages, rights to appeal, and other rights of property owners under the law, including, but not limited to, those specified in the Ohio

Constitution, R.C. Chapter 727, R.C. Chapter 1710, and the Charter of the City of Cincinnati, Ohio, and consents to the immediate imposition of the Special Assessments upon the Assessed Property.

Section 13. That the City’s Finance Director and/or her designee is authorized, pursuant to R.C. Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Assessment Project.

Section 14. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. Section 121.22.

Section 15. That this resolution 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 ensure that the board of directors of the ESID may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**PETITION FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO THE CITY OF CINCINNATI, OHIO SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS AGAINST PROPERTY OWNED BY THE PETITIONER AND SPECIALLY BENEFITED THEREBY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The City Manager and City Council of the City of Cincinnati, Ohio

As of the date of this Petition, the undersigned, Oakley Capital Partners 2, LLC, an Ohio limited liability company (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached to this Petition (the “Property”) and will implement special energy improvement projects on the Property (the “Authorized Improvements,” as further described in **Exhibit B**).

The Board of Directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the “Corporation”), an Ohio nonprofit corporation formed to govern the City of Cincinnati, Ohio Energy Special Improvement District (the “District”), created within the boundaries of the City of Cincinnati, Ohio (the “City”) has approved a plan (the “Program Plan”) for the purpose of developing and implementing special energy improvement projects, as defined in Ohio Revised Code Section 1710.01(I). The Program Plan is attached to this Petition as **Exhibit C**.

Pursuant to the Program Plan, the Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Ohio Revised Code Chapter 1710 and the Program Plan, the Program Plan may be amended from time to time by supplemental plans (the “Supplemental Plans”) (the Program Plan and every Supplemental Plan together constituting the “Plan”) to provide for additional special energy improvement projects, and the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for each parcel of real property within the additional territory added to the District.

The Board of Directors of the Corporation has received the Supplemental Plan attached to this Petition as **Exhibit B**, including the description of the Authorized Improvements, and related materials in support of the expansion of the District to include the Property.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be added to the District and 100% of the area proposed to be assessed for the Authorized Improvements, hereby (a) petition the Cincinnati City Council (“Council”) to (i) approve the addition of the Property to the District and (ii) approve an amendment and supplement to the Plan by the Supplemental Plan to include the Authorized Improvements and (b) request that (i) Authorized Improvements be undertaken by the District, and

(ii) the total cost of those Authorized Improvements be assessed on the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and in furtherance of its purposes, the Petitioner acknowledges that it has have reviewed or caused to be reviewed (i) the Plan and the Supplemental Plan, (ii) the plans, specifications and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in **Exhibit B** and (iv) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in **Exhibit B**. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the financing of the Authorized Improvements.

Accordingly, the Petitioner hereby petitions for the construction of the Authorized Improvements identified in this Petition and the Supplemental Plan attached to this Petition as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified in this Petition and authorized under Ohio Revised Code Chapters 727 and 1710 (the “Special Assessments”) to pay the costs of the Authorized Improvements.

In consideration of the City’s acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages amount; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities to pay costs of the Authorized Improvements in anticipation of the receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; and any program administration fees or financing servicing fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

Notwithstanding anything to the contrary contained herein, in the event that at any time following the date of this Petition the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), the Petitioner hereby requests that the Special Assessments be allocated only to the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). The allocation among any resulting Assessed Parcels shall be made such that any Assessed Parcel or Assessed Parcels on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion

to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcels. The Petitioner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, as described above, will cause each resulting Assessed Parcel to have Special Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements. Immediately upon any subdivision of the Property, (i) any reference to the Property contained in this Petition shall be deemed to be a reference to all of the Assessed Parcel; and (ii) the legal description of the Assessed Parcel shall be deemed to replace the legal description of the Property set forth in **Exhibit A**.

In consideration of the Authorized Improvements, each of the Petitioner, for itself and its grantees and other successors with respect to the Property, agrees to pay promptly all Special Assessments as they become due, and agrees that the determination by Council of the Special Assessments in accordance with the terms hereof will be final, conclusive and binding upon the Petitioner and the Property. In further consideration of the Authorized Improvements, each of the Petitioner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be assessed for the actual costs of the Authorized Improvements set forth in **Exhibit B**, in the deed to the transferee or in a separate instrument recorded with respect to the Property the existence of any outstanding Special Assessment for the Authorized Improvements and to require that transferee covenant to disclose the existence of any outstanding Special Assessment for the Authorized Improvements in any subsequent deed or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer so long as the Special Assessments remain unpaid. As a condition to each subsequent transfer while the Special Assessments remain unpaid, the Petitioner further covenants and agrees to provide expressly in the deed to any transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer (i) for the acquisition by the transferee of the Property subject to any outstanding Special Assessment and the transferee's assumption of responsibility for payment thereof and for waiver by the transferee of any rights that the Petitioner has waived pursuant to this Petition, and (ii) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer the conditions described in clause (i) so long as the Special Assessments remain unpaid.

The Petitioner further acknowledges and confirms that the Special Assessments set forth in this Petition and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the financing of the Authorized Improvements. The Petitioner further consents to the levying of the Special Assessment against the Property by Council. The Petitioner acknowledges that these Special Assessments are fair, just and equitable and being imposed at the Petitioner's specific request.

The Petitioner hereby waives notice and publication of all resolutions, legal notices and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and consent to proceeding with the Authorized Improvements. Without limiting the foregoing, the

Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner, in accordance with Ohio Revised Code Section 1710.02(A), further agrees that the Property may be included in more than one district formed under Ohio Revised Code Chapter 1710. The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if any of the Property is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any Special Assessments levied against such Property.

The Petitioner further agrees and consents to Council promptly proceeding with all actions necessary to facilitate the acquisition, installation, equipment, and improvement of the Authorized Improvements and to impose the Special Assessments.

The Petitioner acknowledges that the Special Assessments set forth in this Petition and in the Exhibits to this Petition are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation on the Special Assessments, may be more or less than the respective estimated Special Assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City and

regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final Special Assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. Notwithstanding the foregoing, however, the Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within thirty (30) days from the passage of the ordinance confirming and levying the final assessments and requests that the unpaid final assessments for the Authorized Improvements shall be payable in fifty-eight (58) semi-annual installments.

Pursuant to Ohio Revised Code Section 1710.03(C), the Petitioner hereby appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to time, which designation shall not expire unless and until Petitioner shall notify the Secretary of the District that said designation is no longer in effect or that Petitioner has made a new designation to replace said designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which the Authorized Improvements shall be acquired, installed, or constructed or the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements, the jurisdiction of the City acting in connection with the acquisition, installation, or construction of the Authorized Improvements, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio and the Charter of the City of Cincinnati, Ohio. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the City and the Corporation will be relying upon this Petition in taking actions pursuant to it and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns of the Petitioner, the Property, and any grantees, mortgagees, lessees, or transferees of the Property. The Petitioner acknowledges that they have had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified in this Petition.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by their respective undersigned duly authorized signatories.

The undersigned is the Petitioner with respect to portion of Property having Hamilton County Parcel ID Numbers 051-0007-0041-00 and 051-0007-0042-00 and located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: [Signature]
Name: Christopher R. Hildebrandt
Title: MANAGER

Address for notices to Petitioner:

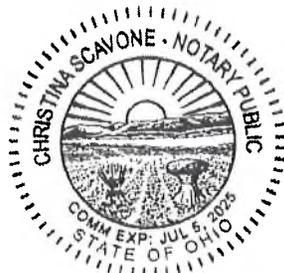
Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrandt

STATE OF OH)
) SS:
COUNTY OF Hamilton)

On the 23 day of October, 2023, Christopher Hildebrandt, as the Manager of Oakley Capital Partners 2, LLC, personally appeared before me, a notary public in and for the state and county stated above, who acknowledged the execution of the foregoing Petition on behalf of Oakley Capital Partners 2, LLC and that the same was the free act and deed of such officer and of such limited liability company. The notarial act certified hereby is a jurat. An oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

[SEAL]



[Signature]
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The real property subject to this Petition is located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 and the following legal descriptions:

PROPERTY 1: 4710 Madison Road, Cincinnati, Ohio 45227

Parcel No. 051-0007-0041-00

Situate in Section 22, Township 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records, and more particularly described as follows:

Beginning at the intersection of the northerly line of Madison Road and the easterly right of way line of the Pennsylvania (Richmond Branch) Railroad, which point of beginning is North 59 deg. 16 min. East a distance of 168.59 feet from the intersection of the northerly line of Madison Road, and the southerly line of said Lot 4; thence North 59 deg. 16 min East along the northerly line of Madison Road a distance of 177.90 feet; thence North 0 deg. 11 min. East a distance of 302.35 feet; thence North 89 deg. 49 min. West a distance of 265 feet; thence South 0 deg. 11 min. West a distance of 288.65 feet to the easterly right of way line of said Pennsylvania Railroad; thence along the said right of way line South 46 deg. 28 min. East a distance of 36.45 feet and South 46 deg. 49 min. East a distance of 117.41 feet to the place of beginning containing 2.1 acres, more or less.

PROPERTY 2: 4722 Madison Road, Cincinnati, Ohio 45227

Parcel ID No. 051-0007-0042-00

Situated in Section 22, Town 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records and more particularly described as follows;

Beginning at a point in the northerly line of Madison Road which is N. 59 deg. 16' E. a distance of 346.49 feet from the intersection of the northerly line of Madison Road and the south line of said Lot 4, said point of beginning being also N. 59 deg. 16' E. A distance of 177.90 feet from the intersection of the northerly line of Madison Road and the easterly line of the Pennsylvania (Richmond Branch) Railroad right-of-way;

thence N. 0 deg. 11' E. a distance of 302.35 feet;

thence N. 89 deg. 49' W. a distance of 265 feet;

thence N. 0 deg. 11' E. a distance of 200 feet;

thence S. 89 deg. 49' E. a distance of 286 feet;

thence S. 0 deg. 11' W. a distance of 489.77 feet to the northerly line of Madison Road;

thence S. 59 deg. 16' W. along the northerly line of Madison Road, a distance of 24.48 feet to the place of beginning. Containing 1.3 acres, more or less.

TOGETHER WITH Appurtenant Access Easements as set forth in deed dated July 7, 1954 and recorded July 29, 1954 in Deed Book 2697, Page 517, in the records of the Recorder of Hamilton County, Ohio.

(a) As affected by amended and/or supplemented Easements Agreement contained in deed recorded May 21, 2009 in Official Record Book 11146, Page 1807, in the records of the Recorder of Hamilton County, Ohio.

(b) As affected by amended and/or supplemented Easement Agreement dated October 5, 2017 and recorded October 9, 2017 in Official Record Book 13519, Page 2365 in the records of the Recorder of Hamilton County, Ohio.

EXHIBIT B

CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

SUPPLEMENT TO PLAN FOR 4710 MADISON ROAD PROJECT

As more fully provided by the City of Cincinnati, Ohio Special Improvement District Program Plan (together with all previously approved supplemental plans, the “Plan”), the City of Cincinnati, Ohio Energy Special Improvement District (the “District”) has undertaken the administration of a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, the undersigned (the “Property Owner”) has requested and consented to certain special assessments by the District with respect to certain real property owned by the Property Owner and located at 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 (the “Property”). A schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached hereto as Attachment A.

Initially the special assessments shall be allocated among the parcels (each an “Original Parcel” and, collectively, the “Original Parcels”) constituting the Property as follows:

In the event that at any time following the date of this Supplemental Plan the Property or any parcel contained in the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), then the Property Owner hereby requests that the Special Assessments be allocated among only the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). No Special Assessments shall be allocated to any resulting parcels which will not have any portion of the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space constructed thereon (the “Non-Assessed Parcels”). The allocation among any resulting Assessed Parcel shall be made such that the Assessed Parcels or Assessed Parcel on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space are constructed and into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a combined total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments in the percentage stated above, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcel. The Property Owner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, and the fact that no Special Assessments will be allocated to any resulting Non-Assessed Parcel, all as described above, will cause each resulting Assessed Parcel to have Special

Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements identified in this Supplemental Plan.

The Authorized Improvements applicable to the Property will include energy efficiency HVAC improvements, lighting, building envelope improvements, and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment B. The Property Owner hereby acknowledges and agrees that the special benefit to be provided to the Property under this Supplemental Plan is the consummation of the financing to pay, finance, and refinance costs of the Authorized Improvements, which shall be conferred immediately upon the consummation of the financing, and that the benefits are in proportion to and do not exceed the amount of the Special Assessments to be levied to pay the costs of the financing.

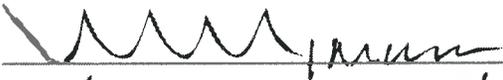
The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Directors of the District and with the Clerk of the City Council of Cincinnati, Ohio.

The undersigned owner of real property to be located within the District acknowledge that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.

BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY REPRESENTS THAT THE INFORMATION CONTAINED IN THIS SUPPLEMENTAL PLAN IS TRUE AND CORRECT AND HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) BEING FILED WITH THE CLERK OF THE CINCINNATI CITY COUNCIL, AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: 

Name: Christopher R. Hildebrand

Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrand

Description of Real Property Subject to this Supplemental Plan:

The real property subject to this Petition is located at the commonly used mailing 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID No. 051-0007-0041-00 and 051-0007-0042-00.

SUPPLEMENTAL PLAN—ATTACHMENT A

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

SUPPLEMENTAL PLAN—ATTACHMENT B

Description of Authorized Improvements

The Authorized Improvements are expected to consist of the following energy efficiency elements:

Energy Project Name: Oakley Parke (4710 Madison Rd.) Parcel ID: 51-0007-0041-00, 051-0007-0042-00, 051-0007- 0073-00 County/State: Cincinnati, OH						
	Improvement Description	Useful Life	Contractor	Improvement Cost (\$)	Baseline Energy Cost (\$)	Projected Energy Savings (\$)
1	Building Envelope Hard Costs	30	Morelia Group	\$3,854,000	See COMchecks	See COMchecks
2	Qualifying Soft Costs	30	Morelia Group	\$1,981,860		
3						
4						
5						
6						
TOTALS:						

EXHIBIT C

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

[See Attached]

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

The City of Cincinnati, Ohio Energy Special Improvement District (the “District”) will administer a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects. The District authorizes and adopts this plan for the Program (as the same may be amended and supplemented from time to time as provided herein, the “Plan”) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program. The Port of Greater Cincinnati Development Authority, as the initial property owner owning real property within the District, as well as in its capacity as a party with interests aligned with the City of Cincinnati (the “City”) with respect to the formation of the District, authorizes and consents to this Plan.

The District is established pursuant to the special energy improvement district provisions of Chapter 1710 of the Ohio Revised Code. This Plan refers to Chapter 1710 and any and all future amendments to the special energy improvement district provisions of Chapter 1710 as the “Act.” Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

Participation in the District’s Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Program’s terms and conditions. These terms and conditions are addressed in this Plan, and include, without limitation, an application, a petition, a schedule of assessments to be made on included property (“Assessment Schedule”), and the governing documents forming the District. The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Plan, an application, a petition, and an Assessment Schedule. The Governing Documents, this Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.”

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described in Part X of this Plan. **By agreeing to and executing the District Documents, each property owner consents to the terms and conditions of all District Documents.**

I. Purpose of the Program

The Program is intended to assist property owners, whether private or public, who own real property within participating political subdivisions to obtain financing for special energy

improvement projects, as that term is defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, or nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by the District or on behalf of the District by a third party. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating political subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due; provided, that certain Program Obligations may require special assessments to be due and payable by property owners only to the extent that such property owners fail to pay an obligation of the property owner secured by special assessments, such as a loan, in which case special assessments will only be due and payable by property owners if actually levied.

Nothing in this Plan shall be construed as a representation on the part of any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board that the Program is the best financing option for every situation. Property owners are advised to conduct independent research to determine the best course of action.

II. The District’s Governance, Program Administrator, and Conduit Financing Entity

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of the City of Cincinnati, Ohio Energy Special Improvement District, Inc., a nonprofit corporation organized under the laws of the State of Ohio (the “Corporation”) to govern the District.

Pursuant to the Act, other Ohio law, and the Code of Regulations of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

This Plan specifically contemplates that, as authorized in the Act, Greater Cincinnati Energy Alliance will serve as the District’s “Program Administrator” and render program administration services to the District and the Port of Greater Cincinnati Development Authority will serve as the District’s “Conduit Financing Entity” and render conduit financing services to the District.

The District is authorized to contract with Greater Cincinnati Energy Alliance for program administration services rendered to the District. The program administration services rendered by the Program Administrator may include, without limitation (i) pursuant to Part III of this Plan, developing and administering eligibility guidelines, creating and administering an application,

setting criteria and developing a list of pre-approved contractors, procuring resources or cooperating with property owners to procure resources, and administering referrals, (ii) pursuant to Part IV of this Plan, marketing, program design, cooperating with property owners to implement Authorized Improvements, and other administrative services, and (iii) the establishment and administration of a revolving loan facility providing financing for certain special energy improvement projects.

The District is authorized to contract with the Port of Greater Cincinnati Development Authority for conduit financing services rendered to the District. The conduit financing services rendered by the Conduit Financing Entity may include, without limitation (i) pursuant to Part III of this Plan, financing Authorized Improvement and cooperating with property owners to obtain financing, (ii) pursuant to Part IV of this Plan, tracking and administering Program Obligations, administering special assessments, budgeting, and conducting or overseeing the audit process, (iii) assistance with marketing efforts relating to the District, and (iv) tracking compliance with respect to the Economic Inclusion Plan established by the Port of Greater Cincinnati Development Authority.

III. Program Eligibility, Approvals, Financing, and Procurement

The Board is hereby authorized to create, administer, amend, and abolish a process by which property owners join the Program. The process by which property owners join the Program may include, without limitation, the following requirements:

- (A) Eligibility. The Board is hereby authorized to create, administer, amend, and abolish eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

To be eligible for participation in the Program, each property owner must file a petition with the Board requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, including,

specifically, by supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or add property to the District and subject such additional property to the Plan. To be eligible for participation in the Program, each property owner must file a supplement to this Plan (the "Plan Supplement") with the Board and the clerk of the legislative body of the participating political subdivision in which the real property is located identifying the Authorized Improvements to be undertaken as part of the Plan applicable to real property within the District or to be added to the district. Plan Supplements shall include such other information as may be required by the Board. Plan Supplements shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to and must execute an Affidavit on Facts Relating to Title under Section 5301.252 of the Ohio Revised Code to be recorded with respect to the real property to be added to the District and filed with the clerk of the legislative body of the participating political subdivision in which the real property is located, which Affidavit on Facts Relating to Title shall state that the property owner has consented to include such real property in the District and that the property owner consents to, and will take all actions necessary to place upon such property, any subsequent special improvement district formed under Ohio Revised Code Chapter 1710 that includes such real property as long as the statutory conditions for forming the subsequent special improvement district are otherwise satisfied.

- (B) Application. The Board is hereby authorized to create, administer, amend, and abolish an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.
- (C) Contractors. The Board is hereby authorized to require property owners to complete Authorized Improvements through the work of pre-approved contractors. The Board is further authorized to create criteria for the approval of contractors, including but not limited to compliance with the Economic Inclusion Plan adopted by the Port of Greater Cincinnati Development Authority, and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (D) Procurement and Referrals. The Board is hereby authorized to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

Pursuant to the Act, the Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the City or the procedures in Chapter 735 of the Ohio Revised Code and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to the City as a participating political subdivision.

- (E) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

IV. Services Plan

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.

- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Plan Supplements by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer, amend, and abolish procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire such professionals as may be required to successfully administer special assessments.
- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

V. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating City of Cincinnati, Energy Special Improvement District, Inc., hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, and implementing Authorized Improvements or services under this Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses, and, for services under this Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any court costs incurred by the District in implementing this Plan or any Plan Supplements;
- (D) Any damages resulting from implementing the public improvements or public services plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan; and
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

VI. Energy Efficiency and Renewable Energy Regulations and Requirements

Energy Efficiency Reporting Requirements. Ohio Revised Code Section 1710.061 requires the Board to submit a quarterly report to each electric distribution utility ("EDU") with a District Authorized Improvement within the EDU's certified territory. The quarterly report submitted to the EDU must include the total number and a description of each new and ongoing District Authorized Improvement that produces energy efficiency savings or reduction in demand and other additional information that the EDU needs to obtain credit under Ohio Revised Code

Section 4928.66 for energy efficiency savings or reduction in demand from such projects. The Board is hereby authorized to submit quarterly reports due required under Ohio Revised Code Section 1710.061. Property owners shall comply with Board requirements for information gathering and reporting to ensure Board compliance with Ohio Revised Code Section 1710.061.

Energy Efficiency Credits. The Board is hereby authorized to adopt rules governing energy efficiency credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of energy efficiency credit programs.

Renewable Energy Credits. The Board is hereby authorized to adopt rules governing renewable energy credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of renewable energy credit programs.

Monetizing Other Energy Efficiency or Renewable Energy Attributes. The Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of the monetization of such attributes.

VII. Statutory Requirements

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Part III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in each petition and Plan Supplement. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.

- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

VIII. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Authorized Improvements is subject to a variety of state and federal laws. If these laws change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under this Plan. **The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law. The District shall not be liable for any inability to finance Authorized Improvements as a result of state and federal law or any changes in state and federal law which reduce or eliminate the effectiveness of financing Authorized Improvements through the District's Program.**

IX. Releases and Indemnification

The District has been created with the approval of the City of Cincinnati, Ohio, as a participating political subdivision, for the purposes of implementing this Plan and administering the Program. The District and any participating political subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, or maintenance of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing, and maintenance of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating political subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By agreeing to and executing this Plan, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program. Any political subdivision that owns real property included in the District agrees to release and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with the political subdivision's participation in the Program in its capacity as a property owner.

X. Changes in the Program Terms; Severability

Participation in the Program is subject to the District Document terms and conditions in effect from time to time during participation. The District reserves the right to change this Plan and the

terms and conditions of the District Documents at any time without notice. No such change will affect a property owner's obligation to pay special assessments as set forth in the District Documents.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

XI. Disclosure of Property Owner Information

The District and any participating political subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with the law (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. In order to receive funding for the Program and to enable communication regarding the State of Ohio's energy programs, property owners' names and contact information may be disclosed to their current electric utilities. Property owners' names, contact information, and utility usage data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.

Each owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* Each property owner that executes this Plan agrees to the disclosure of certain property owner information as stated in this Part.

BY EXECUTING THIS PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS PLAN AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS PLAN.

Date: July 23, 2014

**Property Owner:
PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY**

Authorized Signatory



Laura Brunner, as
President and Chief Executive Officer

Address for notices to Property Owner:

Port of Greater Cincinnati Development
Authority

299 East Sixth Street, Suite 2A

Cincinnati, Ohio 45202

Description of Real Property Subject to this Plan:

The real property subject to this Plan is located at the commonly used mailing address 1682 Seymour Avenue, Cincinnati, Ohio 45237. The front footage of the real property subject to this Plan is 233.00 feet, and its area is 0.418 acres. The Hamilton County Auditor Parcel ID for the real property subject to this Plan is 117-0007-0064-00. The following is the legal description for the real property subject to this Plan:

Parcel One

Situated in the City of Cincinnati, County of Hamilton, State of Ohio in Section 6, Township 3, Fractional Range 2, Millcreek Township and being Lot #1 of Shonae Subdivision, Block A, as recorded in Plat Book 105, Page 44, Hamilton County, Ohio Recorder's records.

Parcel Two

[Property Owner Consent to Plan]

The following described real estate situated in Section 6, Town 3, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 2, Part 1, Block "B", Shonae Subdivision as recorded in Plat Book 120, Pages 49 and 50 of the Hamilton County, Ohio records.

Beginning in the Northwest corner of Block "A", Shonae Subdivision as recorded in Plat Book 105, Page 44 of the Hamilton County, Ohio Recorder's office;

Thence North 1 deg. 15' East, a distance of 21.75 feet; thence South 88 deg. 45' East, a distance of 146.46 feet to the Westerly line of Shona Drive; thence Southwardly along the Westerly line of Shona Drive on a curved line deflecting to the right with a radius of 220 feet a distance of 23.16 feet, chord of said curve bears South 21 deg. 16' 35" West, a distance of 23.14 feet to the Northeast corner of said Block "A", Shonae Subdivision, thence North 68 deg. 45' West, a distance of 138.53 feet to the place of beginning.

These parcels are not to be conveyed separately without prior approval of the governmental authority having jurisdiction.

[Property Owner Consent to Plan]

November 1, 2023

To: Mayor and Members of City Council

202302294

From: Sheryl M.M. Long, City Manager

**Subject: DETERMINING TO PROCEED WITH THE PACE ASSESSMENT
PROJECT FOR 4710 MADISON ROAD**

Attached is an emergency ordinance captioned:

DETERMINING to proceed with the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

BACKGROUND/CURRENT CONDITIONS

The Ohio PACE (Property Assessed Clean Energy) program allows commercial property owners to opt into a special assessment added to the property tax bill to access long-term, fixed-rate financing for energy efficiency upgrades. Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC, has requested to have their property added to the Energy Special Improvement District (ESID) and special assessments levied on the property to access PACE financing for energy efficiency upgrades to their commercial development project.

DEVELOPER INFORMATION

The development entity is Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC. Morelia Group, based out of Mason, Ohio, is a real estate investment trust engaged in ownership of various shopping, dining, entertaining, and mixed-use developments throughout Greater Cincinnati. They have recently completed two commercial development projects along Madison Road in Oakley, the Oakley Connection and the Encore of Oakley.

PROJECT DESCRIPTION

This project will include the construction of 43,200 square feet of new commercial space consisting of two 14,800 square foot retail buildings and an additional 4,200 square feet of retail space across two (2) separate parcels sharing the common mailing address of 4710 Madison Road in Madisonville. The total cost of the PACE-eligible improvements is \$15,896,383.64.

PROPOSED INCENTIVE

The Developer has petitioned the City to amend the Energy Special Improvements District (ESID) boundaries to add this property to the district and levy special assessments on the property. DCED has reviewed the request and recommends adding this property to the ESID boundary to allow the developer to be assessed for qualifying costs for energy efficiency upgrades to building envelopes and qualifying soft costs.

RECOMMENDATION

The Administration recommends approval of this emergency ordinance.

cc: Markiea Carter, Director, Department of Community & Economic Development

Attachment A: Location and Site Rendering



4710 Madison Road Location



4710 Madison Road Picture

EMERGENCY

-2023

DETERMINING to proceed with the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, prior to the passage of this ordinance, this Council duly adopted a resolution declaring the necessity of the assessment project at 4710 Madison Road in the City of Cincinnati (the “Resolution of Necessity”), which provides for the levying and collection of special assessments to be assessed on such property sufficient to pay the costs of the Authorized Improvements (as defined in the Resolution of Necessity); and

WHEREAS, all statutory procedural requirements for the imposition of special assessments on the assessed property, including, without limitation, the right to make claims for damages alleged to result from and objections to the Assessment Project (as defined in the Resolution of Necessity), have been waived by the owners of 100 percent of the affected property; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity, an unsigned copy of which is attached to this ordinance as Attachment A.

Section 2. That it is hereby determined to proceed with the Assessment Project described in the Resolution of Necessity. The Assessment Project shall be located entirely on the Assessed Property and shall be made in accordance with the provisions of the Resolution of Necessity, the Petition (a copy of which is attached to the Resolution of Necessity), and the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Clerk of Council.

Section 3. That the assessment of the Special Assessments to pay costs of the Assessment Project shall be assessed against the Assessed Property in the manner and in the number of installments provided in the Petition. The Special Assessments shall be assessed against the

Assessed Property commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2053 for collection in 2054.

Section 4. That the estimated Special Assessments for costs of the Assessment Project prepared and filed in the office of the Clerk of Council and in the office of the City's Director of Finance, in accordance with the Resolution of Necessity, are hereby adopted.

Section 5. That all contracts for the construction of the Assessment Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code ("R.C.") and the Standing Assignment Agreement among the City, the Port of Greater Cincinnati Development Authority, and the City of Cincinnati, Ohio Energy Special Improvement District, Inc., and the costs of the Assessment Project shall be financed as provided in the Resolution of Necessity.

Section 6. That in compliance with R.C. Section 319.61, the Clerk of Council is hereby directed to deliver a certified copy of this ordinance to the Hamilton County Auditor within fifteen days after the date of passage.

Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

Section 8. 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 ensure that the board of directors of the City of Cincinnati, Ohio Energy Special Improvement

District, Inc. may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**PETITION FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO THE CITY OF CINCINNATI, OHIO SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS AGAINST PROPERTY OWNED BY THE PETITIONER AND SPECIALLY BENEFITED THEREBY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The City Manager and City Council of the City of Cincinnati, Ohio

As of the date of this Petition, the undersigned, Oakley Capital Partners 2, LLC, an Ohio limited liability company (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached to this Petition (the “Property”) and will implement special energy improvement projects on the Property (the “Authorized Improvements,” as further described in **Exhibit B**).

The Board of Directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the “Corporation”), an Ohio nonprofit corporation formed to govern the City of Cincinnati, Ohio Energy Special Improvement District (the “District”), created within the boundaries of the City of Cincinnati, Ohio (the “City”) has approved a plan (the “Program Plan”) for the purpose of developing and implementing special energy improvement projects, as defined in Ohio Revised Code Section 1710.01(I). The Program Plan is attached to this Petition as **Exhibit C**.

Pursuant to the Program Plan, the Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Ohio Revised Code Chapter 1710 and the Program Plan, the Program Plan may be amended from time to time by supplemental plans (the “Supplemental Plans”) (the Program Plan and every Supplemental Plan together constituting the “Plan”) to provide for additional special energy improvement projects, and the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for each parcel of real property within the additional territory added to the District.

The Board of Directors of the Corporation has received the Supplemental Plan attached to this Petition as **Exhibit B**, including the description of the Authorized Improvements, and related materials in support of the expansion of the District to include the Property.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be added to the District and 100% of the area proposed to be assessed for the Authorized Improvements, hereby (a) petition the Cincinnati City Council (“Council”) to (i) approve the addition of the Property to the District and (ii) approve an amendment and supplement to the Plan by the Supplemental Plan to include the Authorized Improvements and (b) request that (i) Authorized Improvements be undertaken by the District, and

(ii) the total cost of those Authorized Improvements be assessed on the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and in furtherance of its purposes, the Petitioner acknowledges that it has have reviewed or caused to be reviewed (i) the Plan and the Supplemental Plan, (ii) the plans, specifications and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in **Exhibit B** and (iv) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in **Exhibit B**. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the financing of the Authorized Improvements.

Accordingly, the Petitioner hereby petitions for the construction of the Authorized Improvements identified in this Petition and the Supplemental Plan attached to this Petition as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified in this Petition and authorized under Ohio Revised Code Chapters 727 and 1710 (the “Special Assessments”) to pay the costs of the Authorized Improvements.

In consideration of the City’s acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages amount; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities to pay costs of the Authorized Improvements in anticipation of the receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; and any program administration fees or financing servicing fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

Notwithstanding anything to the contrary contained herein, in the event that at any time following the date of this Petition the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), the Petitioner hereby requests that the Special Assessments be allocated only to the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). The allocation among any resulting Assessed Parcels shall be made such that any Assessed Parcel or Assessed Parcels on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion

to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcels. The Petitioner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, as described above, will cause each resulting Assessed Parcel to have Special Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements. Immediately upon any subdivision of the Property, (i) any reference to the Property contained in this Petition shall be deemed to be a reference to all of the Assessed Parcel; and (ii) the legal description of the Assessed Parcel shall be deemed to replace the legal description of the Property set forth in **Exhibit A**.

In consideration of the Authorized Improvements, each of the Petitioner, for itself and its grantees and other successors with respect to the Property, agrees to pay promptly all Special Assessments as they become due, and agrees that the determination by Council of the Special Assessments in accordance with the terms hereof will be final, conclusive and binding upon the Petitioner and the Property. In further consideration of the Authorized Improvements, each of the Petitioner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be assessed for the actual costs of the Authorized Improvements set forth in **Exhibit B**, in the deed to the transferee or in a separate instrument recorded with respect to the Property the existence of any outstanding Special Assessment for the Authorized Improvements and to require that transferee covenant to disclose the existence of any outstanding Special Assessment for the Authorized Improvements in any subsequent deed or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer so long as the Special Assessments remain unpaid. As a condition to each subsequent transfer while the Special Assessments remain unpaid, the Petitioner further covenants and agrees to provide expressly in the deed to any transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer (i) for the acquisition by the transferee of the Property subject to any outstanding Special Assessment and the transferee's assumption of responsibility for payment thereof and for waiver by the transferee of any rights that the Petitioner has waived pursuant to this Petition, and (ii) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer the conditions described in clause (i) so long as the Special Assessments remain unpaid.

The Petitioner further acknowledges and confirms that the Special Assessments set forth in this Petition and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the financing of the Authorized Improvements. The Petitioner further consents to the levying of the Special Assessment against the Property by Council. The Petitioner acknowledges that these Special Assessments are fair, just and equitable and being imposed at the Petitioner's specific request.

The Petitioner hereby waives notice and publication of all resolutions, legal notices and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and consent to proceeding with the Authorized Improvements. Without limiting the foregoing, the

Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner, in accordance with Ohio Revised Code Section 1710.02(A), further agrees that the Property may be included in more than one district formed under Ohio Revised Code Chapter 1710. The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if any of the Property is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any Special Assessments levied against such Property.

The Petitioner further agrees and consents to Council promptly proceeding with all actions necessary to facilitate the acquisition, installation, equipment, and improvement of the Authorized Improvements and to impose the Special Assessments.

The Petitioner acknowledges that the Special Assessments set forth in this Petition and in the Exhibits to this Petition are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation on the Special Assessments, may be more or less than the respective estimated Special Assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City and

regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final Special Assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. Notwithstanding the foregoing, however, the Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within thirty (30) days from the passage of the ordinance confirming and levying the final assessments and requests that the unpaid final assessments for the Authorized Improvements shall be payable in fifty-eight (58) semi-annual installments.

Pursuant to Ohio Revised Code Section 1710.03(C), the Petitioner hereby appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to time, which designation shall not expire unless and until Petitioner shall notify the Secretary of the District that said designation is no longer in effect or that Petitioner has made a new designation to replace said designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which the Authorized Improvements shall be acquired, installed, or constructed or the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements, the jurisdiction of the City acting in connection with the acquisition, installation, or construction of the Authorized Improvements, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio and the Charter of the City of Cincinnati, Ohio. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the City and the Corporation will be relying upon this Petition in taking actions pursuant to it and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns of the Petitioner, the Property, and any grantees, mortgagees, lessees, or transferees of the Property. The Petitioner acknowledges that they have had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified in this Petition.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by their respective undersigned duly authorized signatories.

The undersigned is the Petitioner with respect to portion of Property having Hamilton County Parcel ID Numbers 051-0007-0041-00 and 051-0007-0042-00 and located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: [Signature]
Name: Christopher R. Hildebrandt
Title: MANAGER

Address for notices to Petitioner:

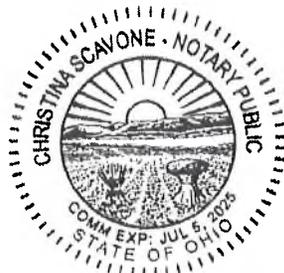
Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrandt

STATE OF OH)
)
COUNTY OF Hamilton) SS:

On the 23 day of October, 2023, Christopher Hildebrandt, as the Manager of Oakley Capital Partners 2, LLC, personally appeared before me, a notary public in and for the state and county stated above, who acknowledged the execution of the foregoing Petition on behalf of Oakley Capital Partners 2, LLC and that the same was the free act and deed of such officer and of such limited liability company. The notarial act certified hereby is a jurat. An oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

[SEAL]



[Signature]
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The real property subject to this Petition is located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 and the following legal descriptions:

PROPERTY 1: 4710 Madison Road, Cincinnati, Ohio 45227

Parcel No. 051-0007-0041-00

Situate in Section 22, Township 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records, and more particularly described as follows:

Beginning at the intersection of the northerly line of Madison Road and the easterly right of way line of the Pennsylvania (Richmond Branch) Railroad, which point of beginning is North 59 deg. 16 min. East a distance of 168.59 feet from the intersection of the northerly line of Madison Road, and the southerly line of said Lot 4; thence North 59 deg. 16 min East along the northerly line of Madison Road a distance of 177.90 feet; thence North 0 deg. 11 min. East a distance of 302.35 feet; thence North 89 deg. 49 min. West a distance of 265 feet; thence South 0 deg. 11 min. West a distance of 288.65 feet to the easterly right of way line of said Pennsylvania Railroad; thence along the said right of way line South 46 deg. 28 min. East a distance of 36.45 feet and South 46 deg. 49 min. East a distance of 117.41 feet to the place of beginning containing 2.1 acres, more or less.

PROPERTY 2: 4722 Madison Road, Cincinnati, Ohio 45227

Parcel ID No. 051-0007-0042-00

Situated in Section 22, Town 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records and more particularly described as follows;

Beginning at a point in the northerly line of Madison Road which is N. 59 deg. 16' E. a distance of 346.49 feet from the intersection of the northerly line of Madison Road and the south line of said Lot 4, said point of beginning being also N. 59 deg. 16' E. A distance of 177.90 feet from the intersection of the northerly line of Madison Road and the easterly line of the Pennsylvania (Richmond Branch) Railroad right-of-way;

thence N. 0 deg. 11' E. a distance of 302.35 feet;

thence N. 89 deg. 49' W. a distance of 265 feet;

thence N. 0 deg. 11' E. a distance of 200 feet;

thence S. 89 deg. 49' E. a distance of 286 feet;

thence S. 0 deg. 11' W. a distance of 489.77 feet to the northerly line of Madison Road;

thence S. 59 deg. 16' W. along the northerly line of Madison Road, a distance of 24.48 feet to the place of beginning. Containing 1.3 acres, more or less.

TOGETHER WITH Appurtenant Access Easements as set forth in deed dated July 7, 1954 and recorded July 29, 1954 in Deed Book 2697, Page 517, in the records of the Recorder of Hamilton County, Ohio.

(a) As affected by amended and/or supplemented Easements Agreement contained in deed recorded May 21, 2009 in Official Record Book 11146, Page 1807, in the records of the Recorder of Hamilton County, Ohio.

(b) As affected by amended and/or supplemented Easement Agreement dated October 5, 2017 and recorded October 9, 2017 in Official Record Book 13519, Page 2365 in the records of the Recorder of Hamilton County, Ohio.

EXHIBIT B

CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

SUPPLEMENT TO PLAN FOR 4710 MADISON ROAD PROJECT

As more fully provided by the City of Cincinnati, Ohio Special Improvement District Program Plan (together with all previously approved supplemental plans, the “Plan”), the City of Cincinnati, Ohio Energy Special Improvement District (the “District”) has undertaken the administration of a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, the undersigned (the “Property Owner”) has requested and consented to certain special assessments by the District with respect to certain real property owned by the Property Owner and located at 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 (the “Property”). A schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached hereto as Attachment A.

Initially the special assessments shall be allocated among the parcels (each an “Original Parcel” and, collectively, the “Original Parcels”) constituting the Property as follows:

In the event that at any time following the date of this Supplemental Plan the Property or any parcel contained in the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the “County Auditor”), then the Property Owner hereby requests that the Special Assessments be allocated among only the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the “Assessed Parcels”). No Special Assessments shall be allocated to any resulting parcels which will not have any portion of the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space constructed thereon (the “Non-Assessed Parcels”). The allocation among any resulting Assessed Parcel shall be made such that the Assessed Parcels or Assessed Parcel on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space are constructed and into which the Authorized Improvements will be incorporated (the “Assessed Buildings”) shall be allocated a combined total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments in the percentage stated above, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcel. The Property Owner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, and the fact that no Special Assessments will be allocated to any resulting Non-Assessed Parcel, all as described above, will cause each resulting Assessed Parcel to have Special

Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements identified in this Supplemental Plan.

The Authorized Improvements applicable to the Property will include energy efficiency HVAC improvements, lighting, building envelope improvements, and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment B. The Property Owner hereby acknowledges and agrees that the special benefit to be provided to the Property under this Supplemental Plan is the consummation of the financing to pay, finance, and refinance costs of the Authorized Improvements, which shall be conferred immediately upon the consummation of the financing, and that the benefits are in proportion to and do not exceed the amount of the Special Assessments to be levied to pay the costs of the financing.

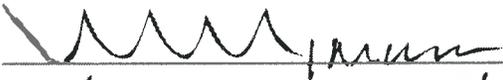
The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Directors of the District and with the Clerk of the City Council of Cincinnati, Ohio.

The undersigned owner of real property to be located within the District acknowledge that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.

BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY REPRESENTS THAT THE INFORMATION CONTAINED IN THIS SUPPLEMENTAL PLAN IS TRUE AND CORRECT AND HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) BEING FILED WITH THE CLERK OF THE CINCINNATI CITY COUNCIL, AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: 

Name: Christopher R. Hildebrand

Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrand

Description of Real Property Subject to this Supplemental Plan:

The real property subject to this Petition is located at the commonly used mailing 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID No. 051-0007-0041-00 and 051-0007-0042-00.

SUPPLEMENTAL PLAN—ATTACHMENT A

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

SUPPLEMENTAL PLAN—ATTACHMENT B

Description of Authorized Improvements

The Authorized Improvements are expected to consist of the following energy efficiency elements:

Energy Project Name: Oakley Parke (4710 Madison Rd.) Parcel ID: 51-0007-0041-00, 051-0007-0042-00, 051-0007- 0073-00 County/State: Cincinnati, OH						
	Improvement Description	Useful Life	Contractor	Improvement Cost (\$)	Baseline Energy Cost (\$)	Projected Energy Savings (\$)
1	Building Envelope Hard Costs	30	Morelia Group	\$3,854,000	See COMchecks	See COMchecks
2	Qualifying Soft Costs	30	Morelia Group	\$1,981,860		
3						
4						
5						
6						
TOTALS:						

EXHIBIT C

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

[See Attached]

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

The City of Cincinnati, Ohio Energy Special Improvement District (the “District”) will administer a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects. The District authorizes and adopts this plan for the Program (as the same may be amended and supplemented from time to time as provided herein, the “Plan”) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program. The Port of Greater Cincinnati Development Authority, as the initial property owner owning real property within the District, as well as in its capacity as a party with interests aligned with the City of Cincinnati (the “City”) with respect to the formation of the District, authorizes and consents to this Plan.

The District is established pursuant to the special energy improvement district provisions of Chapter 1710 of the Ohio Revised Code. This Plan refers to Chapter 1710 and any and all future amendments to the special energy improvement district provisions of Chapter 1710 as the “Act.” Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

Participation in the District’s Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Program’s terms and conditions. These terms and conditions are addressed in this Plan, and include, without limitation, an application, a petition, a schedule of assessments to be made on included property (“Assessment Schedule”), and the governing documents forming the District. The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Plan, an application, a petition, and an Assessment Schedule. The Governing Documents, this Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.”

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described in Part X of this Plan. **By agreeing to and executing the District Documents, each property owner consents to the terms and conditions of all District Documents.**

I. Purpose of the Program

The Program is intended to assist property owners, whether private or public, who own real property within participating political subdivisions to obtain financing for special energy

improvement projects, as that term is defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, or nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by the District or on behalf of the District by a third party. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating political subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due; provided, that certain Program Obligations may require special assessments to be due and payable by property owners only to the extent that such property owners fail to pay an obligation of the property owner secured by special assessments, such as a loan, in which case special assessments will only be due and payable by property owners if actually levied.

Nothing in this Plan shall be construed as a representation on the part of any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board that the Program is the best financing option for every situation. Property owners are advised to conduct independent research to determine the best course of action.

II. The District’s Governance, Program Administrator, and Conduit Financing Entity

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of the City of Cincinnati, Ohio Energy Special Improvement District, Inc., a nonprofit corporation organized under the laws of the State of Ohio (the “Corporation”) to govern the District.

Pursuant to the Act, other Ohio law, and the Code of Regulations of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

This Plan specifically contemplates that, as authorized in the Act, Greater Cincinnati Energy Alliance will serve as the District’s “Program Administrator” and render program administration services to the District and the Port of Greater Cincinnati Development Authority will serve as the District’s “Conduit Financing Entity” and render conduit financing services to the District.

The District is authorized to contract with Greater Cincinnati Energy Alliance for program administration services rendered to the District. The program administration services rendered by the Program Administrator may include, without limitation (i) pursuant to Part III of this Plan, developing and administering eligibility guidelines, creating and administering an application,

setting criteria and developing a list of pre-approved contractors, procuring resources or cooperating with property owners to procure resources, and administering referrals, (ii) pursuant to Part IV of this Plan, marketing, program design, cooperating with property owners to implement Authorized Improvements, and other administrative services, and (iii) the establishment and administration of a revolving loan facility providing financing for certain special energy improvement projects.

The District is authorized to contract with the Port of Greater Cincinnati Development Authority for conduit financing services rendered to the District. The conduit financing services rendered by the Conduit Financing Entity may include, without limitation (i) pursuant to Part III of this Plan, financing Authorized Improvement and cooperating with property owners to obtain financing, (ii) pursuant to Part IV of this Plan, tracking and administering Program Obligations, administering special assessments, budgeting, and conducting or overseeing the audit process, (iii) assistance with marketing efforts relating to the District, and (iv) tracking compliance with respect to the Economic Inclusion Plan established by the Port of Greater Cincinnati Development Authority.

III. Program Eligibility, Approvals, Financing, and Procurement

The Board is hereby authorized to create, administer, amend, and abolish a process by which property owners join the Program. The process by which property owners join the Program may include, without limitation, the following requirements:

- (A) Eligibility. The Board is hereby authorized to create, administer, amend, and abolish eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

To be eligible for participation in the Program, each property owner must file a petition with the Board requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, including,

specifically, by supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or add property to the District and subject such additional property to the Plan. To be eligible for participation in the Program, each property owner must file a supplement to this Plan (the "Plan Supplement") with the Board and the clerk of the legislative body of the participating political subdivision in which the real property is located identifying the Authorized Improvements to be undertaken as part of the Plan applicable to real property within the District or to be added to the district. Plan Supplements shall include such other information as may be required by the Board. Plan Supplements shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to and must execute an Affidavit on Facts Relating to Title under Section 5301.252 of the Ohio Revised Code to be recorded with respect to the real property to be added to the District and filed with the clerk of the legislative body of the participating political subdivision in which the real property is located, which Affidavit on Facts Relating to Title shall state that the property owner has consented to include such real property in the District and that the property owner consents to, and will take all actions necessary to place upon such property, any subsequent special improvement district formed under Ohio Revised Code Chapter 1710 that includes such real property as long as the statutory conditions for forming the subsequent special improvement district are otherwise satisfied.

- (B) Application. The Board is hereby authorized to create, administer, amend, and abolish an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.
- (C) Contractors. The Board is hereby authorized to require property owners to complete Authorized Improvements through the work of pre-approved contractors. The Board is further authorized to create criteria for the approval of contractors, including but not limited to compliance with the Economic Inclusion Plan adopted by the Port of Greater Cincinnati Development Authority, and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (D) Procurement and Referrals. The Board is hereby authorized to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

Pursuant to the Act, the Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the City or the procedures in Chapter 735 of the Ohio Revised Code and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to the City as a participating political subdivision.

- (E) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

IV. Services Plan

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.

- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Plan Supplements by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer, amend, and abolish procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire such professionals as may be required to successfully administer special assessments.
- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

V. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating City of Cincinnati, Energy Special Improvement District, Inc., hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, and implementing Authorized Improvements or services under this Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses, and, for services under this Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any court costs incurred by the District in implementing this Plan or any Plan Supplements;
- (D) Any damages resulting from implementing the public improvements or public services plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan; and
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

VI. Energy Efficiency and Renewable Energy Regulations and Requirements

Energy Efficiency Reporting Requirements. Ohio Revised Code Section 1710.061 requires the Board to submit a quarterly report to each electric distribution utility ("EDU") with a District Authorized Improvement within the EDU's certified territory. The quarterly report submitted to the EDU must include the total number and a description of each new and ongoing District Authorized Improvement that produces energy efficiency savings or reduction in demand and other additional information that the EDU needs to obtain credit under Ohio Revised Code

Section 4928.66 for energy efficiency savings or reduction in demand from such projects. The Board is hereby authorized to submit quarterly reports due required under Ohio Revised Code Section 1710.061. Property owners shall comply with Board requirements for information gathering and reporting to ensure Board compliance with Ohio Revised Code Section 1710.061.

Energy Efficiency Credits. The Board is hereby authorized to adopt rules governing energy efficiency credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of energy efficiency credit programs.

Renewable Energy Credits. The Board is hereby authorized to adopt rules governing renewable energy credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of renewable energy credit programs.

Monetizing Other Energy Efficiency or Renewable Energy Attributes. The Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of the monetization of such attributes.

VII. Statutory Requirements

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Part III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in each petition and Plan Supplement. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.

- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

VIII. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Authorized Improvements is subject to a variety of state and federal laws. If these laws change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under this Plan. **The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law. The District shall not be liable for any inability to finance Authorized Improvements as a result of state and federal law or any changes in state and federal law which reduce or eliminate the effectiveness of financing Authorized Improvements through the District's Program.**

IX. Releases and Indemnification

The District has been created with the approval of the City of Cincinnati, Ohio, as a participating political subdivision, for the purposes of implementing this Plan and administering the Program. The District and any participating political subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, or maintenance of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing, and maintenance of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating political subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By agreeing to and executing this Plan, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program. Any political subdivision that owns real property included in the District agrees to release and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with the political subdivision's participation in the Program in its capacity as a property owner.

X. Changes in the Program Terms; Severability

Participation in the Program is subject to the District Document terms and conditions in effect from time to time during participation. The District reserves the right to change this Plan and the

terms and conditions of the District Documents at any time without notice. No such change will affect a property owner's obligation to pay special assessments as set forth in the District Documents.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

XI. Disclosure of Property Owner Information

The District and any participating political subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with the law (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. In order to receive funding for the Program and to enable communication regarding the State of Ohio's energy programs, property owners' names and contact information may be disclosed to their current electric utilities. Property owners' names, contact information, and utility usage data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.

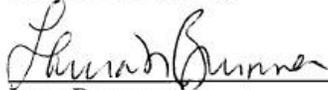
Each owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* Each property owner that executes this Plan agrees to the disclosure of certain property owner information as stated in this Part.

BY EXECUTING THIS PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS PLAN AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS PLAN.

Date: July 23, 2014

Property Owner:
PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY

Authorized Signatory



Laura Brunner, as
President and Chief Executive Officer

Address for notices to Property Owner:

Port of Greater Cincinnati Development Authority

299 East Sixth Street, Suite 2A

Cincinnati, Ohio 45202

Description of Real Property Subject to this Plan:

The real property subject to this Plan is located at the commonly used mailing address 1682 Seymour Avenue, Cincinnati, Ohio 45237. The front footage of the real property subject to this Plan is 233.00 feet, and its area is 0.418 acres. The Hamilton County Auditor Parcel ID for the real property subject to this Plan is 117-0007-0064-00. The following is the legal description for the real property subject to this Plan:

Parcel One

Situated in the City of Cincinnati, County of Hamilton, State of Ohio in Section 6, Township 3, Fractional Range 2, Millcreek Township and being Lot #1 of Shonae Subdivision, Block A, as recorded in Plat Book 105, Page 44, Hamilton County, Ohio Recorder's records.

Parcel Two

[Property Owner Consent to Plan]

The following described real estate situated in Section 6, Town 3, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 2, Part 1, Block "B", Shonae Subdivision as recorded in Plat Book 120, Pages 49 and 50 of the Hamilton County, Ohio records.

Beginning in the Northwest corner of Block "A", Shonae Subdivision as recorded in Plat Book 105, Page 44 of the Hamilton County, Ohio Recorder's office;

Thence North 1 deg. 15' East, a distance of 21.75 feet; thence South 88 deg. 45' East, a distance of 146.46 feet to the Westerly line of Shona Drive; thence Southwardly along the Westerly line of Shona Drive on a curved line deflecting to the right with a radius of 220 feet a distance of 23.16 feet, chord of said curve bears South 21 deg. 16' 35" West, a distance of 23.14 feet to the Northeast corner of said Block "A", Shonae Subdivision, thence North 68 deg. 45' West, a distance of 138.53 feet to the place of beginning.

These parcels are not to be conveyed separately without prior approval of the governmental authority having jurisdiction.

[Property Owner Consent to Plan]

November 1, 2023

To: Mayor and Members of City Council

202302295

From: Sheryl M.M. Long, City Manager

**Subject: LEVYING SPECIAL ASSESSMENTS FOR THE PACE
ASSESSMENT PROJECT FOR 4710 MADISON ROAD**

Attached is an emergency ordinance captioned:

LEVYING special assessments for the purpose of the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

BACKGROUND/CURRENT CONDITIONS

The Ohio PACE (Property Assessed Clean Energy) program allows commercial property owners to opt into a special assessment added to the property tax bill to access long-term, fixed-rate financing for energy efficiency upgrades. Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC, has requested to have their property added to the Energy Special Improvement District (ESID) and special assessments levied on the property to access PACE financing for energy efficiency upgrades to their commercial development project.

DEVELOPER INFORMATION

The development entity is Oakley Capital Partners 2, LLC, an affiliate of Morelia Group, LLC. Morelia Group, based out of Mason, Ohio, is a real estate investment trust engaged in ownership of various shopping, dining, entertaining, and mixed-use developments throughout Greater Cincinnati. They have recently completed two commercial development projects along Madison Road in Oakley, the Oakley Connection and the Encore of Oakley.

PROJECT DESCRIPTION

This project will include the construction of 43,200 square feet of new commercial space consisting of two 14,800 square foot retail buildings and an additional 4,200 square feet of retail space across two (2) separate parcels sharing the common mailing

address of 4710 Madison Road in Madisonville. The total cost of the PACE-eligible improvements is \$15,896,383.64.

PROPOSED INCENTIVE

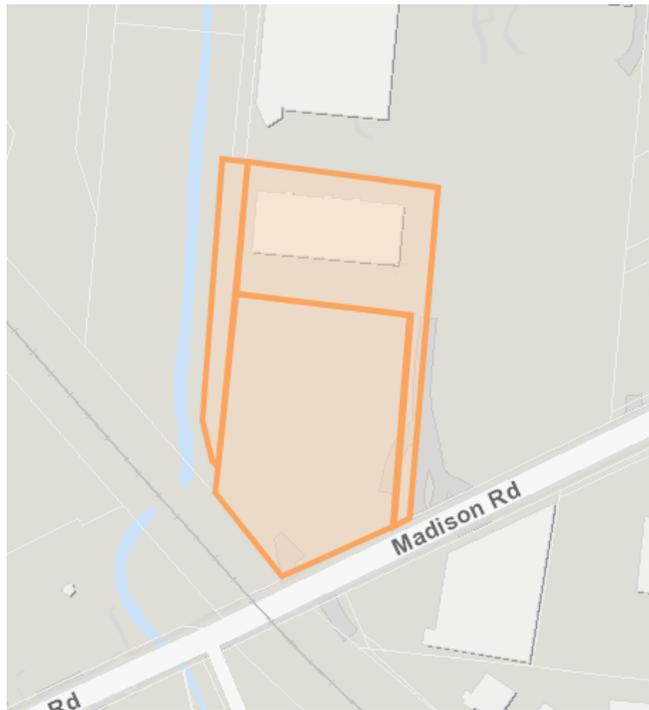
The Developer has petitioned the City to amend the Energy Special Improvements District (ESID) boundaries to add this property to the district and levy special assessments on the property. DCED has reviewed the request and recommends adding this property to the ESID boundary to allow the developer to be assessed for qualifying costs for energy efficiency upgrades to building envelopes and qualifying soft costs.

RECOMMENDATION

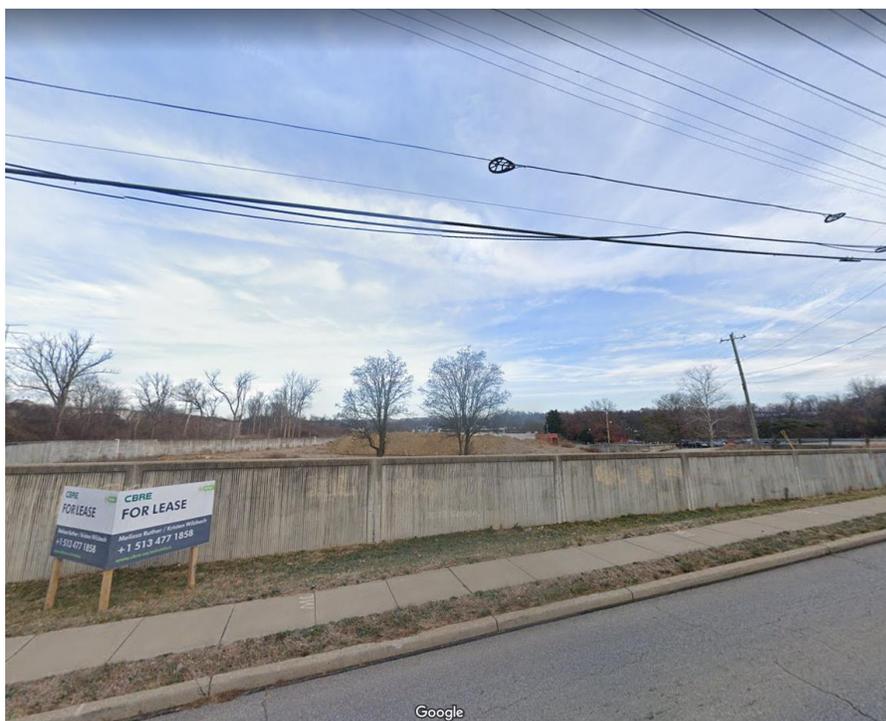
The Administration recommends approval of this emergency ordinance.

cc: Markiea Carter, Director, Department of Community & Economic Development

Attachment A: Location and Site Rendering



4710 Madison Road Location



4710 Maidson Road Picture

EMERGENCY

-2023

LEVYING special assessments for the purpose of the special assessment project at 4710 Madison Road in the City of Cincinnati involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, this Council duly adopted a legislative resolution declaring the necessity of an assessment project at 4710 Madison Road in the City of Cincinnati (the “Resolution of Necessity”), which Resolution of Necessity also accepted and approved the Petition (as defined therein) requesting the improvements described in Section 3 of the Resolution of Necessity and an assessment for the cost thereof, all as set forth in the Petition; and

WHEREAS, this Council duly passed an ordinance determining to proceed with the Assessment Project (as defined in the Resolution of Necessity) and adopted the estimated Special Assessments filed with the Clerk of Council and the City’s Director of Finance pursuant to the Resolution of Necessity; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity, an unsigned copy of which is attached to this ordinance as Attachment B.

Section 2. That the Special Assessments for the costs and expenses of the Assessment Project, which are set forth in the Petition (a copy of which is attached to the Resolution of Necessity) and are on file with the Clerk of Council and the City’s Finance Director, are adopted and confirmed and are assessed against the Assessed Property in the manner and in the number of installments provided in the Resolution of Necessity and the Petition. The Special Assessments are assessed against the Assessed Property commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2053 for collection in 2054. The list of Special Assessments to be levied and assessed against the Assessed Property and the schedule of the

Special Assessments are attached to this ordinance as Attachment A. The Assessment Project shall be located entirely on the Assessed Property, as set forth in the Resolution of Necessity and the Petition.

Section 3. That this Council hereby finds and determines that the Special Assessments are in proportion to the special benefits received by the Assessed Property as set forth in the Petition and are not in excess of any applicable statutory limitation. The Special Assessments against the Assessed Property shall be payable as set forth in the Resolution of Necessity and the Petition. All Special Assessments shall be certified by the City's Finance Director to the Hamilton County Auditor pursuant to the Petition and Ohio Revised Code ("R.C.") Section 727.33, to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition. This Council hereby appropriates the Special Assessments collected to be used by the City to meet its obligations with respect to the Assessment Project in accordance with the Standing Assignment Agreement and the Addendum.

Section 4. That the Owner of the Assessed Property has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments thereof are to be certified by the City's Finance Director to the Hamilton County Auditor as provided by law to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

Section 5. That the City's Finance Director is authorized to keep the Special Assessments on file in the office of the Finance Director.

Section 6. That in compliance with R.C. Section 319.61, the Clerk of the Council is hereby directed to deliver a certified copy of this ordinance to the Hamilton County Auditor within twenty days after its passage.

Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

Section 8. 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 ensure that the board of directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

4710 MADISON ROAD
LIST OF SPECIAL ASSESSMENTS

Name	Assessed Properties Description	Portion of Benefit and Special Assessment	Amount of Special Assessments
	Hamilton County Parcel No: 051-0007-0041-00	56%	\$154,066.15
Oakley Capital Partners 2, LLC	Hamilton County Parcel Number: 051-0007-0042-00	44%	\$120,009.43

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID No. 051-0007-0042
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

ATTACHMENT B

EMERGENCY

Legislative Resolution

RESOLUTION NO. _____ - 2023

DECLARING by legislative resolution the necessity of the special assessment project at 4710 Madison Road in the City of Cincinnati, Ohio involving the City of Cincinnati, Ohio Energy Special Improvement District.

WHEREAS, Ohio Revised Code (“R.C.”) Section 1710.02(F) provides that a political subdivision that has approved a petition for special assessments for public improvements in a special improvement district pursuant to R.C. Chapter 1710 shall levy said special assessments pursuant to R.C. Chapter 727; and

WHEREAS, pursuant to Resolution No. 28-2014 passed on April 9, 2014, Council approved the Petition for the Creation of the City of Cincinnati, Ohio Energy Special Improvement District, together with the Articles of Incorporation of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. and, following said approvals by Council, on July 23, 2014, the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (hereinafter, the “ESID”) was formed as an ESID and is now duly authorized and operating pursuant to R.C. Chapter 1710; and

WHEREAS, Oakley Capital Partners 2, LLC (the “Owner”), as the owner of 100 percent of the lots and lands, including air parcels, to be assessed for the improvements described in this Resolution, has executed and filed with this Council a Petition for Special Assessments for Special Energy Improvement Projects dated as of October 23, 2023 (the “Petition”), including a Supplement to Plan for 4710 Madison Road Project (the “Supplemental Plan”), proposing the necessity of special assessments to pay the costs of special energy improvement projects (as more fully identified in the Petition and Supplemental Plan, the “Authorized Improvements”) to be located at 4710 Madison Road in Cincinnati (the “Assessed Property”); and

WHEREAS, the Petition and the Supplemental Plan are on file with the Clerk of Council, and copies thereof are attached to this Resolution as Attachment A; and

WHEREAS, in the Petition, the Owner requests that the Authorized Improvements be paid for by special assessments assessed upon the Assessed Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Authorized Improvements and other related costs of financing the Authorized Improvements, which include, without limitation, the payment of principal of, interest on, and financing, credit enhancement, and issuance expenses related to, any bonds, notes, loans, or other financing provided to pay the costs of the Authorized Improvements, and requests that the Authorized Improvements be undertaken cooperatively by the City, the ESID, and the Owner, in accordance with the Standing Assignment Agreement dated as of February 28, 2017 by and among the City, the Port of Greater Cincinnati Development Authority, and the ESID (the “Standing Assignment Agreement”); and

WHEREAS, in order to provide for the assignment and transfer of the Special Assessments, the ESID has requested that the City execute and deliver an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council; and

WHEREAS, (i) the Special Assessments are conducive to the public health, convenience and welfare of this City and the inhabitants of the City; (ii) the Assessed Property is specially benefited by the Special Assessments; and (iii) the Special Assessments have been petitioned for by the owner of 100 percent of the Assessed Property; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition for Special Assessments for Special Energy Improvement Projects dated October 23, 2023 (the "Petition"), which Petition, together with a Supplement to Plan for 4710 Madison Road Project (the "Supplemental Plan"), are hereby approved and accepted, and copies of which are attached to this Resolution as Attachment A.

Section 2. That this Council hereby approves and authorizes the City Manager to execute an Addendum to the Standing Assignment Agreement substantially in the form now on file with the Clerk of Council, together with any modifications as may be necessary to effectuate the purpose of the Petition and Ohio Revised Code ("R.C.") Chapter 1710, provided that any such modifications shall not, in the judgment of the City Manager, be adverse to the City.

Section 3. That it is hereby declared necessary, and a vital and essential public purpose of the City, to improve the real property located at 4710 Madison Road, Cincinnati, Ohio (the "Assessed Property"), by providing for special energy improvement projects as more fully identified in the Petition and Supplemental Plan (the "Authorized Improvements") on the Assessed Property, including any and all costs and expenses in connection with or otherwise related thereto as described in the Petition (collectively, the "Assessment Project"), which Assessment Project is described in the plans, specifications, profiles, and estimates of costs included in the Petition and on file in the office of the Clerk of Council.

Section 4. That the plans and specifications and total cost of the Assessment Project now on file in the office of the Clerk of Council are approved, subject to changes as provided for in the Standing Assignment Agreement among the City, the Port of Greater Cincinnati Development Authority, and the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the "ESID"), and as permitted by R.C. Chapter 727. The Assessment Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Assessment Project.

Section 5. That this Council finds and determines that: (i) the Assessment Project is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and that it is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project as defined in R.C. Section 1710.01(I); (ii) the Assessed Property is specially benefited by the Assessment Project; and (iii) the Assessment Project has been petitioned for by the owner of 100 percent of the Assessed Property. It is hereby determined that the Assessment Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Assessment Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner, and that the Assessment Project's elements shall be treated as a single improvement pursuant to R.C. Section 727.09.

Section 6. That pursuant to R.C. Section 1710.02(G)(4), Council hereby determines that the Assessment Project is not required to be owned exclusively by the City. Council accordingly hereby authorizes the board of directors of the ESID to act as its agent to sell, transfer, lease, or convey the Assessment Project. The board of directors of the ESID must obtain from any sale, transfer, lease, or conveyance of the Assessment Project any consideration greater than or equal to \$1.00.

Section 7. That the costs of the Assessment Project, as set forth in the Petition, shall be assessed in proportion to the benefits upon the Assessed Property, and the assessment for such purpose (the “Special Assessments”) shall be assessed and paid as specified in the Petition. The portion of the costs of the Assessment Project allocable to the City will be zero percent. The City does not intend to issue securities in anticipation of the levy of the Special Assessments.

Section 8. That the City’s Finance Director and/or her designee is authorized to cause to be prepared and filed in the office of the Clerk of Council the estimated Special Assessments and the cost of the Assessment Project in accordance with the method of assessment set forth in the Petition and this Resolution.

Section 9. That the Special Assessments shall be levied and paid in 58 semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition. The Owner has waived the right to pay the Special Assessment in cash within thirty days after the first publication of the notice of the assessing ordinance.

Section 10. That the Owner has waived notice of the adoption of this Resolution and the filing of the estimated Special Assessments upon the filing of the estimated Special Assessments with the Clerk of Council under R.C. Section 727.13.

Section 11. That pursuant to and subject to the provisions of a valid Petition signed by the Owner, as the owner of 100 percent of the Assessed Property, which Petition is hereby accepted, the entire cost of the Assessment Project, which shall be located entirely on the Assessed Property, shall be paid by the Special Assessments levied against the Assessed Property, which is the benefited property.

Section 12. That this Council hereby accepts and approves the waivers contained in the Petition of all further notices, hearings, claims for damages, rights to appeal, and other rights of property owners under the law, including, but not limited to, those specified in the Ohio

Constitution, R.C. Chapter 727, R.C. Chapter 1710, and the Charter of the City of Cincinnati, Ohio, and consents to the immediate imposition of the Special Assessments upon the Assessed Property.

Section 13. That the City’s Finance Director and/or her designee is authorized, pursuant to R.C. Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Assessment Project.

Section 14. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. Section 121.22.

Section 15. That this resolution 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 ensure that the board of directors of the ESID may proceed with the Assessment Project as soon as possible so that work thereon may commence or continue without delay.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

**PETITION FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO THE CITY OF CINCINNATI, OHIO SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS AGAINST PROPERTY OWNED BY THE PETITIONER AND SPECIALLY BENEFITED THEREBY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The City Manager and City Council of the City of Cincinnati, Ohio

As of the date of this Petition, the undersigned, Oakley Capital Partners 2, LLC, an Ohio limited liability company (the "Petitioner") is the owner of 100% of the property described on **Exhibit A** attached to this Petition (the "Property") and will implement special energy improvement projects on the Property (the "Authorized Improvements," as further described in **Exhibit B**).

The Board of Directors of the City of Cincinnati, Ohio Energy Special Improvement District, Inc. (the "Corporation"), an Ohio nonprofit corporation formed to govern the City of Cincinnati, Ohio Energy Special Improvement District (the "District"), created within the boundaries of the City of Cincinnati, Ohio (the "City") has approved a plan (the "Program Plan") for the purpose of developing and implementing special energy improvement projects, as defined in Ohio Revised Code Section 1710.01(I). The Program Plan is attached to this Petition as **Exhibit C**.

Pursuant to the Program Plan, the Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Ohio Revised Code Chapter 1710 and the Program Plan, the Program Plan may be amended from time to time by supplemental plans (the "Supplemental Plans") (the Program Plan and every Supplemental Plan together constituting the "Plan") to provide for additional special energy improvement projects, and the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for each parcel of real property within the additional territory added to the District.

The Board of Directors of the Corporation has received the Supplemental Plan attached to this Petition as **Exhibit B**, including the description of the Authorized Improvements, and related materials in support of the expansion of the District to include the Property.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be added to the District and 100% of the area proposed to be assessed for the Authorized Improvements, hereby (a) petition the Cincinnati City Council ("Council") to (i) approve the addition of the Property to the District and (ii) approve an amendment and supplement to the Plan by the Supplemental Plan to include the Authorized Improvements and (b) request that (i) Authorized Improvements be undertaken by the District, and

(ii) the total cost of those Authorized Improvements be assessed on the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and in furtherance of its purposes, the Petitioner acknowledges that it has have reviewed or caused to be reviewed (i) the Plan and the Supplemental Plan, (ii) the plans, specifications and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in **Exhibit B** and (iv) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in **Exhibit B**. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the financing of the Authorized Improvements.

Accordingly, the Petitioner hereby petitions for the construction of the Authorized Improvements identified in this Petition and the Supplemental Plan attached to this Petition as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified in this Petition and authorized under Ohio Revised Code Chapters 727 and 1710 (the "Special Assessments") to pay the costs of the Authorized Improvements.

In consideration of the City's acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages amount; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities to pay costs of the Authorized Improvements in anticipation of the receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; and any program administration fees or financing servicing fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

Notwithstanding anything to the contrary contained herein, in the event that at any time following the date of this Petition the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the "County Auditor"), the Petitioner hereby requests that the Special Assessments be allocated only to the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the "Assessed Parcels"). The allocation among any resulting Assessed Parcels shall be made such that any Assessed Parcel or Assessed Parcels on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the "Assessed Buildings") shall be allocated a total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion

to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcels. The Petitioner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, as described above, will cause each resulting Assessed Parcel to have Special Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements. Immediately upon any subdivision of the Property, (i) any reference to the Property contained in this Petition shall be deemed to be a reference to all of the Assessed Parcel; and (ii) the legal description of the Assessed Parcel shall be deemed to replace the legal description of the Property set forth in **Exhibit A**.

In consideration of the Authorized Improvements, each of the Petitioner, for itself and its grantees and other successors with respect to the Property, agrees to pay promptly all Special Assessments as they become due, and agrees that the determination by Council of the Special Assessments in accordance with the terms hereof will be final, conclusive and binding upon the Petitioner and the Property. In further consideration of the Authorized Improvements, each of the Petitioner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be assessed for the actual costs of the Authorized Improvements set forth in **Exhibit B**, in the deed to the transferee or in a separate instrument recorded with respect to the Property the existence of any outstanding Special Assessment for the Authorized Improvements and to require that transferee covenant to disclose the existence of any outstanding Special Assessment for the Authorized Improvements in any subsequent deed or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer so long as the Special Assessments remain unpaid. As a condition to each subsequent transfer while the Special Assessments remain unpaid, the Petitioner further covenants and agrees to provide expressly in the deed to any transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer (i) for the acquisition by the transferee of the Property subject to any outstanding Special Assessment and the transferee's assumption of responsibility for payment thereof and for waiver by the transferee of any rights that the Petitioner has waived pursuant to this Petition, and (ii) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer the conditions described in clause (i) so long as the Special Assessments remain unpaid.

The Petitioner further acknowledges and confirms that the Special Assessments set forth in this Petition and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the financing of the Authorized Improvements. The Petitioner further consents to the levying of the Special Assessment against the Property by Council. The Petitioner acknowledges that these Special Assessments are fair, just and equitable and being imposed at the Petitioner's specific request.

The Petitioner hereby waives notice and publication of all resolutions, legal notices and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and consent to proceeding with the Authorized Improvements. Without limiting the foregoing, the

Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner, in accordance with Ohio Revised Code Section 1710.02(A), further agrees that the Property may be included in more than one district formed under Ohio Revised Code Chapter 1710. The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if any of the Property is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any Special Assessments levied against such Property.

The Petitioner further agrees and consents to Council promptly proceeding with all actions necessary to facilitate the acquisition, installation, equipment, and improvement of the Authorized Improvements and to impose the Special Assessments.

The Petitioner acknowledges that the Special Assessments set forth in this Petition and in the Exhibits to this Petition are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation on the Special Assessments, may be more or less than the respective estimated Special Assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City and

regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final Special Assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. Notwithstanding the foregoing, however, the Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within thirty (30) days from the passage of the ordinance confirming and levying the final assessments and requests that the unpaid final assessments for the Authorized Improvements shall be payable in fifty-eight (58) semi-annual installments.

Pursuant to Ohio Revised Code Section 1710.03(C), the Petitioner hereby appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to time, which designation shall not expire unless and until Petitioner shall notify the Secretary of the District that said designation is no longer in effect or that Petitioner has made a new designation to replace said designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which the Authorized Improvements shall be acquired, installed, or constructed or the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements, the jurisdiction of the City acting in connection with the acquisition, installation, or construction of the Authorized Improvements, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio and the Charter of the City of Cincinnati, Ohio. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the City and the Corporation will be relying upon this Petition in taking actions pursuant to it and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns of the Petitioner, the Property, and any grantees, mortgagees, lessees, or transferees of the Property. The Petitioner acknowledges that they have had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified in this Petition.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by their respective undersigned duly authorized signatories.

The undersigned is the Petitioner with respect to portion of Property having Hamilton County Parcel ID Numbers 051-0007-0041-00 and 051-0007-0042-00 and located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: [Signature]
Name: Christopher R. Hildebrandt
Title: MANAGER

Address for notices to Petitioner: Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrandt

STATE OF OH)
) SS:
COUNTY OF Hamilton)

On the 22 day of October, 2023, Christopher Hildebrandt, as the Manager of Oakley Capital Partners 2, LLC, personally appeared before me, a notary public in and for the state and county stated above, who acknowledged the execution of the foregoing Petition on behalf of Oakley Capital Partners 2, LLC and that the same was the free act and deed of such officer and of such limited liability company. The notarial act certified hereby is a jurat. An oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

[SEAL.]



[Signature]
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The real property subject to this Petition is located at the commonly used mailing address 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 and the following legal descriptions:

PROPERTY 1: 4710 Madison Road, Cincinnati, Ohio 45227

Parcel No. 051-0007-0041-00

Situate in Section 22, Township 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records, and more particularly described as follows:

Beginning at the intersection of the northerly line of Madison Road and the easterly right of way line of the Pennsylvania (Richmond Branch) Railroad, which point of beginning is North 59 deg. 16 min. East a distance of 168.59 feet from the intersection of the northerly line of Madison Road, and the southerly line of said Lot 4; thence North 59 deg. 16 min East along the northerly line of Madison Road a distance of 177.90 feet; thence North 0 deg. 11 min. East a distance of 302.35 feet; thence North 89 deg. 49 min. West a distance of 265 feet; thence South 0 deg. 11 min. West a distance of 288.65 feet to the easterly right of way line of said Pennsylvania Railroad; thence along the said right of way line South 46 deg. 28 min. East a distance of 38.45 feet and South 46 deg. 49 min. East a distance of 117.41 feet to the place of beginning containing 2.1 acres, more or less.

PROPERTY 2: 4722 Madison Road, Cincinnati, Ohio 45227

Parcel ID No. 051-0007-0042-00

Situated in Section 22, Town 4, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 4 of Ralph Reeder's Estate as recorded in Deed Book 368, Page 61 of the Hamilton County, Ohio records and more particularly described as follows;

Beginning at a point in the northerly line of Madison Road which is N. 59 deg. 16' E. a distance of 346.49 feet from the intersection of the northerly line of Madison Road and the south line of said Lot 4, said point of beginning being also N. 59 deg. 16' E. A distance of 177.90 feet from the intersection of the northerly line of Madison Road and the easterly line of the Pennsylvania (Richmond Branch) Railroad right-of-way;

thence N. 0 deg. 11' E. a distance of 302.35 feet;

thence N. 89 deg. 49' W. a distance of 265 feet;

thence N. 0 deg. 11" E. a distance of 200 feet;

thence S. 89 deg. 49' E. a distance of 288 feet;

thence S. 0 deg. 11' W. a distance of 489.77 feet to the northerly line of Madison Road;

thence S. 59 deg. 16' W. along the northerly line of Madison Road, a distance of 24.48 feet to the place of beginning. Containing 1.3 acres, more or less.

TOGETHER WITH Appurtenant Access Easements as set forth in deed dated July 7, 1954 and recorded July 29, 1954 in Deed Book 2697, Page 517, in the records of the Recorder of Hamilton County, Ohio.

(a) As affected by amended and/or supplemented Easements Agreement contained in deed recorded May 21, 2009 in Official Record Book 11146, Page 1807, in the records of the Recorder of Hamilton County, Ohio.

(b) As affected by amended and/or supplemented Easement Agreement dated October 5, 2017 and recorded October 9, 2017 in Official Record Book 13519, Page 2365 in the records of the Recorder of Hamilton County, Ohio.

EXHIBIT B

CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

SUPPLEMENT TO PLAN FOR 4710 MADISON ROAD PROJECT

As more fully provided by the City of Cincinnati, Ohio Special Improvement District Program Plan (together with all previously approved supplemental plans, the "Plan"), the City of Cincinnati, Ohio Energy Special Improvement District (the "District") has undertaken the administration of a property assessed clean energy ("PACE") program (the "Program"). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, the undersigned (the "Property Owner") has requested and consented to certain special assessments by the District with respect to certain real property owned by the Property Owner and located at 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID Nos. 051-0007-0041-00 and 051-0007-0042-00 (the "Property"). A schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached hereto as Attachment A.

Initially the special assessments shall be allocated among the parcels (each an "Original Parcel" and, collectively, the "Original Parcels") constituting the Property as follows:

In the event that at any time following the date of this Supplemental Plan the Property or any parcel contained in the Property is combined or subdivided into permanent parcels in the records of the County Auditor of Hamilton County, Ohio (the "County Auditor"), then the Property Owner hereby requests that the Special Assessments be allocated among only the resulting parcels which will be improved with the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space into which the Authorized Improvements will be incorporated (the "Assessed Parcels"). No Special Assessments shall be allocated to any resulting parcels which will not have any portion of the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space constructed thereon (the "Non-Assessed Parcels"). The allocation among any resulting Assessed Parcel shall be made such that the Assessed Parcels or Assessed Parcel on which the approximately two 14,800 square foot retail buildings and another approximately 4,200 square feet of retail space are constructed and into which the Authorized Improvements will be incorporated (the "Assessed Buildings") shall be allocated a combined total of 100% of the Special Assessments. If the Property is combined or subdivided such that more than one Assessed Parcel is to receive an allocation of the Special Assessments in the percentage stated above, the Special Assessments to be allocated to those Assessed Parcels shall be allocated among them in proportion to the total square feet of improvements on each such Assessed Parcel divided by the total square feet of improvements on all such Assessed Parcel. The Property Owner hereby certifies, represents, and warrants to the District and the City that the portion of the Special Assessments allocated to each resulting Assessed Parcel, and the fact that no Special Assessments will be allocated to any resulting Non-Assessed Parcel, all as described above, will cause each resulting Assessed Parcel to have Special

Assessments allocated to it in proportion to, and not in excess of, the special benefits to be conferred on the resulting parcel or resulting parcels by the Authorized Improvements identified in this Supplemental Plan.

The Authorized Improvements applicable to the Property will include energy efficiency HVAC improvements, lighting, building envelope improvements, and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment B. The Property Owner hereby acknowledges and agrees that the special benefit to be provided to the Property under this Supplemental Plan is the consummation of the financing to pay, finance, and refinance costs of the Authorized Improvements, which shall be conferred immediately upon the consummation of the financing, and that the benefits are in proportion to and do not exceed the amount of the Special Assessments to be levied to pay the costs of the financing.

The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Directors of the District and with the Clerk of the City Council of Cincinnati, Ohio.

The undersigned owner of real property to be located within the District acknowledge that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.

BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY REPRESENTS THAT THE INFORMATION CONTAINED IN THIS SUPPLEMENTAL PLAN IS TRUE AND CORRECT AND HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) BEING FILED WITH THE CLERK OF THE CINCINNATI CITY COUNCIL, AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

OAKLEY CAPITAL PARTNERS 2, LLC

Authorized Signatory

By: 
Name: Christopher R. Hildebrand
Title: MANAGER

Address for notices to Petitioner:

Oakley Capital Partners 2, LLC
8600 Governor's Hill Drive, Ste. 160
Cincinnati, Ohio 45249
Attention: Christopher Hildebrand

Description of Real Property Subject to this Supplemental Plan:

The real property subject to this Petition is located at the commonly used mailing 4710 Madison Road, Cincinnati, Ohio, having Hamilton County Auditor Parcel ID No. 051-0007-0041-00 and 051-0007-0042-00.

SUPPLEMENTAL PLAN—ATTACHMENT A

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$15,896,383.64
Estimated semi-annual special assessments for 29 years:	\$274,075.58
Number of semi-annual assessments:	58
First semi-annual installment due:	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2026	\$274,075.58	\$154,066.15	\$120,009.43
7/31/2026	274,075.58	154,066.15	120,009.43
1/31/2027	274,075.58	154,066.15	120,009.43
7/31/2027	274,075.58	154,066.15	120,009.43
1/31/2028	274,075.58	154,066.15	120,009.43
7/31/2028	274,075.58	154,066.15	120,009.43
1/31/2029	274,075.58	154,066.15	120,009.43
7/31/2029	274,075.58	154,066.15	120,009.43
1/31/2030	274,075.58	154,066.15	120,009.43
7/31/2030	274,075.58	154,066.15	120,009.43
1/31/2031	274,075.58	154,066.15	120,009.43
7/31/2031	274,075.58	154,066.15	120,009.43
1/31/2032	274,075.58	154,066.15	120,009.43
7/31/2032	274,075.58	154,066.15	120,009.43
1/31/2033	274,075.58	154,066.15	120,009.43
7/31/2033	274,075.58	154,066.15	120,009.43
1/31/2034	274,075.58	154,066.15	120,009.43
7/31/2034	274,075.58	154,066.15	120,009.43
1/31/2035	274,075.58	154,066.15	120,009.43
7/31/2035	274,075.58	154,066.15	120,009.43

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment A.

Special Assessment Payment Date ¹	Total Special Assessment Installment Amount ²	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0041	Special Assessment Installment Amount for Parcel ID. No. 051-0007-0042
1/31/2036	274,075.58	154,066.15	120,009.43
7/31/2036	274,075.58	154,066.15	120,009.43
1/31/2037	274,075.58	154,066.15	120,009.43
7/31/2037	274,075.58	154,066.15	120,009.43
1/31/2038	274,075.58	154,066.15	120,009.43
7/31/2038	274,075.58	154,066.15	120,009.43
1/31/2039	274,075.58	154,066.15	120,009.43
7/31/2039	274,075.58	154,066.15	120,009.43
1/31/2040	274,075.58	154,066.15	120,009.43
7/31/2040	274,075.58	154,066.15	120,009.43
1/31/2041	274,075.58	154,066.15	120,009.43
7/31/2041	274,075.58	154,066.15	120,009.43
1/31/2042	274,075.58	154,066.15	120,009.43
7/31/2042	274,075.58	154,066.15	120,009.43
1/31/2043	274,075.58	154,066.15	120,009.43
7/31/2043	274,075.58	154,066.15	120,009.43
1/31/2044	274,075.58	154,066.15	120,009.43
7/31/2044	274,075.58	154,066.15	120,009.43
1/31/2045	274,075.58	154,066.15	120,009.43
7/31/2045	274,075.58	154,066.15	120,009.43
1/31/2046	274,075.58	154,066.15	120,009.43
7/31/2046	274,075.58	154,066.15	120,009.43
1/31/2047	274,075.58	154,066.15	120,009.43
7/31/2047	274,075.58	154,066.15	120,009.43
1/31/2048	274,075.58	154,066.15	120,009.43
7/31/2048	274,075.58	154,066.15	120,009.43
1/31/2049	274,075.58	154,066.15	120,009.43
7/31/2049	274,075.58	154,066.15	120,009.43
1/31/2050	274,075.58	154,066.15	120,009.43
7/31/2050	274,075.58	154,066.15	120,009.43
1/31/2051	274,075.58	154,066.15	120,009.43
7/31/2051	274,075.58	154,066.15	120,009.43
1/31/2052	274,075.58	154,066.15	120,009.43
7/31/2052	274,075.58	154,066.15	120,009.43
1/31/2053	274,075.58	154,066.15	120,009.43
7/31/2053	274,075.58	154,066.15	120,009.43
1/31/2054	274,075.58	154,066.15	120,009.43
7/31/2054	274,075.58	154,066.15	120,009.43

SUPPLEMENTAL PLAN—ATTACHMENT B

Description of Authorized Improvements

The Authorized Improvements are expected to consist of the following energy efficiency elements:

Energy Project Name: Oakley Parke (4710 Madison Rd.) Parcel ID: 51-0007-0041-00, 051-0007-0042-00, 051-0007- 0073-00 County/State: Cincinnati, OH						
	Improvement Description	Useful Life	Contractor	Improvement Cost (\$)	Baseline Energy Cost (\$)	Projected Energy Savings (\$)
1	Building Envelope Hard Costs	30	Moreña Group	\$3,854,000	See COMchecks	See COMchecks
2	Qualifying Soft Costs	30	Moreña Group	\$1,981,860		
3						
4						
5						
6						
TOTALS:						

EXHIBIT C

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

[See Attached]

**CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT
PROGRAM PLAN**

The City of Cincinnati, Ohio Energy Special Improvement District (the “District”) will administer a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects. The District authorizes and adopts this plan for the Program (as the same may be amended and supplemented from time to time as provided herein, the “Plan”) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program. The Port of Greater Cincinnati Development Authority, as the initial property owner owning real property within the District, as well as in its capacity as a party with interests aligned with the City of Cincinnati (the “City”) with respect to the formation of the District, authorizes and consents to this Plan.

The District is established pursuant to the special energy improvement district provisions of Chapter 1710 of the Ohio Revised Code. This Plan refers to Chapter 1710 and any and all future amendments to the special energy improvement district provisions of Chapter 1710 as the “Act.” Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

Participation in the District’s Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Program’s terms and conditions. These terms and conditions are addressed in this Plan, and include, without limitation, an application, a petition, a schedule of assessments to be made on included property (“Assessment Schedule”), and the governing documents forming the District. The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Plan, an application, a petition, and an Assessment Schedule. The Governing Documents, this Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.”

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described in Part X of this Plan. By agreeing to and executing the District Documents, each property owner consents to the terms and conditions of all District Documents.

I. Purpose of the Program

The Program is intended to assist property owners, whether private or public, who own real property within participating political subdivisions to obtain financing for special energy

improvement projects, as that term is defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, or nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by the District or on behalf of the District by a third party. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating political subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due; provided, that certain Program Obligations may require special assessments to be due and payable by property owners only to the extent that such property owners fail to pay an obligation of the property owner secured by special assessments, such as a loan, in which case special assessments will only be due and payable by property owners if actually levied.

Nothing in this Plan shall be construed as a representation on the part of any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board that the Program is the best financing option for every situation. Property owners are advised to conduct independent research to determine the best course of action.

II. The District’s Governance, Program Administrator, and Conduit Financing Entity

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of the City of Cincinnati, Ohio Energy Special Improvement District, Inc., a nonprofit corporation organized under the laws of the State of Ohio (the “Corporation”) to govern the District.

Pursuant to the Act, other Ohio law, and the Code of Regulations of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

This Plan specifically contemplates that, as authorized in the Act, Greater Cincinnati Energy Alliance will serve as the District’s “Program Administrator” and render program administration services to the District and the Port of Greater Cincinnati Development Authority will serve as the District’s “Conduit Financing Entity” and render conduit financing services to the District.

The District is authorized to contract with Greater Cincinnati Energy Alliance for program administration services rendered to the District. The program administration services rendered by the Program Administrator may include, without limitation (i) pursuant to Part III of this Plan, developing and administering eligibility guidelines, creating and administering an application,

setting criteria and developing a list of pre-approved contractors, procuring resources or cooperating with property owners to procure resources, and administering referrals, (ii) pursuant to Part IV of this Plan, marketing, program design, cooperating with property owners to implement Authorized Improvements, and other administrative services, and (iii) the establishment and administration of a revolving loan facility providing financing for certain special energy improvement projects.

The District is authorized to contract with the Port of Greater Cincinnati Development Authority for conduit financing services rendered to the District. The conduit financing services rendered by the Conduit Financing Entity may include, without limitation (i) pursuant to Part III of this Plan, financing Authorized Improvement and cooperating with property owners to obtain financing, (ii) pursuant to Part IV of this Plan, tracking and administering Program Obligations, administering special assessments, budgeting, and conducting or overseeing the audit process, (iii) assistance with marketing efforts relating to the District, and (iv) tracking compliance with respect to the Economic Inclusion Plan established by the Port of Greater Cincinnati Development Authority.

III. Program Eligibility, Approvals, Financing, and Procurement

The Board is hereby authorized to create, administer, amend, and abolish a process by which property owners join the Program. The process by which property owners join the Program may include, without limitation, the following requirements:

- (A) **Eligibility.** The Board is hereby authorized to create, administer, amend, and abolish eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

To be eligible for participation in the Program, each property owner must file a petition with the Board requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, including,

specifically, by supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or add property to the District and subject such additional property to the Plan. To be eligible for participation in the Program, each property owner must file a supplement to this Plan (the "Plan Supplement") with the Board and the clerk of the legislative body of the participating political subdivision in which the real property is located identifying the Authorized Improvements to be undertaken as part of the Plan applicable to real property within the District or to be added to the district. Plan Supplements shall include such other information as may be required by the Board. Plan Supplements shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to and must execute an Affidavit on Facts Relating to Title under Section 5301.252 of the Ohio Revised Code to be recorded with respect to the real property to be added to the District and filed with the clerk of the legislative body of the participating political subdivision in which the real property is located, which Affidavit on Facts Relating to Title shall state that the property owner has consented to include such real property in the District and that the property owner consents to, and will take all actions necessary to place upon such property, any subsequent special improvement district formed under Ohio Revised Code Chapter 1710 that includes such real property as long as the statutory conditions for forming the subsequent special improvement district are otherwise satisfied.

- (B) Application. The Board is hereby authorized to create, administer, amend, and abolish an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.
- (C) Contractors. The Board is hereby authorized to require property owners to complete Authorized Improvements through the work of pre-approved contractors. The Board is further authorized to create criteria for the approval of contractors, including but not limited to compliance with the Economic Inclusion Plan adopted by the Port of Greater Cincinnati Development Authority, and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (D) Procurement and Referrals. The Board is hereby authorized to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

Pursuant to the Act, the Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the City or the procedures in Chapter 735 of the Ohio Revised Code and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to the City as a participating political subdivision.

- (E) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

IV. Services Plan

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.

- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Plan Supplements by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer, amend, and abolish procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire such professionals as may be required to successfully administer special assessments.
- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

V. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating City of Cincinnati, Energy Special Improvement District, Inc., hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, and implementing Authorized Improvements or services under this Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses, and, for services under this Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any court costs incurred by the District in implementing this Plan or any Plan Supplements;
- (D) Any damages resulting from implementing the public improvements or public services plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan; and
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

VI. Energy Efficiency and Renewable Energy Regulations and Requirements

Energy Efficiency Reporting Requirements. Ohio Revised Code Section 1710.061 requires the Board to submit a quarterly report to each electric distribution utility ("EDU") with a District Authorized Improvement within the EDU's certified territory. The quarterly report submitted to the EDU must include the total number and a description of each new and ongoing District Authorized Improvement that produces energy efficiency savings or reduction in demand and other additional information that the EDU needs to obtain credit under Ohio Revised Code

Section 4928.66 for energy efficiency savings or reduction in demand from such projects. The Board is hereby authorized to submit quarterly reports due required under Ohio Revised Code Section 1710.061. Property owners shall comply with Board requirements for information gathering and reporting to ensure Board compliance with Ohio Revised Code Section 1710.061.

Energy Efficiency Credits. The Board is hereby authorized to adopt rules governing energy efficiency credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of energy efficiency credit programs.

Renewable Energy Credits. The Board is hereby authorized to adopt rules governing renewable energy credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of renewable energy credit programs.

Monetizing Other Energy Efficiency or Renewable Energy Attributes. The Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of the monetization of such attributes.

VII. Statutory Requirements

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Part III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in each petition and Plan Supplement. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.

- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

VIII. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Authorized Improvements is subject to a variety of state and federal laws. If these laws change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under this Plan. **The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law. The District shall not be liable for any inability to finance Authorized Improvements as a result of state and federal law or any changes in state and federal law which reduce or eliminate the effectiveness of financing Authorized Improvements through the District's Program.**

IX. Releases and Indemnification

The District has been created with the approval of the City of Cincinnati, Ohio, as a participating political subdivision, for the purposes of implementing this Plan and administering the Program. The District and any participating political subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, or maintenance of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing, and maintenance of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating political subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By agreeing to and executing this Plan, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program. Any political subdivision that owns real property included in the District agrees to release and hold harmless the District and the participating political subdivisions, including their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with the political subdivision's participation in the Program in its capacity as a property owner.

X. Changes in the Program Terms; Severability

Participation in the Program is subject to the District Document terms and conditions in effect from time to time during participation. The District reserves the right to change this Plan and the

terms and conditions of the District Documents at any time without notice. No such change will affect a property owner's obligation to pay special assessments as set forth in the District Documents.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

XI. Disclosure of Property Owner Information

The District and any participating political subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with the law (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. In order to receive funding for the Program and to enable communication regarding the State of Ohio's energy programs, property owners' names and contact information may be disclosed to their current electric utilities. Property owners' names, contact information, and utility usage data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.

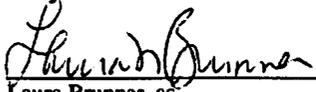
Each owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* Each property owner that executes this Plan agrees to the disclosure of certain property owner information as stated in this Part.

BY EXECUTING THIS PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS PLAN AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS PLAN.

Date: July 23, 2014

**Property Owner:
PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY**

Authorized Signatory



Laura Brunner, as
President and Chief Executive Officer

Address for notices to Property Owner: Port of Greater Cincinnati Development Authority
299 East Sixth Street, Suite 2A
Cincinnati, Ohio 45202

Description of Real Property Subject to this Plan:

The real property subject to this Plan is located at the commonly used mailing address 1682 Seymour Avenue, Cincinnati, Ohio 45237. The front footage of the real property subject to this Plan is 233.00 feet, and its area is 0.418 acres. The Hamilton County Auditor Parcel ID for the real property subject to this Plan is 117-0007-0064-00. The following is the legal description for the real property subject to this Plan:

Parcel One

Situated in the City of Cincinnati, County of Hamilton, State of Ohio in Section 6, Township 3, Fractional Range 2, Millcreek Township and being Lot #1 of Shonae Subdivision, Block A, as recorded in Plat Book 105, Page 44, Hamilton County, Ohio Recorder's records.

Parcel Two

[Property Owner Consent to Plan]

The following described real estate situated in Section 6, Town 3, Fractional Range 2, Miami Purchase, in the City of Cincinnati, Hamilton County, Ohio, being part of Lot 2, Part 1, Block "B", Shonae Subdivision as recorded in Plat Book 120, Pages 49 and 50 of the Hamilton County, Ohio records.

Beginning in the Northwest corner of Block "A", Shonae Subdivision as recorded in Plat Book 105, Page 44 of the Hamilton County, Ohio Recorder's office;

Thence North 1 deg. 15' East, a distance of 21.75 feet; thence South 88 deg. 45' East, a distance of 146.46 feet to the Westerly line of Shona Drive; thence Southwardly along the Westerly line of Shona Drive on a curved line deflecting to the right with a radius of 220 feet a distance of 23.16 feet, chord of said curve bears South 21 deg. 16' 35" West, a distance of 23.14 feet to the Northeast corner of said Block "A", Shonae Subdivision, thence North 68 deg. 45' West, a distance of 138.53 feet to the place of beginning.

These parcels are not to be conveyed separately without prior approval of the governmental authority having jurisdiction.

[Property Owner Consent to Plan]

November 1, 2023

202302296

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Proposed Major Amendment for PD-73, Medpace, 5401 Hetzel Street in Madisonville

Transmitted is an Ordinance captioned:

APPROVING a major amendment to the concept plan and development program statement governing Planned Development No. 73 to change the density and uses permitted within the planned development and to enlarge the planned development by adding approximately 1.672 acres of real property located at 5401 Hetzel Street to facilitate the development of new office buildings, thereby approving the rezoning of the adjacent property from the MG, “Manufacturing General,” zoning district to Planned Development District No. 73, “Madison Center.”

Summary

The applicant, Brandstetter Carroll, Inc., is seeking a Major Amendment to the Concept Plan and Development Program Statement to expand the boundary of PD-73, set the development parameters of the expansion area, and revise the existing development parameters. The expansion includes 1.672 acres on the south side of Hetzel Street, 5401 Hetzel Street, Lot 14, to construct a future office building (Building 600) for the Clinical Pharmacology Unit. Building 600 will have two-stories and a basement with 70,000 square feet.

Also, the existing office building, building 300, 5340 Hetzel Street, Lot 4a and 13, will be demolished and a new larger building will be built featuring a new plaza and green space. In addition to the proposed new Building 300, a future parking garage is proposed on the existing surface parking lot north of Covington Street and west of Stewart Avenue, lot G3; it will contain 1,300 parking spaces. The applicant also proposes removal of fuel sales as a permitted use.

On October 20, 2023, the City Planning Commission voted to recommend the proposed Major Amendment including the proposed change in zoning for the south side of Hetzel Street, 5401 Hetzel Street, Lot 14, from Manufacturing General (MG), to PD-73, Medpace, 5401 Hetzel Street in Madisonville to City Council.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement

APPROVING a major amendment to the concept plan and development program statement governing Planned Development No. 73 to change the density and uses permitted within the planned development and to enlarge the planned development by adding approximately 1.672 acres of real property located at 5401 Hetzel Street to facilitate the development of new office buildings, thereby approving the rezoning of the adjacent property from the MG, “Manufacturing General,” zoning district to Planned Development District No. 73, “Madison Center.”

WHEREAS, Medpace, Inc., an Ohio corporation (“Medpace”), owns or controls an approximately 34.241-acre site at the southeast corner of Madison Road and Red Bank Expressway in the Madisonville neighborhood, which property Council rezoned to Planned Development District No. 73, (“PD-73”) pursuant to Ordinance No. 320-2015 adopted on October 7, 2015; and

WHEREAS, the concept plan and development program statement for PD-73 was subsequently amended by Ordinance No. 205-2017, adopted on June 28, 2017, to enlarge PD-73 and change the density and uses permitted in the planned development, including a revised street network and related infrastructure improvements; and

WHEREAS, Medpace, or an affiliate or subsidiary thereof, owns or controls approximately 1.672 acres of real property immediately adjacent to PD-73 at 5401 Hetzel Street (“Expansion Property”); and

WHEREAS, Medpace, which has sufficient control over the PD-73 property and the Expansion Property to affect its proposed plan, has petitioned the City to approve a major amendment to the PD-73 concept plan and development program statement to include the Expansion Property and to modify the future land uses and development regulations that will govern the development within PD-73, including the Expansion Property; and

WHEREAS, the enlargement of PD-73 will enhance the planned development by providing for up to 15,000 square feet of office, 25,000 square feet of warehouse, 35,000 square feet of research and development space; and

WHEREAS, at its regularly scheduled meeting on October 20, 2023, the City Planning Commission recommended approval of the proposed major amendment to the concept plan and development project statement for PD-73; and

WHEREAS, a committee of Council held a public hearing on the major amendment to the concept plan and development project statement for PD-73 following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the major amendment, finding it in the interest of the general public’s health, safety, morals, and general welfare; and

WHEREAS, the proposed major amendment to the concept plan and development project statement for PD-73 is consistent with Plan Cincinnati (2012), including its “Compete” action step to “target investment to geographic areas where there is already economic activity,” as described on page 116; and

WHEREAS, Council considers the major amendment to the PD-73 concept plan and development program statement to be in the best interest of the City and the general public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati’s official zoning map in the location of the real property located at 5401 Hetzel Street (Hamilton County Auditor Parcel No. 036-0001-0013)--(“PD-73 Expansion Property”), shown on the map attached hereto as Attachment A and incorporated by reference, and being more particularly described on the legal description contained in Attachment B attached hereto and incorporated by reference, is hereby amended from the MG, “Manufacturing General,” zoning district to Planned Development District No. 73 (“PD-73”).

Section 2. That the concept plan for PD-73, as approved by Ordinance No. 320-2015 and amended by Ordinance No. 205-2017, is hereby further amended and supplemented to incorporate the PD-73 Expansion Property, as indicated on the concept plan attached hereto as Attachment C and incorporated herein by reference.

Section 3. That the development program statement for PD-73, as approved by Ordinance No. 320-2015 and amended by Ordinance No. 205-2017, is hereby further amended and supplemented to incorporate the PD-73 Expansion Property, as indicated on the development program statement attached hereto as Attachment D and incorporated herein by reference.

Section 4. That, to the extent the concept plan and development program statement for PD-73 are not amended herein, they shall remain in full force and effect.

Section 5. That the use and development of the real property designated PD-73, including the PD-73 Expansion Property, shall be governed by the concept plan and development program statement for PD-73, as amended herein, for so long as PD-73 remains effective.

Section 6. That, should the approval of PD-73 lapse pursuant to Cincinnati Municipal Code Chapter 1429, Planned Development Districts, the PD-73 Expansion Property shall revert to the MG, "Manufacturing General," zoning district in effect immediately prior to the effective date of this ordinance.

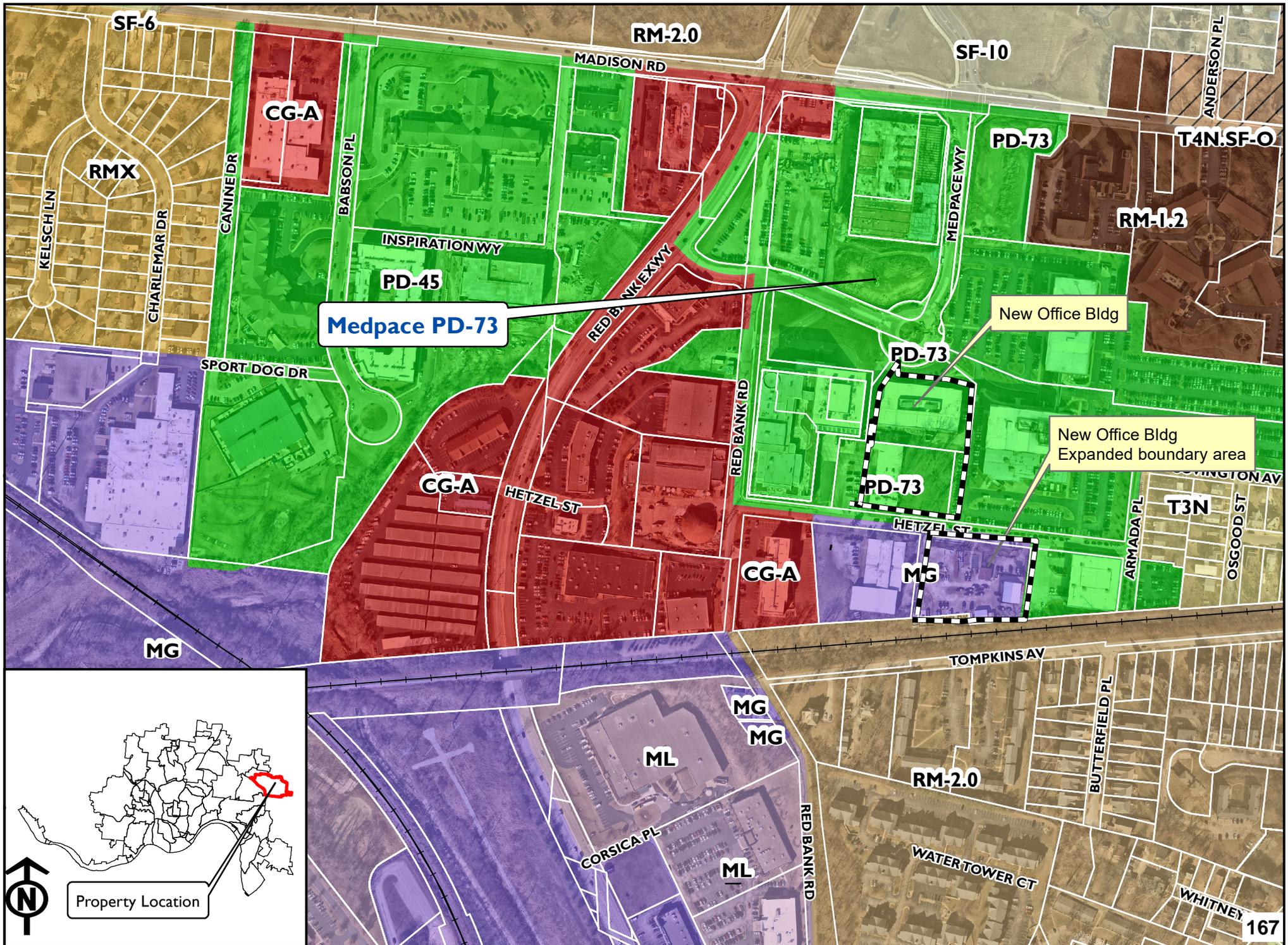
Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

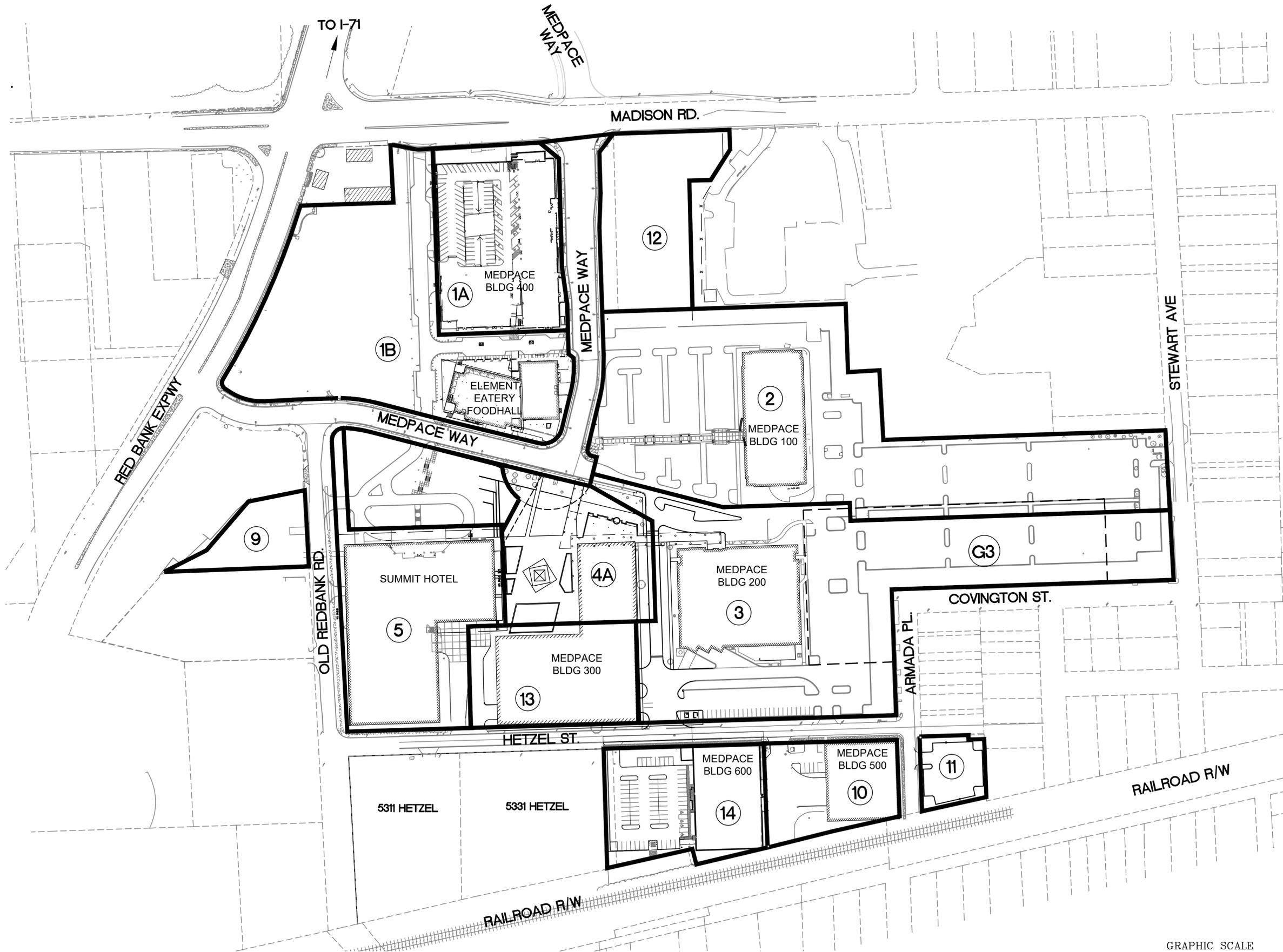
Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Major Amendment to Concept and FDP - PD-73 Medpace in Madisonville





PROPERTY ADDRESS

1A	5400 MEDPACE WAY
1B	5350 MEDPACE WAY
2	5375 MEDPACE WAY
3	5365 MEDPACE WAY
4A	5355 MEDPACE WAY
5	5345 MEDPACE WAY
10	5425 HETZEL STREET
12	5401 MEDPACE WAY
13	5340 HETZEL STREET
14	5401 HETZEL STREET

Revisions:
Issue Date: 8-18-2023

**RBM DEVELOPMENT/
MEDPACE**

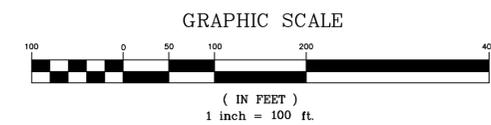
CINCINNATI, OHIO

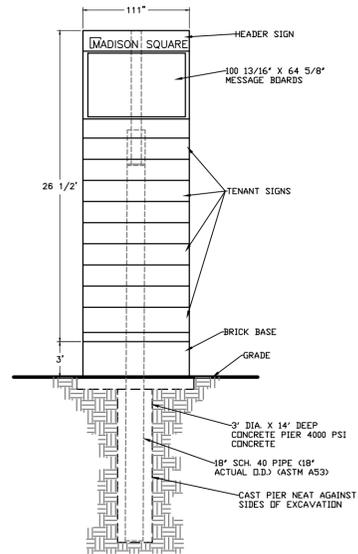
**MEDPACE
CAMPUS MAP**

Project No.

13100

1A





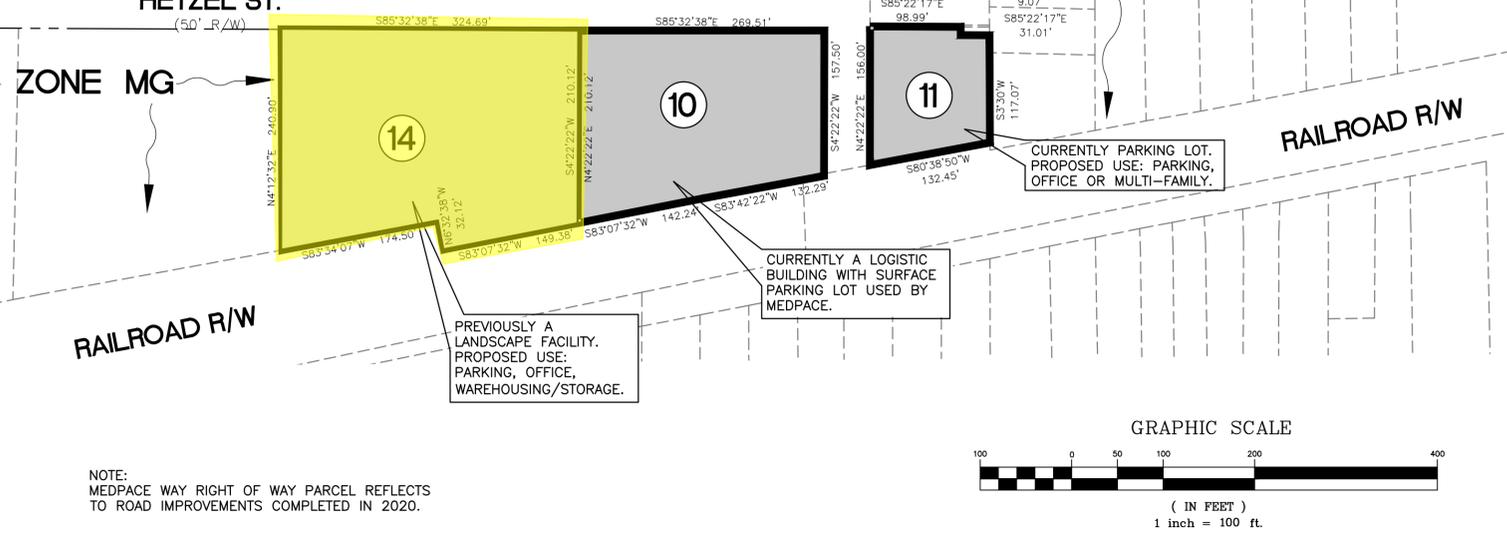
PROPOSED PYLON SIGN ELEVATION
 N.T.S.
 NOTE: SIMILAR IN NATURE AS THE SIGN AT THE PRIVATE DRIVE & MADISON ROAD INTERSECTION

NOTE:
 PYLON SIGN TO MATCH EXISTING SIGN
 PRIVATE NORTH-SOUTH DRIVEWAY AT MADISON ROAD

LEGEND

- EXISTING PD AREA
- PROPOSED UPDATED TO PD

Plan ID #	Parcel ID	Record Document	Name	Area (Ac)
1A	036-0001-0323 (ground)	O.R. 11275 Pg 1564	Port of Greater Cincinnati Development Authority	2.21
1B	036-0001-0326	O.R. 12402 PG 2203	400 Medpace Way LLC	3.566
2	036-0001-0321	O.R. 11551 Pg 1447	100 Medpace Way LLC	7.06
3	036-0001-0303	O.R. 11742 Pg 1329	200 Medpace Way LLC	6.914
4a	036-0001-0309	O.R. 11742 Pg 1336	300 Medpace Way LLC	1.850
4b	036-0001-0310	O.R. 13119 Pg 1776	Port of Greater Cincinnati Development Authority	1.265
5a	036-0001-0319 (garage)	O.R. 13119 Pg 1776	700 Medpace Way LLC	1.699
5b	036-0001-0311 (hotel)		Port of Greater Cincinnati Development Authority	0.287
5c	036-0001-0313 (ground)		Port of Greater Cincinnati Development Authority	0.87
6	051-0008-0018	O.R. 12275 Pg 1564	400 Medpace Way LLC	0.613
7	036-0001-0332 (Portion of Medpace Way R/W*)		City of Cincinnati	1.941
8	036-0001-0329		400 Medpace Way LLC	0.529
9	051-0008-0019	Plat Book 350 Pg 92	Port of Greater Cincinnati Development Authority	0.605
10	036-0001-0328	Plat Book 11 Pg 56	Medpace INC	1.165
11	036-0001-0327	Plat Book 11 Pg 56	Medpace INC	0.41
12	036-0001-0322	O.R. 13579 Pg 1693	Madison Road Real Estate LLC	1.659
13	036-0001-0008	O.R. 13243 Pg 2785	Madison Road Real Estate LLC	1.598
14	036-0001-0013		Endless Earth Enterprises LLC	1.672
Total				35.913



NOTE: MEDPACE WAY RIGHT OF WAY PARCEL REFLECTS TO ROAD IMPROVEMENTS COMPLETED IN 2020.

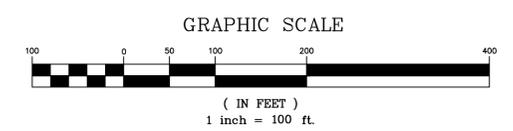
Revisions:
 5-15-2023
 11-11-2022
 7-13-2022
 8-25-2021
 9-16-2016
 Issue Date: 9-7-2016

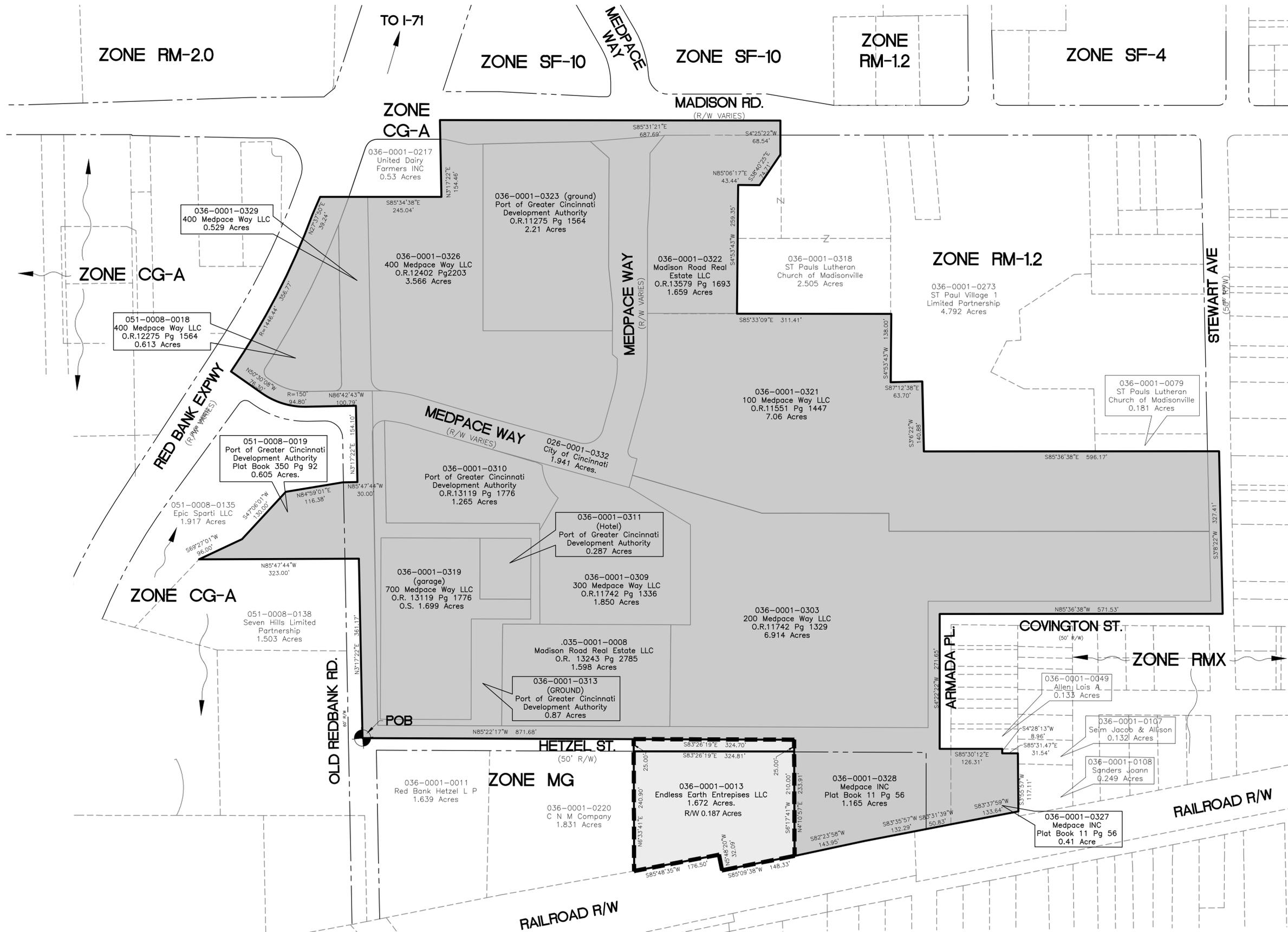
RBM DEVELOPMENT

CINCINNATI, OHIO
PROPERTY AND ZONING MAP

Project No. **13100**

1





LEGEND

- EXISTING PD AREA
- PROPOSED UPDATED TO PD

Revisions:
Issue Date: 8-29-2023

**RBM DEVELOPMENT
SECT 16, T 4, FR 2**

CINCINNATI, OHIO

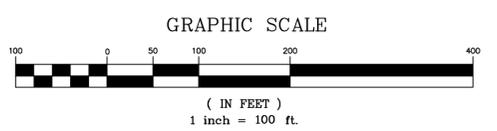
ZONING PLAT

Project No.

13100

1

NOTE:
MEDPACE WAY RIGHT OF WAY PARCEL REFLECTS TO ROAD IMPROVEMENTS COMPLETED IN 2020.





May 15, 2023

2360 Chauvin Dr
LEXINGTON
KY 40517
859.268.1933
FX: 859.268.3341

308 East 8th St
CINCINNATI
OH 45202
513.651.4224
FX: 513.651.0147

1220 West 6th St
Suite 300
CLEVELAND
OH 44113
216.241.4480
FX: 216.736.7155

17300 Preston Rd
Suite 310
DALLAS
TX 75252
469.941.4926
FX: 469.941.4112

City of Cincinnati Planning Department
Two Centennial Plaza
805 Central Avenue
Cincinnati, Ohio 45202

RE: Madison Center, Hotel and Medpace – Update to Planned Development (PD #73)

Dear Ms. Kellum:

Brandstetter Carroll Inc. (BCI) is pleased to submit an update to the Concept Plan and Program Statement for revisions to the PD # 73.

The following information is our request to the City of Cincinnati Planning Commission and City Counsel for revisions to the PD # 73:

- New Building 300 @ 5355 Medpace Way: The PD Office component square footage is requested to be revised for the updated to existing Building 300. This building has 485,000 sq feet of office space. There are 310 parking spaces in a garage under the office space. The existing Medpace Building 300 will be demolished and a new Building 300 will be constructed. The existing Building 300 has 15,000 Sf of Office, 45,000 Sf of Research and Development. This area will be Consolidated with adjacent tracts.
- Building 600, located @ 5401 Hetzel Street, Is for the Clinical Pharmacology Unit (CPU). This building will consist of 15,000 Sf of office and 25,000 Sf of warehouse/storage and 35,000 Sf of Research and Development.
- Future Mix Use building on the MRRE site at 5401 Madison Road at the southeast corner of Medpace Way and Madison Road, for a total of 265,000 Sf of office, 10,000 Sf of Restaurant and 10,000 Sf of Retail.
- A new 1,300 stall Parking Garage over the existing surface parking lot behind Buildings 100 & 200.
- The total PD district acreage to be revised from 34.241 Ac to 35.913 Ac. An updated Property and Zoning Map with annotated existing and proposed uses is attached. The request includes adding a approximate 1.672 Acre parcel on the south side of Hetzel Street which is adjacent to and on the west side of Medpace Building 500 (their logistics building) to PD # 73. A Legal Description of the additional PD Zoning area request is attached.

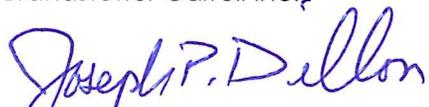
Therefore, the request for additional use and Garage spaces to the PD is:

- 619,000 Sf of Office
- 25,000 Sf of Warehouse
- 16,000 SF of Restaurant
- 1,610 spaces in Garages

On the Medpace PD #73 Zoning Map the following updates are indicated: a 1,300 car garage behind Buildings 100 and 200. Also, two Pylon Signs of similar design as the existing Medpace campus sign are shown at the intersections of Red Bank Expressway and Medpace Way and also at the Madison Rd and Medpace Way.

See the Site Plans and Architectural Plans/Renderings attached.

Sincerely,
Brandstetter Carroll Inc.



Joseph P. Dillon, P.E., LEED AP
Director of Site/Civil Engineering

Cc: Seth Barnhard, Sitement, Inc.
Ben Brandstetter, P.E. BCI

Attachment: Fee, Concept Site Plans, Concept Architectural Building Elevations and Floor Plans, updated PD Map, Renderings, Update Legal Description and Deed.

JPD/st

Kellam, Caroline

From: Joe Dillon <jdillon@bciaep.com>
Sent: Friday, July 14, 2023 12:20 PM
To: Kellam, Caroline
Subject: [External Email] Medpace PD #73 Request

External Email Communication

Hi Caroline, See below for the section 1429 items.

The following information is our response to the City Zoning regulation from Section 1429 Planned Development Districts(**In Bold Font**):

Section 1429-09:

(a) *Plan Elements*. A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.

The site plans and figures have these items covered.

(b) *Ownership*. Evidence that the applicant has sufficient control over the tract of land to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

The ownership of all these parcels are entities controlled by Medpace founder: 300 Medpace Way, LLC, 200 Medpace Way, LLC , Madison Road Real Estate, LLC and Endless Earth Enterprises, LLC.

(c) *Schedule*. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.

Start of 3Q of 2023 and completion of 3Q of 2026. Note: the Bldg 300 and the Building are being construction in the same timeframe.

(d) *Preliminary Reviews*. A preliminary review of geo-technical, sewage, water, drainage and refuse collection.

-Geotechnical Engineering Report by Terracon for Building 700 Dated 5/6/22 (The Building 700 name on the Report is now known as Building 300).

-Overflow Building Geotechnical Engineering Report by Terracon Dated 2/21/23 (The Overflow Building name on the Report is now known as Building 600).

-GCWW Preliminary (PA) approved for the new water main in Hetzel dated 6/29/23 and Water Availability dated 6/20/23.

-MSDCG Sewer Availability dated 7/12/23.

(e) *Density and Open Space*. Calculations of density and open space area.

The request for additional use and Garage spaces to the PD is:

- **619,000 Sf of Office**

- **25,000 Sf of Warehouse**
- **16,000 SF of Restaurant**
- **1,610 spaces in Garages**

(f) *Other Information.* Any other information requested by the Director of City Planning or the City Planning Commission.

None

Section 1429-13:

(a) *Survey.* Plan or survey of the parcel to be developed showing existing and proposed physical features, including: topography, drainage, open space areas and landscaping; and streets, easements and utility lines.

This information can be seen on the attached site plan set (i.e. the Existing Condition Plan is Sheet C100). The site parcels are being Consolidated.

(b) *Site Plan.* A site plan showing the location and arrangement of all existing and proposed structures, including building pads, the proposed internal and external traffic circulation pattern, the areas to be developed for parking, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways and proposed public or common open space or other public facilities. **This information is reflected on the site plan set.**

(c) *Engineering Plans.* Engineering plans, including: site grading; street improvements; drainage and utility improvements and extensions as necessary. **Same as (b), This information is reflected on the site plan set.**

(d) *Open Space.* A statement of the anticipated open space, gross density and net density.

There is a Campus wide pedestrian walkways and for Open spaces including landscaping and hardscaping. The new Building 300 will have a plaza area that will be used for the entire Campus. The surface parking lot in front of the existing B-300 will be removed in the proposed Plaza area.

(e) *Schematic Building Plans.* Plans showing building footprints, schematic floor plans and exterior elevations and types of building materials.

This information is attached on the architectural plan set.

(f) *Landscape Plans.* Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species and quantities. **See item (d).**

(g) *Phase Schedule.* A schedule for the development of such phases must be submitted when a development is to be constructed in phases. **The schedule is:**

- **Building 300-Office Phase-construction to start in 3rd Quarter of 2023 and completion in Q2 in 2026.**
- **Building 600 (CPU)-construction to start 3rd of 2023 and completion in Q2 2026.**

(h) *Ownership.* Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

The ownership of all these parcels are entities controlled by Medpace founder: 300 Medpace Way, LLC, 200 Medpace Way, LLC and Endless Earth Enterprises, LLC.

The Deeds for this project have been submitted.

(i) *Statement of Uses.* A statement identifying the principal uses that are to be included in the proposed development. **The principal uses incorporated into this update to PD #73: Office Space for Medpace in Building 300 and the Building 600 (CPU) is primarily for Clinical Pharmacology Unit.**

(j) *Future Ownership and Control.* Statement on the present and future ownership and control of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, drives, parking areas, utilities, common areas and common facilities. **Building 300 to be owned and maintained by 300 Medpace Way LLC.**

(k) *Restrictive Covenants.* Copies of any restrictive covenants that are to be recorded with respect to property included in the PD District. **None at this time.**

Joseph P. Dillon, P.E., LEED AP
Director of Site/Civil Engineering



mobile 513.532.4573

Direct 513-618-8909

June 9, 2023

Mr. Joseph P. Dillon
Brandstetter Carroll Inc.
308 East 8th Street
Cincinnati, Ohio 45202

Re: 5355 Medpace Way | Office Building (T) – (CPRE230030) Final Recommendations

Dear Mr. Dillon,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **5355 Medpace Way** in the Community of Madisonville. It is my understanding that you are proposing to construct a 430,000 sq-ft office building with a 310-car garage. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **Microsoft Team's conference call meeting** with you on **June 13, 2023 @ 1:30 pm** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

City Planning & Engagement – Planning Division

Immediate Requirements to move the project forward:

1. The proposed project is located in PD-73. Their PD application for a Major Amendment to the Concept Plan and a new Final Development Plan has been submitted. A public staff conference, CPC and EG & H meeting will be required. This will be a several month-long process. They should also engage the Madisonville CC.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Caroline Kellam** | City Planning | 513-352-4842 | caroline.kellam@cincinnati-oh.gov

City Planning & Engagement – Zoning Division

Immediate Requirements to move the project forward:

1. The proposed project is located in PD-73, so the applicant should work with City Planning regarding the requirements for this Planned Development.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Kate Meehan** | ZPE | 513-352-2441 | kathleen.meehan@cincinnati-oh.gov

Metropolitan Sewer District (MSD)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention will be reviewed by Jeff Chen at jeff.chen@cincinnati-oh.gov or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
2. An approved site utility plan will be required for building to receive approved permit.
3. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at http://www.msdbg.org/customer_care/development_services/index.html Email questions to MSDAvailability@cincinnati-oh.gov

Recommendations

- None

Contact:

- **Jim Wood** | MSD | 513-352-4311 | jim.wood@cincinnati-oh.gov

Stormwater Management Utility (SMU)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention
 - If detention is required by MSD, SMU will need a copy of approved detention calculations, drainage map, detailed drawing of detention control structure with elevations.
2. Storm Requirements
 - Calculations for storm water conveyance system, major storm calculations / flood routing.
3. Utility Plan
 - Label all pipes materials.
 - In the public R/W, pipes to be DIP or RCP.
 - Show Top & Invert elevations for all Appurtenances.
 - Show slopes for all pipes.
 - Show downspouts ties to the sewer system. Add note "All downspouts to tie to the sewer system".
 - Curb cuts: driveway aprons at min. 5' away from SMU inlets.
 - Ties into Curb inlets are NOT PERMITTED.
4. Grading Plan
 - Grading must show existing and proposed contours.
 - Impervious surfaces are NOT permitted to drain towards adjacent properties.
 - Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
 - Runoff from all pavements must be captured and conveyed to the stormwater system. Only 800 sf of pavement may sheet flow to the public R/W.
5. Erosion & Sediment Control Plan is required. Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>

6. SMU Standards Plans Notes is required. Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
7. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
 - o State Plane Coordinates (N,E) for all MH's and Catch Basins
 - o Inverts and Top elevations for all MHs and Catch Basins
 - o Slopes, sizes, and materials for all storm lines.

Recommendation:

- None

Contact:

- **Kevin Gold | SMU | 513-222-3643 | kevin.gold@cincinnati-oh.gov**

Water Works

Immediate Requirements to move the project forward:

1. The owner/developer will need to submit for a Greater Cincinnati Water Works Preliminary Application for water main upgrade in Hetzel Street, the existing 6" water main will not support the proposed water service branch(es) for buildings 200 and 300. Phil Young at 513-591-6567 or Phillip.Young@gcww.cincinnati-oh.gov

Requirements to obtain permits:

1. A stamped and recorded consolidation plat is required before any new branch(es), or meter(s) sold.
2. Each parcel/air lot must receive separate domestic water service. Fire service may be shared between air lots. Water services must be metered upon leaving the right of way. An air lot covenant will be required before any service branches may be sold. The owner/developer should plan an additional 3-6 months for this process.
3. The subject development has inactive water service lines at the following properties:

Address	Branch #	Size	Meter #	Size
5340 Hetzel St	H-151773	6"	002719	1"
5342 Hetzel St	H-950381	3/4"	098777	5/8"
5355 Medpace Wy	H-308686	6"	308686	1.5"
5355 Medpace Wy	H-308686	6"	DC3850	1"
5320 Hetzel St	H-950380	5/8" - FOD ** Not useable; Lead on public and private side		

** FOD - this inactive branch cannot be repurchased.

4. If the water service branch(es) are not to remain, the owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing the discontinuance of the account associated with the existing water service branch(es). This process must be completed before any new water service branch(es) can be sold.
5. If the existing water service branch(es) for this project is not to be used for this development, it must be disconnected at the owner's / developer's expense. The discontinued branch(es) will require a drawing showing the branch(es) and branch number(s) that is to be physically disconnected from the main. Submit to Phil Young at Phillip.Young@gcww.cincinnati-oh.gov

Recommendations:

1. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber and fire protection company to perform the private water service branch design work and installation.
2. The Owner(s)/Developer(s) must have a licensed plumber and fire protection company that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.
3. For water main replacement, please contact Phil Young, Water Works, 513-591-6567, Phillip.Young@gcww.cincinnati-oh.gov.

Contact:

- **Rick Roell** | WaterWorks | 513-591-7858 | richard.roell@gcww.cincinnati-oh.gov

Fire Department

Immediate Requirements to move the project forward:

1. A site plan is needed showing 2 readily accessible Fire Hydrants within 400 feet of all sides of your project.
2. The minimum fire flow requirements for Commercial structures: 2,000 gallons/per/minutes (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
3. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet.
4. Fire apparatus access road width with a hydrant must be a minimum of 26 feet.
5. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.
6. The Site Plan needs to show the location of the FDC and the distance in feet from the closest Fire Hydrant.
7. Buildings equipped with a standpipe system installed shall have a fire hydrant within 100 feet of the fire department connections.
8. Emergency Responder Bidirectional Antenna radio required in your building.

Requirements to obtain Permits:

- None

Recommendations:

- None

Contact:

- **Elton B. Britton** | Fire Dept. | 513-357-7596 | elton.britton@cincinnati-oh.gov

Office of Environment and Sustainability (OES)

Immediate Requirements to move forward with project:

- None

Requirements to obtain permits:

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.

2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 1,000 cubic yards as per City Municipal Code Chapters 1101 and 1031.

Recommendations:

1. The following recommendation is based on State of Ohio requirements:
 - a. Part of this development project is included in the NuTone Ohio EPA Voluntary Action Program (VAP) site, which obtained a No further Action (NFA)/Covenant Not-to-Sue (CNS) status. The site should follow the requirements specified in the Environmental Covenant.
 - b. Due to the anticipated age of the existing site structure at 5340 Hetzel, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable state regulations prior to demolition.
2. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
 - a. The property 5340 Hetzel has had a long industrial history and is a suspected brownfields site. The development should environmentally evaluate the site for commercial land use suitability.
 - b. The development goal should be to earn at a minimum the LEED Certified rating level.
 - c. Rooftop solar should be considered in the design as a renewable energy source.
 - d. Site parking should include charging stations for electric vehicles.
 - e. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.
 - f. The use of trees in the landscape design should be included to enhance urban forestry.
 - g. The use of pervious surfaces should be maximized to the extent practical in the design.

Contact:

- **Howard Miller** | OES | 513-352-6999 | howard.miller@cincinnati-oh.gov

Parks Department (Urban Forestry)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Urban Forestry has no issues or concerns with anything in ROW but encourages tree planting as much as possible on private property to increase the tree canopy of the neighborhood.

Recommendations:

- None

Contact:

- **Marianne Prue** | Urban Forestry | 513-861-9070 | marianne.prue@cincinnati-oh.gov

Department of Transportation & Engineering (DOTE)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Provide a 5' sidewalk along the street with a tree lawn, preferably 5' wide.
2. Remove any unused drive aprons and replace them to City standards and match the existing streetscape.
3. Use City standard driveway apron.
4. All work in the public right-of-way will require a separate DOTE permit.
5. The assigned address will remain as 5355 Medpace Way for the new building. Per Ohio Fire Code and Cincinnati Municipal Code, the address number must be posted and visible from the road. Contact DTEaddress@cincinnati-oh.gov with any questions.

Recommendations:

- None

Contact:

- **Morgan Kolks** | DOTE | 513-335-7322 | morgan.kolks@cincinnati-oh.gov

Buildings & Inspections – Buildings

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Permitting, phasing and code questions can be discussed as needed. Please contact me if you have any questions.

Recommendations:

- None

Contact:

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | robert.martin@cincinnati-oh.gov

Law Department

Immediate Requirements to move the project forward:

1. No comments at this time.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Charles Martinez** | Law | 513-352-3359 | charles.martinez@cincinnati-oh.gov

Department of Community & Economic Development (DCED)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Taylor German** | DCED | 513-352-4546 | taylor.german@cincinnati-oh.gov

Health Department

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. No need for Health to review project as proposed.

Recommendations:

- None

Contact:

- **Trisha Blake** | Health Dept. | 513-352-2447 | trisha.blake@cincinnati-oh.gov

Police Department

Immediate Requirements to move the project forward:

- None currently.

Requirements to obtain permits:

- No comments.

Recommendations:

- None

Contact:

- **Katalin Howard** | Police Dept. | 513-352-3298 | katalin.howard@cincinnati-oh.gov
- **Brandon Kyle** | Police Dept. | 513-564-1870 | brandon.kyle@cincinnati-oh.gov

FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,



Art Dahlberg,
Director of Buildings and Inspections Department
& CSPRO Committee Chair



Rodney D. Ringer,
Development Manager

AD:RDR:hs



MADISONVILLE
COMMUNITY COUNCIL

May 24, 2023

Chris Pfaff
Global Head of Facilities

Seth Barnhard
Development Advisor

Medpace, Inc. and RBM Development
5375 Medpace Way
Cincinnati, Ohio 45227

Chris & Seth,

On behalf of the Madisonville Community Council (MCC), I am writing to you to express our organization's support for your application to the City of Cincinnati to amend Planned Development District #73. At our regularly scheduled General Body meeting on May 18, 2023, you requested a Letter of Support for the construction of a new office tower where building B300 currently sits. This proposal also included:

- A public plaza space fronting Medpace Way for performances and other events
- Constructing a new clinic building at 5401 Hetzel Avenue
- Constructing a parking facility in the southern half of the eastern parking lot adjacent to Stewart Avenue

After discussion, the General Body passed a motion to support this submission. For any questions or concerns, please contact me by email at president@ourmadisonville.com.

Sincerely,

Kerry Devery
President, Madisonville Community Council

- Officers**
- President**
Kerry Devery
- Vice President**
Kate Botos
- Treasurer**
Susan Harper
- Recording Secretary**
Anna Albi
- Corresponding Secretary**
Ann Boland
- Committee Chairs**
- Arts, Parks, & Recreation**
Stephanie Myers-Cable
- Business & Economic Development**
Open Position
- Bylaws**
Open Position
- Cleanup & Beautification**
Matt Cable
- Communications**
Amanda Mahaffey
- Crime Prevention & Safety**
Open Position
- Education**
Kate Botos
- History**
Wes Cunningham
- Housing**
Elishia Chamberlain
- Madisonville Cares**
Open Position
- MYCC (Youth Council)**
Rosemary Tanks
- Membership**
Melissa Wilkerson
- Transportation**
Kathleen Colley

Additional land to be added to PD #73

Legal Description

Parcel # 36-1-13

5401 Hetzel St,

Cincinnati, OH 45227

Boundary Survey

Situated in Section 16, Township 4, Fractional Range 2, Miami Purchase, Madisonville, Cincinnati, Hamilton County, Ohio and more particularly described as follows:

Unless otherwise noted, all iron pins referred to as "set iron pins" are 30" long iron rebar with orange cap stamped "Armstrong, #7133".

Beginning at a point in the centerline of Hetzel St, said point being 546.30 feet east of the West line of Section 16 (at the intersections of centerlines of Hetzel and Red Bank),

Thence along the centerline of Hetzel, S 83° 26' 19" E, 324.70 feet to a point.

Thence leaving said centerline, S 6° 17' 41" W, 210.00 feet (passing a set iron pin at 25.00 feet) to a set iron pin at the Right-of-Way of Baltimore & Ohio Railroad Company (Parcel #36-1-204/205).

Thence along the Right-of-Way of the railroad, S 85° 9' 38" W, 148.33 feet to a set iron pin.

Thence N 5° 48' 20" W, 32.09 feet to a set iron pin.

Thence S 85° 48' 35" W, 176.50 feet to a set iron pin.

Thence N 6° 33' 41" E, 240.90 feet to the Place of Beginning (passing a found iron pin with no cap at 215.90 feet.

Subject to all legal highways and easements in existence.

Containing 1.8595 Total Acres (-0.1863 Right-of-Way Acres = 1.6732 Net Acres)

Bearings based on a survey by Gerard Berding, PS #6880 (Hetzel = S 83° 26' 19" E).

The result of a survey by George Armstrong, LPS #7133 on 6-1-2023, the plat of which is considered attached.



Legal Description

Parcel # 36-1-13

5401 Hetzel St,

Cincinnati, OH 45227

Boundary Survey

Situated in Section 16, Township 4, Fractional Range 2, Miami Purchase, Madisonville, Cincinnati, Hamilton County, Ohio and more particularly described as follows:

Unless otherwise noted, all iron pins referred to as "set iron pins" are 30" long iron rebar with orange cap stamped "Armstrong, #7133".

Beginning at a point in the centerline of Hetzel St, said point being 546.30 feet east of the West line of Section 16 (at the intersections of centerlines of Hetzel and Red Bank),

Thence along the centerline of Hetzel, S 83° 26' 19" E, 324.70 feet to a point.

Thence leaving said centerline, S 6° 17' 41" W, 210.00 feet (passing a set iron pin at 25.00 feet) to a set iron pin at the Right-of-Way of Baltimore & Ohio Railroad Company (Parcel #36-1-204/205).

Thence along the Right-of-Way of the railroad, S 85° 9' 38" W, 148.33 feet to a set iron pin.

Thence N 5° 48' 20" W, 32.09 feet to a set iron pin.

Thence S 85° 48' 35" W, 176.50 feet to a set iron pin.

Thence N 6° 33' 41" E, 240.90 feet to the Place of Beginning (passing a found iron pin with no cap at 215.90 feet).

Subject to all legal highways and easements in existence.

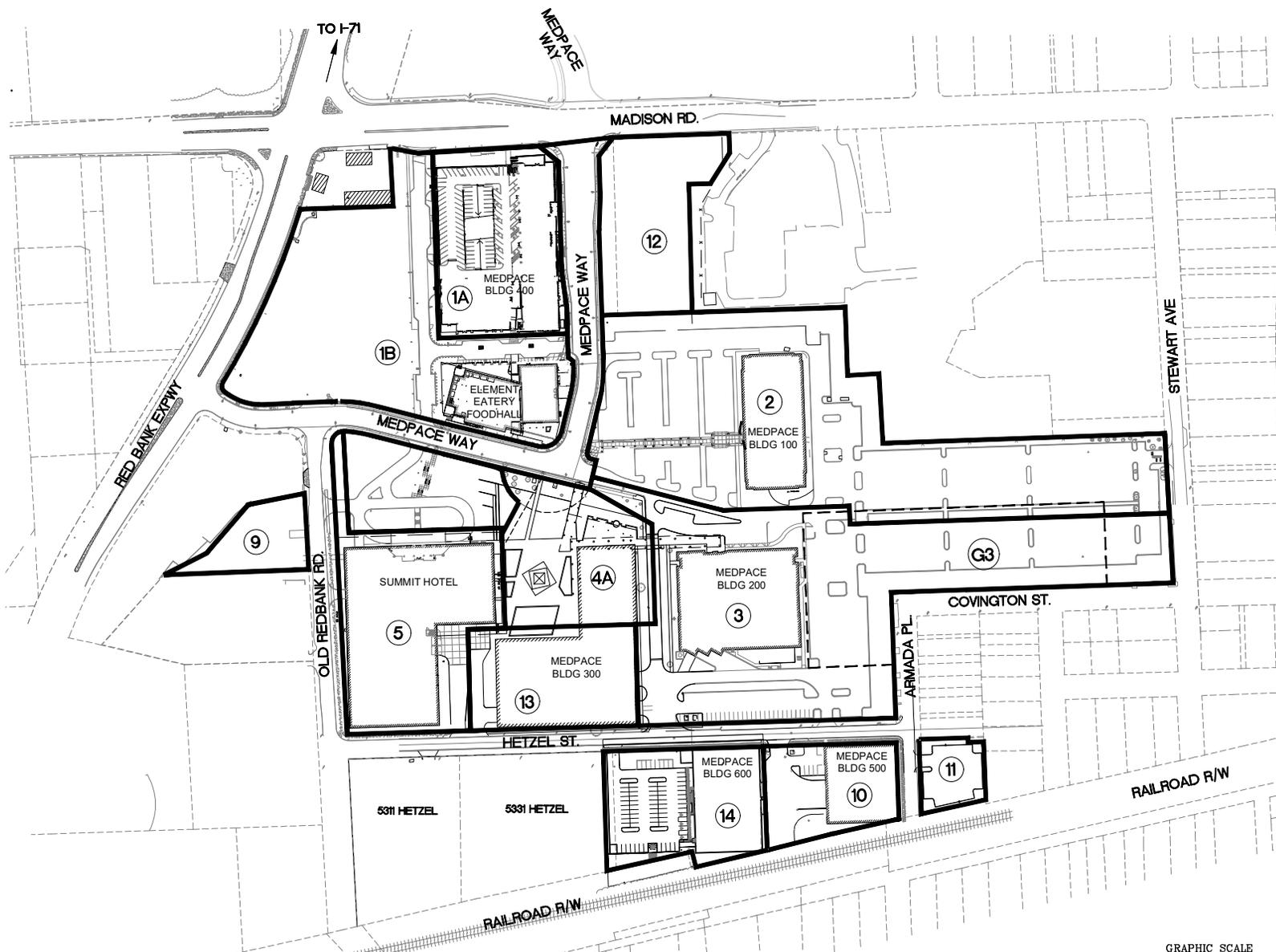
Containing 1.8595 Total Acres (-0.1863 Right-of-Way Acres = 1.6732 Net Acres)

Bearings based on a survey by Gerard Berding, PS #6880 (Hetzel = S 83° 26' 19" E).

The result of a survey by George Armstrong, LPS #7133 on 6-1-2023, the plat of which is considered attached.



A handwritten signature in black ink, appearing to read "George Armstrong", written over the bottom portion of the professional seal.



PROPERTY ADDRESS

1A	5400 MEDPACE WAY
1B	5350 MEDPACE WAY
2	5375 MEDPACE WAY
3	5365 MEDPACE WAY
4A	5355 MEDPACE WAY
5	5345 MEDPACE WAY
10	5425 HETZEL STREET
12	5401 MEDPACE WAY
13	5340 HETZEL STREET
14	5401 HETZEL STREET

Revisions:
Issue Date: 8-18-2023

**RBM DEVELOPMENT/
MEDPACE**

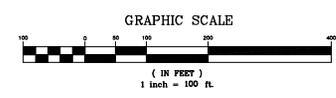
CINCINNATI, OHIO

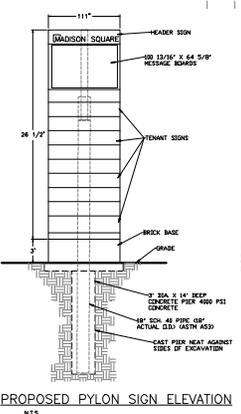
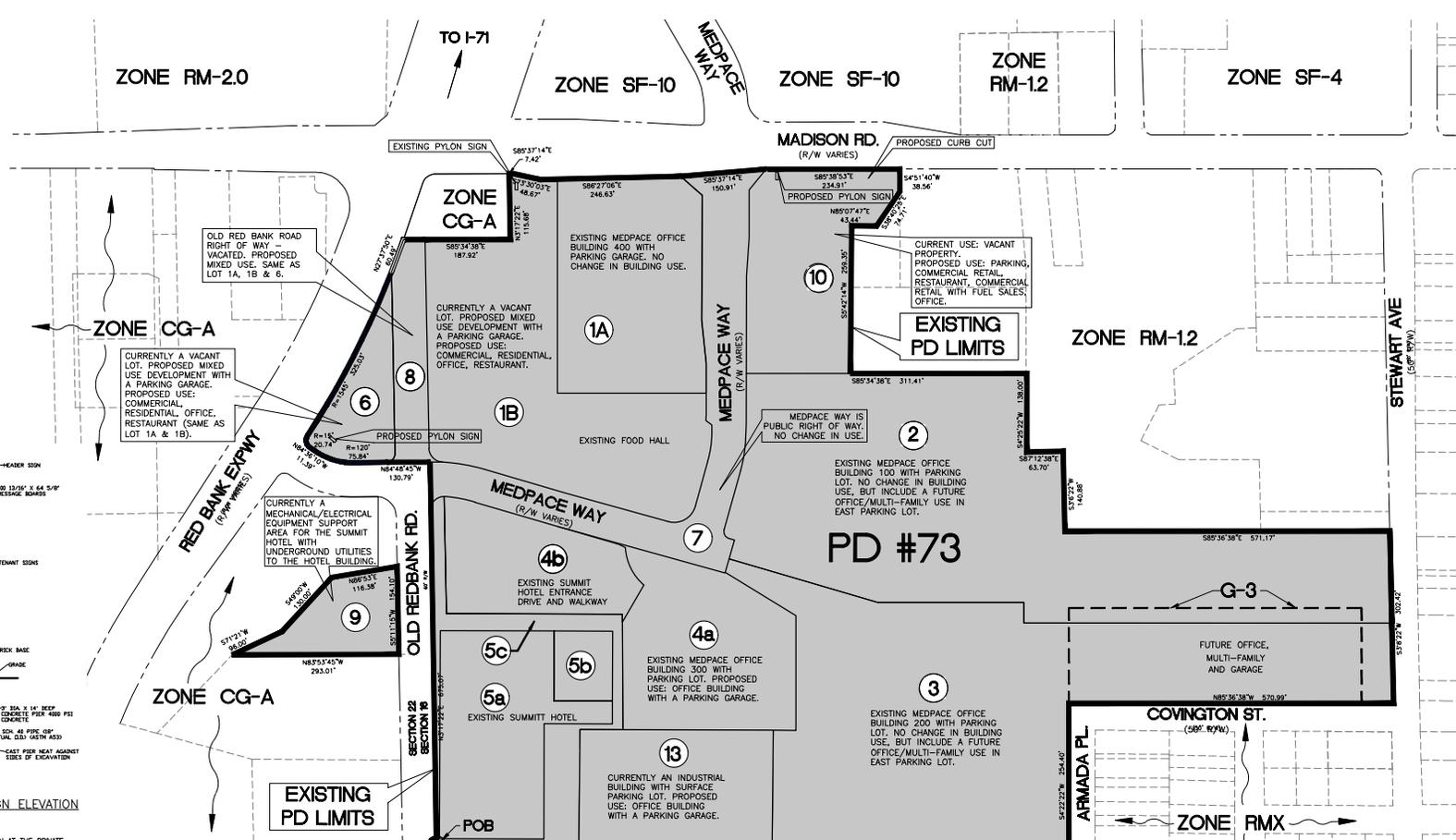
**MEDPACE
CAMPUS MAP**

Project No.

13100

1A





NOTE:
 PYLON SIGN TO MATCH EXISTING SIGN
 PRIVATE NORTH-SOUTH DRIVEWAY AT MADISON ROAD

LEGEND

EXISTING PD AREA

PROPOSED UPDATED TO PD

5-15-2023
 11-11-2022
 7-13-2022
 8-25-2021
 Revisions: 9-16-2016
 Issue Date: 9-7-2016

RBM DEVELOPMENT

CINCINNATI, OHIO

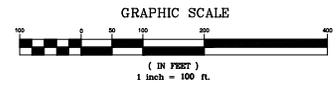
PROPERTY AND ZONING MAP

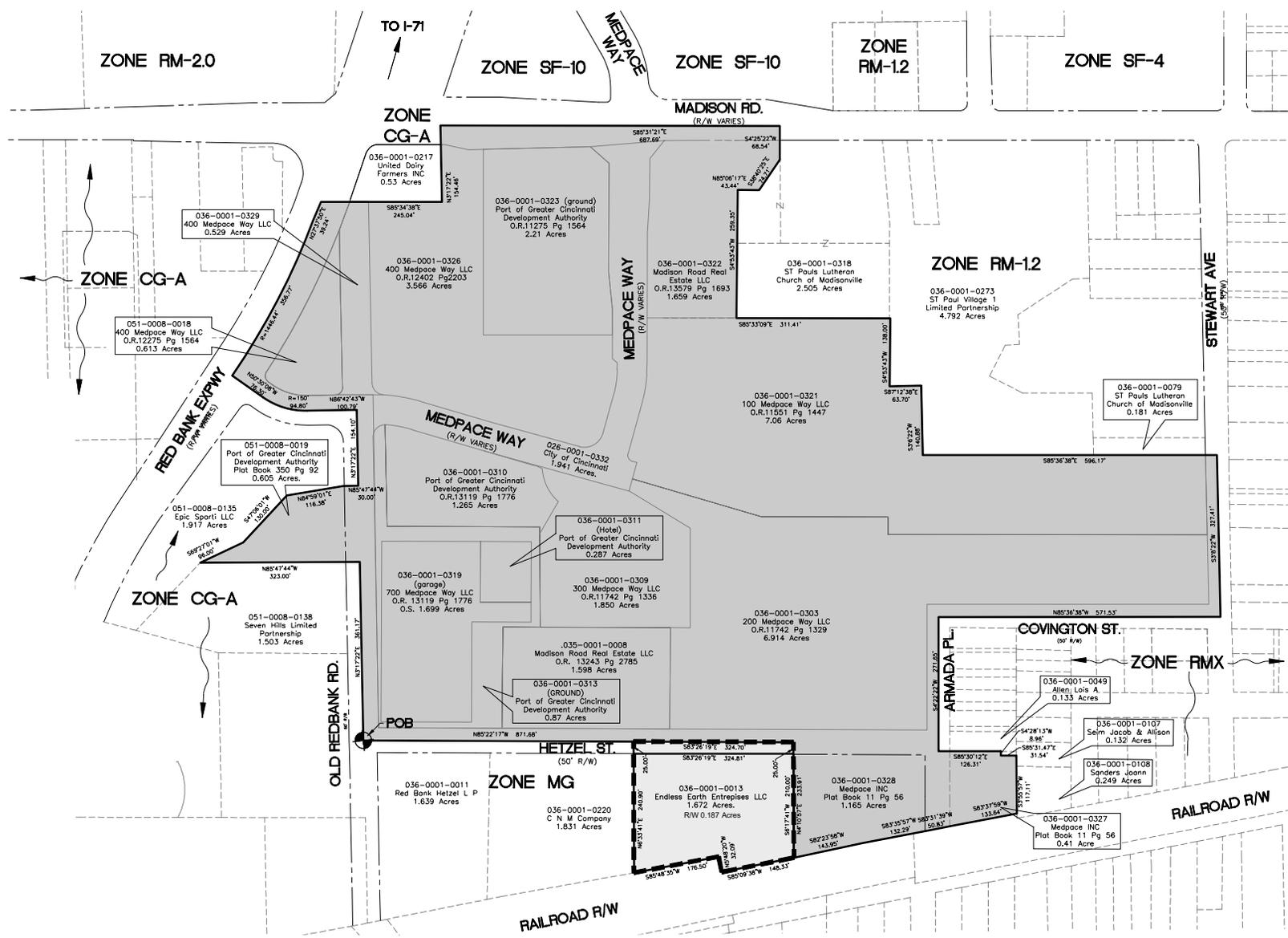
Project No. 13100

1

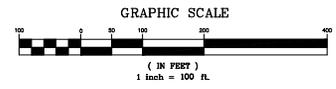
Plan ID #	Parcel ID	Record Document	Name	Area (Ac)
1A	036-0001-0323 (ground)	O.R. 11275 Pg 1564	Port of Greater Cincinnati Development Authority	2.21
1B	036-0001-0326	O.R. 12402 PG 2203	400 Medpace Way LLC	3.566
2	036-0001-0321	O.R. 11551 Pg 1447	100 Medpace Way LLC	7.06
3	036-0001-0303	O.R. 11742 Pg 1329	200 Medpace Way LLC	6.914
4a	036-0001-0309	O.R. 11742 Pg 1336	300 Medpace Way LLC	1.850
4b	036-0001-0310	O.R. 13119 Pg 1776	Port of Greater Cincinnati Development Authority	1.265
5a	036-0001-0319 (garage)	O.R. 13119 Pg 1776	700 Medpace Way LLC	1.699
5b	036-0001-0311 (hotel)	O.R. 13119 Pg 1776	Port of Greater Cincinnati Development Authority	0.287
5c	036-0001-0313 (ground)	O.R. 13119 Pg 1776	Port of Greater Cincinnati Development Authority	0.87
6	051-0008-0018	O.R. 12275 Pg 1564	404 Medpace Way LLC	0.613
7	036-0001-0332		City of Cincinnati	1.941
8	036-0001-0329		(Portion of Medpace Way R/W*)	0.529
9	051-0008-0019	Plat Book 350 Pg 92	400 Medpace Way LLC	0.605
10	036-0001-0328	Plat Book 11 Pg 56	Medpace INC	1.165
11	036-0001-0327	Plat Book 11 Pg 56	Medpace INC	0.41
12	036-0001-0322	O.R. 13579 Pg 1693	Madison Road Real Estate LLC	1.659
13	036-0001-0008	O.R. 13243 Pg 2785	Madison Road Real Estate LLC	1.598
14	036-0001-0013		Endless Earth Enterprises LLC	1.672
Total				35.913

NOTE:
 MEDPACE WAY RIGHT OF WAY PARCEL REFLECTS TO ROAD IMPROVEMENTS COMPLETED IN 2020.





NOTE:
MEDPACE WAY RIGHT OF WAY PARCEL REFLECTS
TO ROAD IMPROVEMENTS COMPLETED IN 2020.





2360 Chauvin Dr
LEXINGTON
KY 40517
859.268.1933
FX: 859.268.3341

308 East 8th St
CINCINNATI
OH 45202
513.651.4224
FX: 513.651.0147

1220 West 6th St
Suite 300
CLEVELAND
OH 44113
216.241.4480
FX: 216.736.7155

17300 Preston Rd
Suite 310
DALLAS
TX 75252
469.941.4926
FX: 469.941.4112

May 15, 2023

City of Cincinnati Planning Department
Two Centennial Plaza
805 Central Avenue
Cincinnati, Ohio 45202

RE: Madison Center, Hotel and Medpace – Update to Planned Development (PD #73)

Dear Ms. Kellum:

Brandstetter Carroll Inc. (BCI) is pleased to submit an update to the Concept Plan and Program Statement for revisions to the PD # 73.

The following information is our request to the City of Cincinnati Planning Commission and City Counsel for revisions to the PD # 73:

- New Building 300 @ 5355 Medpace Way: The PD Office component square footage is requested to be revised for the updated to existing Building 300. This building has 485,000 sq feet of office space. There are 310 parking spaces in a garage under the office space. The existing Medpace Building 300 will be demolished and a new Building 300 will be constructed. The existing Building 300 has 15,000 Sf of Office, 45,000 Sf of Research and Development. This area will be Consolidated with adjacent tracts.
- Building 600, located @ 5401 Hetzel Street, Is for the Clinical Pharmacology Unit (CPU). This building will consist of 15,000 Sf of office and 25,000 Sf of warehouse/storage and 35,000 Sf of Research and Development.
- Future Mix Use building on the MRRE site at 5401 Madison Road at the southeast corner of Medpace Way and Madison Road, for a total of 265,000 Sf of office, 10,000 Sf of Restaurant and 10,000 Sf of Retail.
- A new 1,300 stall Parking Garage over the existing surface parking lot behind Buildings 100 & 200.
- The total PD district acreage to be revised from 34.241 Ac to 35.913 Ac. An updated Property and Zoning Map with annotated existing and proposed uses is attached. The request includes adding a approximate 1.672 Acre parcel on the south side of Hetzel Street which is adjacent to and on the west side of Medpace Building 500 (their logistics building) to PD # 73. A Legal Description of the additional PD Zoning area request is attached.

Therefore, the request for additional use and Garage spaces to the PD is:

- 619,000 Sf of Office
- 25,000 Sf of Warehouse
- 16,000 SF of Restaurant
- 1,610 spaces in Garages

On the Medpace PD #73 Zoning Map the following updates are indicated: a 1,300 car garage behind Buildings 100 and 200. Also, two Pylon Signs of similar design as the existing Medpace campus sign are shown at the intersections of Red Bank Expressway and Medpace Way and also at the Madison Rd and Medpace Way.

See the Site Plans and Architectural Plans/Renderings attached.

Sincerely,
Brandstetter Carroll Inc.



Joseph P. Dillon, P.E., LEED AP
Director of Site/Civil Engineering

Cc: Seth Barnhard, Sitement, Inc.
Ben Brandstetter, P.E. BCI

Attachment: Fee, Concept Site Plans, Concept Architectural Building Elevations and Floor Plans, updated PD Map, Renderings, Update Legal Description and Deed.

JPD/st

Kellam, Caroline

From: Joe Dillon <jdillon@bciaep.com>
Sent: Friday, July 14, 2023 12:20 PM
To: Kellam, Caroline
Subject: [External Email] Medpace PD #73 Request

External Email Communication

Hi Caroline, See below for the section 1429 items.

The following information is our response to the City Zoning regulation from Section 1429 Planned Development Districts(**In Bold Font**):

Section 1429-09:

(a) *Plan Elements*. A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.

The site plans and figures have these items covered.

(b) *Ownership*. Evidence that the applicant has sufficient control over the tract of land to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

The ownership of all these parcels are entities controlled by Medpace founder: 300 Medpace Way, LLC, 200 Medpace Way, LLC , Madison Road Real Estate, LLC and Endless Earth Enterprises, LLC.

(c) *Schedule*. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.

Start of 3Q of 2023 and completion of 3Q of 2026. Note: the Bldg 300 and the Building are being construction in the same timeframe.

(d) *Preliminary Reviews*. A preliminary review of geo-technical, sewage, water, drainage and refuse collection.

-Geotechnical Engineering Report by Terracon for Building 700 Dated 5/6/22 (The Building 700 name on the Report is now known as Building 300).

-Overflow Building Geotechnical Engineering Report by Terracon Dated 2/21/23 (The Overflow Building name on the Report is now known as Building 600).

-GCWW Preliminary (PA) approved for the new water main in Hetzel dated 6/29/23 and Water Availability dated 6/20/23.

-MSDCG Sewer Availability dated 7/12/23.

(e) *Density and Open Space*. Calculations of density and open space area.

The request for additional use and Garage spaces to the PD is:

- **619,000 Sf of Office**

- **25,000 Sf of Warehouse**
- **16,000 SF of Restaurant**
- **1,610 spaces in Garages**

(f) *Other Information.* Any other information requested by the Director of City Planning or the City Planning Commission.

None

Section 1429-13:

(a) *Survey.* Plan or survey of the parcel to be developed showing existing and proposed physical features, including: topography, drainage, open space areas and landscaping; and streets, easements and utility lines.

This information can be seen on the attached site plan set (i.e. the Existing Condition Plan is Sheet C100). The site parcels are being Consolidated.

(b) *Site Plan.* A site plan showing the location and arrangement of all existing and proposed structures, including building pads, the proposed internal and external traffic circulation pattern, the areas to be developed for parking, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways and proposed public or common open space or other public facilities. **This information is reflected on the site plan set.**

(c) *Engineering Plans.* Engineering plans, including: site grading; street improvements; drainage and utility improvements and extensions as necessary. **Same as (b), This information is reflected on the site plan set.**

(d) *Open Space.* A statement of the anticipated open space, gross density and net density.

There is a Campus wide pedestrian walkways and for Open spaces including landscaping and hardscaping. The new Building 300 will have a plaza area that will be used for the entire Campus. The surface parking lot in front of the existing B-300 will be removed in the proposed Plaza area.

(e) *Schematic Building Plans.* Plans showing building footprints, schematic floor plans and exterior elevations and types of building materials.

This information is attached on the architectural plan set.

(f) *Landscape Plans.* Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species and quantities. **See item (d).**

(g) *Phase Schedule.* A schedule for the development of such phases must be submitted when a development is to be constructed in phases. **The schedule is:**

- **Building 300-Office Phase-construction to start in 3rd Quarter of 2023 and completion in Q2 in 2026.**
- **Building 600 (CPU)-construction to start 3rd of 2023 and completion in Q2 2026.**

(h) *Ownership.* Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

The ownership of all these parcels are entities controlled by Medpace founder: 300 Medpace Way, LLC, 200 Medpace Way, LLC and Endless Earth Enterprises, LLC.

The Deeds for this project have been submitted.

(i) *Statement of Uses.* A statement identifying the principal uses that are to be included in the proposed development. **The principal uses incorporated into this update to PD #73: Office Space for Medpace in Building 300 and the Building 600 (CPU) is primarily for Clinical Pharmacology Unit.**

(j) *Future Ownership and Control.* Statement on the present and future ownership and control of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, drives, parking areas, utilities, common areas and common facilities. **Building 300 to be owned and maintained by 300 Medpace Way LLC.**

(k) *Restrictive Covenants.* Copies of any restrictive covenants that are to be recorded with respect to property included in the PD District. **None at this time.**

Joseph P. Dillon, P.E., LEED AP
Director of Site/Civil Engineering



mobile 513.532.4573

Direct 513-618-8909

**Honorable City Planning Commission
Cincinnati, Ohio**

October 20, 2023

SUBJECT: A report and recommendation on a proposed zone change and a Major Amendment to the Concept Plan and Development Program Statement for Planned Development #73 (PD-73), Medpace to include additional property and revise the Concept Plan and Development Program Statement.

GENERAL INFORMATION:

Owner: Medpace Inc.
5375 Medpace Way
Cincinnati, OH 45227

Applicant: Brandstetter Carroll Inc.
308 E. Eight Street
Cincinnati, OH 45202

Developer: Skanska
201 E. 5th Street, Suite 2020
Cincinnati, OH 45202

Request: The City Planning Commission will review a proposed zone change and a Major Amendment to the Concept Plan and the Development Program Statement for Planned Development #73 (PD-73), Medpace, in Madisonville.

ATTACHMENTS:

Provided in addition to this report are:

- Attachment A – Location Map
- Attachment B – Site Plans
- Attachment C – Site Plan
- Attachment D – Zoning Plat
- Attachment E – Major Amendment to Concept Plan and Development Program Statement
- Attachment F – Addendums to Development Program Statement
- Attachment H – Coordinated Site Review Letter
- Attachment I – Letter of Support from the Madisonville Community Council
- Attachment J – Legal description

BACKGROUND:

In 2015, the City Planning Commission recommended approval of a change in zoning to City Council to create Planned Development #73 (PD-73, Medpace). City Council approved the zone change, Concept Plan, and Development Program Statement as Ordinance 320-2015 on October 7, 2015. An additional 3.002 acres were added to the Planned Development by way of a Major Amendment to the Concept Plan and Development Program Statement in 2017 (Ordinance 000-2017).

A Final Development Plan was filed for each portion of the approved Concept Plan that the petitioner proposed to construct. Since the establishment of the Planned Development, the City

Planning Commission reviewed and approved six Final Development Plans between May 2016 and December 2019. Since these approvals, an additional 1.859 acres of land south of Hetzel Street has been acquired, which the petitioner is requesting to add to PD-73.

ADJACENT LAND USE AND ZONING:

- North:** Single-family Residential (SF-10); School and single-family residential
- East:** Residential Multi-family (RM-1.2) and T3 Neighborhood (T3N); Church, multi-family residential, and single-family residential
- West:** Commercial General-Auto (CG-A) and PD-45; Mixed-use development including residential and office
- South:** Commercial General-Auto (CG-A), Manufacturing General (MG), and Residential Multi-family (RM-2.0); Hotel, light manufacturing, multi-family residential, and single-family residential

DESCRIPTION OF PROJECT AND PROPOSED CHANGES TO CONCEPT PLAN:

The applicant, Brandstetter Carroll, Inc., is asking the City Planning Commission to consider a Major Amendment to the Concept Plan and Development Program Statement to expand the boundary of PD-73, set the development parameters of the expansion area, and revise the existing development parameters. The expansion includes 1.859 acres on the south side of Hetzel Street, 5401 Hetzel Street, Lot 14, to construct a future office building (Building 600) for the Clinical Pharmacology Unit. Building 600 will have two-stories and a basement with 70,000 square feet.

Also, the existing office building, building 300, 5340 Hetzel Street, Lot 4a and 13, will be demolished and a new larger building will be built featuring a new plaza and green space. In addition to the proposed new Building 300, a future parking garage is proposed on the existing surface parking lot north of Covington Street and west of Stewart Avenue, lot G3; it will contain 1,300 parking spaces. The applicant also proposes removal of fuel sales as a permitted use.

§ 1429-12 AMENDMENTS TO A PLANNED DEVELOPMENT CONCEPT PLAN:

The Cincinnati Zoning Code allows for amendments to a Concept Plan. Amendments that change the uses allowed or change the density of the development by more than ten percent must be approved by the City Planning Commission and Council as a zoning map amendment. Concept Plans may be amended as follows:

(a) Minor Amendments. The Director of City Planning may approve minor amendments provided that they do not change building heights by more than ten percent, floor area by more than five percent, decrease parking spaces by more than ten percent or allow buildings or accessory uses closer to the perimeter property lines.

(b) Major Amendments. Amendments to any Concept Plan other than a minor amendment must be approved by the City Planning Commission. Amendments that change the uses allowed or change the density of the development by more than ten percent require approval of the City Planning Commission and Council as a zoning map amendment.

A Major Amendment to the Concept Plan and the Development Program Statement has been requested for approval to expand the boundary of the PD along the south side of Hetzel Street, construct two new offices buildings and the removal of fuel sales as a permitted use.

§ 1429-13 FINAL DEVELOPMENT PLAN:

Pursuant to §1429-13, a Final Development Plan must be submitted for any portion of an approved Concept Plan that the petitioner wishes to develop following approval of the Concept Plan and Development Program Statement and the Planned Development (PD) designation by City Council. Separate Final Development Plans will be filed for review by the City Planning Commission for any portion of an approved Concept Plan that the petitioner wishes to develop; it must substantially conform to the approved Concept Plan and Development Program Statement.

§ 1429-16 CONCURRENT APPROVAL OF CONCEPT PLAN, DEVELOPMENT PROGRAM STATEMENT AND FINAL DEVELOPMENT PLAN:

The City Planning Commission may review and approve the Concept Plan, Development Program Statement and the Final Development Plan concurrently, provided that the applicant meets the submission requirements of both the Concept Plan and the Final Development Plan. The Planning Commission's approval of the Final Development Plan is contingent on the applicant obtaining City Council's approval of the Planned Development map amendment without changes. Consideration of the Final Development for this portion of the Concept Plan is **Item X** on the October 20, 2023 City Planning Commission Agenda.

PUBLIC COMMENT AND NOTIFICATION:

The Department of City Planning and Engagement held a virtual public staff conference on the proposed Major Amendment to the Concept Plan and the Development Program Statement on August 22, 2023. Notice of the public staff conference was mailed out 14 days in advance to property owners within 400-feet of the boundary of PD-73, as well as the Madisonville Community Council. Notice was also posted on the Department of City Planning and Engagement's Facebook and X (formerly known as Twitter) accounts. A website was also created with more information about the proposed project. In addition to the applicant, only two community members attended to learn more about the proposal. The Madisonville Community Council submitted a letter of support (Attachment I).

COORDINATED SITE REVIEW:

The applicant participated in the City's Coordinated Site Review (CSR) process in June 2023. The CSR process is designed to help developers identify any regulatory conditions that may affect their project. That meeting addressed the proposed Major Amendment. The CSR letter to the petitioner with City Department feedback is included as **Exhibit X**; it outlines additional requirements needed to be met before permits are obtained. The petitioner has continued working with the various City departments to address their requirements. The CSR team will review plans for each Final Development Plan that is submitted. The final CSR letter is attached (Attachment H).

CITY PLANNING COMMISSION ACTION:

According to Section §1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;

The proposal is consistent with the Compete Initiative Area of Plan Cincinnati (2012). It is compatible with the approved surrounding development as it is bound in part by commercial

and residential uses.

2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;

The Concept Plan and the Development Program Statement propose a design that allows for a mix of uses; the site can be maximized by taking advantage of the MG zoning area allowing more freedom to continue the expansion developing new office space in character of other buildings within the Medpace campus.

3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement;

The property, if allowed to expand the boundary to the south on Hetzel Street by including the MG Manufacturing General Zoning District, would allow expansion for Medpace to include additional office development in the PD.

4. The PD Concept Plan and Development Program Statement includes adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design and building location.

All aspects are covered in the Concept Plan and Development Program Statement as submitted, including insight from the CSR letter in Attachment H.

ANALYSIS:

The staff of the Department of City Planning and Engagement supports the proposed Major Amendment to the Concept Plan and the Development Program Statement for the next expansion of PD-73, Medpace. PD-73 was originally approved in 2015 and since that time has successfully developed a former light manufacturing site with new commercial uses such as office, hotel and restaurant. The proposed amendment is a continuation and expansion of these uses and includes the necessary elements of Section 1429-09- Concept Plan and Development Program Statement.

Medpace makes a positive contribution to the economy and tax base of the City of Cincinnati. Their company is expanding at a fast pace to continue their contribution to the pharmaceutical industry through this \$265,000,000 investment.,

Medpace has fostered a good relationship with their neighbors in the Madisonville Community. Each expansion has incorporated feedback from the community, included sufficient parking, and the development has not had a negative impact on the existing built character of the Madisonville Community.. The proposal is consistent with *Plan Cincinnati* (2012).

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed Major Amendment is consistent with the Compete Initiative Area as it meets the strategy to “grow our own” by focusing on retention, expansion and relocation of existing businesses (page 104) and the strategy to “Target investment to geographic areas where there is already economic activity” (page 115).

Supporting the expansion of the Medpace campus is crucial for the retention and expansion of this existing business. This also helps target additional investment where there is already economic activity at the intersection of Red Bank Expressway and Madison Road in Madisonville.

DIVERSITY AND ECONOMIC INCLUSION:

400 Medpace LLC is committed to achieving 20% diverse business participation (which will include MBE, WBE, and SBE in aggregate). They are also conducting outreach efforts, including trade contractor events, in order to achieve this goal.

FINDINGS:

It is the opinion of the staff of the Department of City Planning and Engagement that the proposed Major Amendment to the Concept Plan and Development Program Statement for PD-73 is in compliance with the requirements of §1429-12 - Amendments to a Planned Development Concept Plan of the Cincinnati Zoning Code. The proposal is consistent with the purpose of the Planned Development District Regulations. The applicant has successfully met all basic requirements of the Planned Development District. The Major Amendment will not negatively impact the existing character of the surrounding area.

CONCLUSIONS:

The staff of the Department of City Planning and Engagement supports the proposed Major Amendment to the Concept Plan and Development Program Statement for the expansion and future development of Medpace in PD-73 as per Section 1429-11(a) as it is addressed on pages 3-4 of this report and for the following reasons:

1. This was a logical transition from Manufacturing uses to Planned Development with new commercial uses such as office, hotel and restaurant uses within the city.
2. Supporting the expansion of the Medpace campus is crucial for the retention and expansion of this existing business.
3. This helps target additional investment where there is already economic activity at the intersection of Red Bank Expressway and Madison Road in Madisonville.
4. The proposal for the Medpace expansion will not negatively impact the existing character of the surrounding area;
5. The proposal will provide additional high paying jobs, increase the tax base, and assist the economy with the \$265,000,000 investment in the City;
6. The proposal is supported by the Madisonville Community Council; and
7. The proposal is consistent with *Plan Cincinnati* (2012).

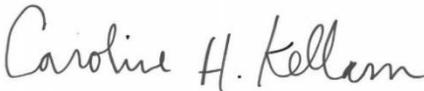
RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

1. **APPROVE** the proposed change in zoning for the south side of Hetzel Street, 5401 Hetzel Street, Lot 14, from Manufacturing General (MG), to PD-73 finding that the proposal satisfies as outlined in §1429-11 as outlined in this report on pages 2-5 and;

- 2. **APPROVE** the Major Amendment to the Concept Plan and Development Program Statement for Planned Development #73, Medpace, as amended and outlined in this report and;
- 3. **ADOPT** the Department of City Planning and Engagement Findings as detailed on page 5 of this report.

Respectfully submitted:



Caroline Hardy Kellam, Senior City Planner
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

November 1, 2023

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

APPROVING a major amendment to the concept plan and development program statement governing Planned Development No. 73 to change the density and uses permitted within the planned development and to enlarge the planned development by adding approximately 1.672 acres of real property located at 5401 Hetzel Street to facilitate the development of new office buildings, thereby approving the rezoning of the adjacent property from the MG, “Manufacturing General,” zoning district to Planned Development District No. 73, “Madison Center.”

Summary

The applicant, Brandstetter Carroll, Inc., is seeking a Major Amendment to the Concept Plan and Development Program Statement to expand the boundary of PD-73, set the development parameters of the expansion area, and revise the existing development parameters. The expansion includes 1.672 acres on the south side of Hetzel Street, 5401 Hetzel Street, Lot 14, to construct a future office building (Building 600) for the Clinical Pharmacology Unit. Building 600 will have two-stories and a basement with 70,000 square feet.

Also, the existing office building, building 300, 5340 Hetzel Street, Lot 4a and 13, will be demolished and a new larger building will be built featuring a new plaza and green space. In addition to the proposed new Building 300, a future parking garage is proposed on the existing surface parking lot north of Covington Street and west of Stewart Avenue, lot G3; it will contain 1,300 parking spaces. The applicant also proposes removal of fuel sales as a permitted use.

On October 20, 2023, the City Planning Commission voted to recommend the proposed Major Amendment including the proposed change in zoning for the south side of Hetzel Street, 5401 Hetzel Street, Lot 14, from Manufacturing General (MG), to PD-73, Medpace, in Madisonville to City Council.

Motion: Mr. Samad

Ayes:

Mr. Weber
Mr. Eby
Mr. Stallworth
Ms. Sesler
Mr. Samad
Ms. Beltran

Seconded: Mr. Weber

THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

Date: November 1, 2023

To: Mayor and Members of City Council 202302297
From: Sheryl M. M. Long, City Manager
Subject: **ORDINANCE – ACCEPTING AND CONFIRMING THE DEDICATION OF A PORTION OF MOERLEIN AVENUE**

Attached is an ordinance captioned as follows:

ACCEPTING AND CONFIRMING the dedication to public use of an approximately 0.005-acre tract of real property as a portion of the Moerlein Avenue public right-of-way for street purposes in the CUF neighborhood of Cincinnati.

Moerlein Properties LLC has dedicated to public use an approximately 0.005-acre tract of real property as a portion of the Moerlein Avenue public right-of-way for street purposes in the CUF neighborhood of Cincinnati. The City Manager recommends passage of this ordinance to allow for the dedication and acceptance of this parcel as additional right-of-way for Moerlein Avenue.

The City Engineer has examined and checked the dedication plat as to its technical features and found it to be correct.

The City Planning Commission approved the dedication plat at its meeting on August 18, 2023.

The Administration recommends passage of the attached ordinance.

Attachment I – Dedication Plat

Attachment II – Legal Description

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

City of Cincinnati

CHM

EESW

An Ordinance No. _____

- 2023

ACCEPTING AND CONFIRMING the dedication to public use of an approximately 0.005-acre tract of real property as a portion of the Moerlein Avenue public right-of-way for street purposes in the CUF neighborhood of Cincinnati.

WHEREAS, Moerlein Properties LLC, an Ohio limited liability company (“Developer”), by and through its duly authorized representative, has dedicated to public use an approximately 0.005-acre tract of real property (“Dedication Property”) as a portion of the Moerlein Avenue public right-of-way for street purposes by a plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”); and

WHEREAS, Peter E. Koenig, a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney’s Certificate of Title dated July 13, 2023, certifying that Developer holds title to the Dedication Property depicted on the Dedication Plat in fee simple, with full power to convey, subject to certain encumbrances, including real estate taxes not yet due and payable, and that the Law Department’s Real Estate Services Division has reviewed the encumbrances and Dedication Plat and found that Developer has made satisfactory provision for the subordination of the encumbrances and payment of all real estate taxes and assessments; and

WHEREAS, the office of the City Engineer has examined and checked the Dedication Plat as to its technical features and found it to be correct; and

WHEREAS, the City Planning Commission approved the Dedication Plat and the dedication of the additional portions of Moerlein Avenue to public use as public right-of-way for street purposes at its meeting on August 18, 2023; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the City’s Department of Transportation and Engineering, recommends that Council accept and confirm the dedication of the Dedication Property as portions of the Moerlein Avenue public right-of-way for street purposes; now, therefore,

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

Section 1. That the dedication to public use of an approximately 0.005-acre tract of real property (“Dedication Property”) in CUF as a portion of the Moerlein Avenue public right-of-way for street purposes, as depicted on the plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”) and described below and on the legal

description attached to this ordinance as Attachment B and incorporated herein by reference is hereby accepted and confirmed. The Dedication Property is more particularly described as follows:

Situated in the State of Ohio, County of Hamilton, Millcreek Township, City of Cincinnati, in Section 13, Town 3, Fractional Range 2, Symmes' Purchase, and being a 0.005 acre portion of Lot No. 23, as shown upon the plat entitled Estate of John Smith Subdivision of part of block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 2, Page 281, said portion of Lot 23 having been conveyed, as part of a 1.344 acre tract of land, to Moerlein Properties LLC, by deed of record in Official Record 14942, Page 1193, all records referenced to the Recorder's Office, Hamilton County, Ohio, said tract bounded and described as follows:

Beginning at an iron pin found (bent) in the easterly right-of-way line of Moerlein Avenue (50 feet in width), in the northerly line of said tract conveyed to Moerlein Properties LLC, and at the southwesterly corner of Lot 25, as shown upon the plat entitled Adeline L. Brashear's Heirs Subdivision of Part 1 of Block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 8, Volume 2, Page 11, said pin being S 15° 38' 32" W a distance of 98.87 feet from a point at the intersection of the westerly right-of-way line of Moerlein Avenue with the southerly right-of-way line of McMillan Street (60 feet in width), said point being referenced by a 1" Solid found northwesterly a distance of 0.57 feet;

thence S 15° 38' 32" W along the easterly right-of-way line of Moerlein Avenue and crossing said Lot 23 a distance of 150.00 feet to a 5/8" iron pin set in the northerly right-of-way line of Lyon Street (36 feet in width) and in the southerly line of said Lot 23;

thence N 83° 52' 34" W along a portion of the northerly right-of-way line of Lyon Street and along a portion of the southerly line of said Lot 23 a distance of 1.64 feet to a 1/2" solid found at the southwest corner of said 1.344-acre tract conveyed to Moerlein Properties LLC;

thence N 15° 38' 32" E along the westerly line of said 1.344-acre tract conveyed to Moerlein Properties LLC a distance of 150.00 feet to an iron pin found (bent, 0.4' westerly) at the northwest corner of said 1.344-acre tract conveyed to Moerlein Properties LLC;

thence S 83° 52' 34" E along a portion of the northerly line of said 1.344-acre tract conveyed to Moerlein Properties LLC a distance of 1.64 feet to the place of beginning; containing 253 square feet (= 0.005 acre) of land, more or less, and being subject to all highways, easements, restrictions of record. The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, ofV3

Companies, Ltd., (formerly Bird+Bull, Inc.) Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in March 2021. 5/8" iron pin set are 30" in length with a plastic cap stamped "V3CO.COM". Basis of bearings is the centerline of McMillan Street, being N 83° 52' 34" E, derived from VRS observations referencing monument, PID designation of DH9007 and CORSID of KYBO, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

Section 2. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including without limitation the execution of all any and all ancillary agreements, deeds, plats, or other real estate documents, as deemed necessary or appropriate by the City Manager.

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

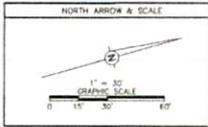
Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

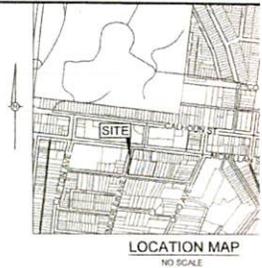
Attest: _____
Clerk

ATTACHMENT A



MOERLEIN AVENUE DEDICATION PLAT

SECTION 13, TOWN 3, FRACTIONAL RANGE 2, SYMMES' PURCHASE
MILLCREEK TOWNSHIP,
CITY OF CINCINNATI, HAMILTON CO., OHIO
0.005 ACRE



Situated in the State of Ohio, County of Hamilton, City of Cincinnati, in Section 13, Town 3, Fractional Range 2, Symmes' Purchase, and being a 0.005 acre portion of Lot No. 23, as shown upon the plat entitled Estate of John Smith Subdivision of part of block 1 of Barr, Gramm & Lewis Subdivision, of record in Plat Book 2, Page 281, said portion of Lot 23 having been conveyed, as part of a tract of land in Moerlein Properties, LLC, by deed of record in Official Record 18482, Page 1193, all records referenced to the Recorder's Office, Hamilton County, Ohio.

The undersigned, MOERLEIN PROPERTIES LLC, an Ohio limited liability company, owner of the land platted herein, being duly authorized in the premises, does hereby certify that this plat correctly represents its "MOERLEIN AVENUE DEDICATION PLAT", a dedication of a portion of Moerlein Avenue for public use for street purposes, and does hereby accept this plat of same and dedicates to the City of Cincinnati as such all or parts of the Road shown herein and not heretofore dedicated. We also guarantee the payment of all taxes and assessments that are a lien on said property on the date of acceptance.

In Witness Whereof, MOERLEIN PROPERTIES LLC, an Ohio limited liability company, by Richard H. Kirk, Manager, has hereunto set his hands this 30th day of July, 2023.

MOERLEIN PROPERTIES LLC
an Ohio limited liability company,
150 East Broad Street
Columbus, Ohio 43215

By: *Richard H. Kirk, Authorized Signatory*
Richard H. Kirk, Manager, Authorized Signatory
William D. Kirk, Authorized Signatory

Before me, a Notary Public in and for said State, personally appeared Richard H. Kirk, Manager of MOERLEIN PROPERTIES LLC, an Ohio limited liability company, who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed and the free and voluntary act and deed of MOERLEIN PROPERTIES LLC, for the uses and purposes therein expressed.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 30th day of July, 2023.

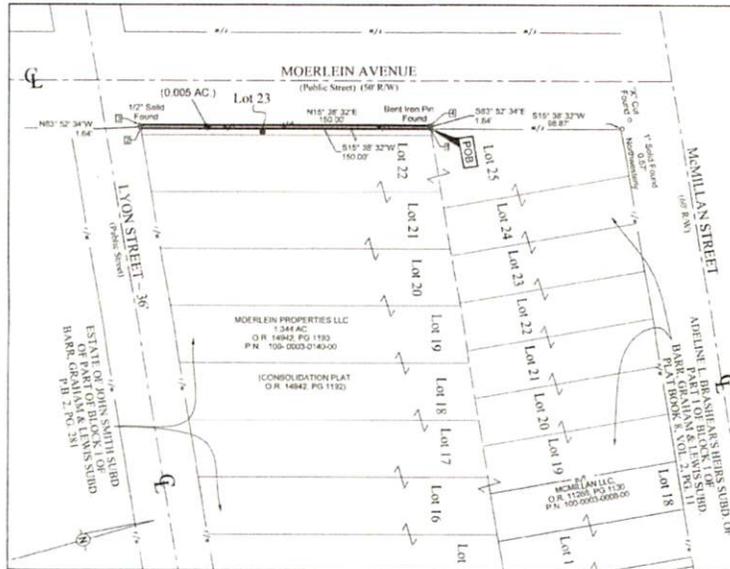


[Signature]
Notary Public, State of Ohio
County of Franklin

The undersigned Mortgagee pursuant to mortgage filed of record in O.R. 14447 Pg. 1027, Recorder's Office, Hamilton County, Ohio, does hereby consent to and accept this plat.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 7th day of July, 2023.

By: *[Signature]*
WEBBANCO BANK, INC.
a West Virginia banking corporation



PLANNING COMMISSION APPROVAL
The dedication of the portion of Moerlein Avenue, as dedicated herein, was approved by the Cincinnati City Planning Commission on _____, 2023.

Approved this ___ day of _____, 2023
Katherine Keough-Jurs
Director, Department of City Planning & Engagement

Approved this ___ day of _____, 2023
Sewer Chief Engineer
Metropolitan Sewer District of Greater Cincinnati

Approved this ___ day of _____, 2023
City of Cincinnati, Stormwater Utility Management Eng

Approved this ___ day of _____, 2023
City Engineer
Department of Transportation Engineering

Approved this ___ day of _____, 2023
Assistant City Solicitor

The dedication of the portion of Moerlein Avenue, as depicted herein, is accepted by Cincinnati City Council by Ordinance No. _____ passed by the Cincinnati City Council on _____.

City of Cincinnati Clerk of Council

The Owners of all Properties shown hereon shall be subject to all applicable sewer charges, assessments, tap-in charges, or fees which have been or may be established by the Board of County Commissioners, Hamilton County, Ohio.

No part of any driveway approach within the Roadway right-of-way shall be installed closer than five (5) feet to any inlet, utility pole, street light pole, traffic control device, guy wire or fire hydrant.

- NOTES
1. Source Documents are as noted.
 2. Occupation, in general fits survey.
 3. Monumentation used as shown and in general good condition unless otherwise noted.

ROW Dedication 0.005 Acre for Moerlein Avenue
Total 0.005 Acre for RW Dedication

Total Site Area 0.005 Acres

We do hereby certify that we have surveyed the above premises and prepared the attached plat and that said plat is correct. All measurements are shown in feet and decimal parts thereof. Dimensions along curves are chord measurements unless otherwise indicated. 5/8" Iron Pins 3/4" long, set with yellow plastic caps stamped "V3CO.COM", unless otherwise shown, and are indicated by the following symbol: —○—

BASIS OF BEARINGS: Basis of bearings is the centerline of McMillan Street, being N 83° 52' 34" E derived from VRS observations referencing monument, PID designation of DH907 and CORS ID of KY102, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

By: *Kevin L. Baxter* 6/30/23
Kevin L. Baxter - Ohio Professional Surveyor No. 7697 Date:



Point #	Northing	Easting	Description
1	416885.86	1396324.27	Barr Iron Pin Found
2	416841.41	1396263.83	Barr Iron Pin Found
3	416841.59	1396262.20	1/2" Steel Flag
4	416869.03	1396322.64	5/8" Iron Pin Set

MOERLEIN AVENUE
DEDICATION PLAT

ATTACHMENT B

June 23, 2023

**DESCRIPTION OF A 0.005 ACRE PORTION OF RIGHT-OF-WAY
ALONG MOERLEIN AVENUE, BETWEEN McMILLAN STREET & LYON STREET,
CITY OF CINCINNATI, MILLCREEK TOWNSHIP, HAMILTON CO., OHIO**

Situated in the State of Ohio, County of Hamilton, Millcreek Township, City of Cincinnati, in Section 13, Town 3, Fractional Range 2, Symmes' Purchase, and being a 0.005 acre portion of Lot No. 23, as shown upon the plat entitled Estate of John Smith Subdivision of part of block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 2, Page 281, said portion of Lot 23 having been conveyed, as part of a 1.344 acre tract of land, to Moerlein Properties LLC, by deed of record in Official Record 14942, Page 1193, all records referenced to the Recorder's Office, Hamilton County, Ohio, said tract bounded and described as follows:

Beginning at an iron pin found (bent) in the easterly right-of-way line of Moerlein Avenue (50 feet in width), in the northerly line of said tract conveyed to Moerlein Properties LLC, and at the southwesterly corner of Lot 25, as shown upon the plat entitled Adeline L. Brashear's Heirs Subdivision of Part 1 of Block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 8, Volume 2, Page 11, said pin being S 15° 38' 32" W a distance of 98.87 feet from a point at the intersection of the westerly right-of-way line of Moerlein Avenue with the southerly right-of-way line of McMillan Street (60 feet in width), said point being referenced by a 1" Solid found northwesterly a distance of 0.57 feet;

thence S 15° 38' 32" W along the easterly right-of-way line of Moerlein Avenue and crossing said Lot 23 a distance of 150.00 feet to a 5/8" iron pin set in the northerly right-of-way line of Lyon Street (36 feet in width) and in the southerly line of said Lot 23;

thence N 83° 52' 34" W along a portion of the northerly right-of-way line of Lyon Street and along a portion of the southerly line of said Lot 23 a distance of 1.64 feet to a 1/2" solid found at the southwest corner of said 1.344 acre tract conveyed to Moerlein Properties LLC;

thence N 15° 38' 32" E along the westerly line of said 1.344 acre tract conveyed to Moerlein Properties LLC a distance of 150.00 feet to an iron pin found (bent, 0.4' westerly) at the northwest corner of said 1.344 acre tract conveyed to Moerlein Properties LLC;

thence S 83° 52' 34" E along a portion of the northerly line of said 1.344 acre tract conveyed to Moerlein Properties LLC a distance of 1.64 feet to the place of beginning;

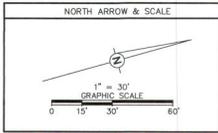
containing 253 square feet (= 0.005 acre) of land, more or less, and being subject to all highways, easements, restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd., (formerly Bird+Bull, Inc.) Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in March, 2021. 5/8" iron pin set are 30" in length with a plastic cap stamped "V3CO.COM". Basis of bearings is the centerline of McMillan Street, being N 83° 52' 34" E, derived from VRS observations referencing monument, PID designation of DH9007 and CORS_ID of KYBO, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

Kevin L. Baxter

Kevin L. Baxter
Ohio Surveyor #7697





MOERLEIN AVENUE DEDICATION PLAT

SECTION 13, TOWN 3, FRACTIONAL RANGE 2, SYMMES' PURCHASE
MILLCREEK TOWNSHIP,
CITY OF CINCINNATI, HAMILTON CO., OHIO
0.005 ACRE



Situated in the State of Ohio, County of Hamilton, City of Cincinnati, in Section 13, Town 3, Fractional Range 2, Symmes' Purchase, and being a 0.005 acre portion of Lot No. 23, as shown upon the plat entitled Estate of John Smith Subdivision of part of block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 2, Page 281, said portion of Lot 23 having been conveyed, as part of a tract of land, to Moerlein Properties, LLC, by deed of record in Official Record 14942, Page 1193, all records referenced to the Recorder's Office, Hamilton County, Ohio.

The undersigned, MOERLEIN PROPERTIES LLC, an Ohio limited liability company, owner of the land platted herein, being duly authorized in the premises, does hereby certify that this plat correctly represents its "MOERLEIN AVENUE DEDICATION PLAT", a dedication of a portion of Moerlein Avenue for public use for street purposes, and does hereby accept this plat of same and dedicates to the City of Cincinnati as such all or parts of the Road shown hereon and not heretofore dedicated. We also guarantee the payment of all taxes and assessments that are a lien on said property on the date of acceptance.

In Witness Whereof, MOERLEIN PROPERTIES LLC, an Ohio limited liability company, by Richard H. Kirk, Manager, has hereunto set his hands this 30th day of June, 2023.

MOERLEIN PROPERTIES LLC,
an Ohio limited liability company,
150 East Broad Street,
Columbus, Ohio 43215

By Richard H. Kirk, Manager
William B. Kirk, Authorized Signatory
William D. Kirk, Authorized Signatory

Before me, a Notary Public in and for said State, personally appeared Richard H. Kirk, Manager of MOERLEIN PROPERTIES LLC, an Ohio limited liability company, who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed and the free and voluntary act and deed of MOERLEIN PROPERTIES LLC, for the uses and purposes therein expressed.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 30th day of June, 2023.



Notary Public, State of Ohio
County of Franklin

The undersigned Mortgagee pursuant to mortgage filed of record in O.R. 14947, Pg. 1077, Recorder's Office, Hamilton County, Ohio, does hereby consent to and accept this plat.

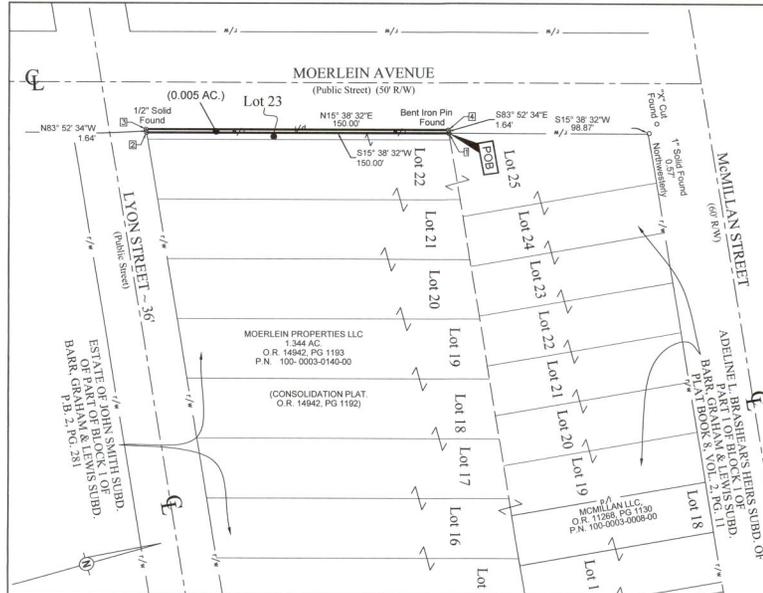
In Witness Whereof, I have hereunto set my hand and affixed my official seal this 7th day of July, 2023.

WESBANCO BANK, INC.
a West Virginia banking corporation

By D. R. D. evp

R.O.W. Dedication 0.005 Acre for Moerlein Avenue
Total 0.005 Acre for R/W Dedication

Total Site Area 0.005 Acres



PLANNING COMMISSION APPROVAL:
The dedication of the portion of Moerlein Avenue, as depicted hereon, was approved by the Cincinnati City Planning Commission on _____, 2023.

Approved this ___ day of _____, 2023
Katherine Keough-Jurs
Director, Department of City Planning & Engagement

Approved this ___ day of _____, 2023
Sewer Chief Engineer
Metropolitan Sewer District of Greater Cincinnati

Approved this ___ day of _____, 2023
City of Cincinnati, Stormwater Utility Management Eng

Approved this ___ day of _____, 2023
City Engineer,
Department of Transportation Engineering

Approved this ___ day of _____, 2023
Assistant City Solicitor

The dedication of the portion of Moerlein Avenue, as depicted hereon, is accepted by Cincinnati City Council by Ordinance No. _____ passed by the Cincinnati City Council on _____

City of Cincinnati Clerk of Council

The Owners of all Properties shown hereon shall be subject to all applicable sewer charges, assessments, tap-in charges, or fees which have been or may be established by the Board of County Commissioners, Hamilton County, Ohio.

No part of any driveway approach within the Roadway right-of-way shall be installed closer than five (5) feet to any inlet, utility pole, street light pole, traffic control device, guy wire or fire hydrant.

We do hereby certify that we have surveyed the above premises and prepared the attached plat and that said plat is correct. All measurements are shown in feet and decimal parts thereof. Dimensions along curves are chord measurements unless otherwise indicated. 5/8" Iron Pins 30" long, set with yellow plastic caps stamped "V3CO.COM", unless otherwise shown, and are indicated by the following symbol: .

BASIS OF BEARINGS: Basis of bearings is the centerline of McMillan Street, being N 83° 52' 34" E, derived from VRS observations referencing monument, PID designation of DH9007 and CORS_ID of KYBO, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

By Kevin L. Baxter 6/30/23
Kevin L. Baxter - Ohio Professional Surveyor No. 7697 Date:



Point Table			
Point #	Northing	Easting	Description
1	416985.88	1396324.27	Bent Iron Pin Found
2	416841.41	1396283.83	Bent Iron Pin Found
3	416841.59	1396282.20	1/2" Solid Found
4	416986.03	1396322.64	5/8" Iron Pin Set

F:\Jobs\2021\210086\Drawings\ACAD\SVY\VP02\PLAT_210086 Moerlein_Ave_RW.Reg_06/30/2023

June 23, 2023

**DESCRIPTION OF A 0.005 ACRE PORTION OF RIGHT-OF-WAY
ALONG MOERLEIN AVENUE, BETWEEN McMILLAN STREET & LYON STREET,
CITY OF CINCINNATI, MILLCREEK TOWNSHIP, HAMILTON CO., OHIO**

Situated in the State of Ohio, County of Hamilton, Millcreek Township, City of Cincinnati, in Section 13, Town 3, Fractional Range 2, Symmes' Purchase, and being a 0.005 acre portion of Lot No. 23, as shown upon the plat entitled Estate of John Smith Subdivision of part of block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 2, Page 281, said portion of Lot 23 having been conveyed, as part of a 1.344 acre tract of land, to Moerlein Properties LLC, by deed of record in Official Record 14942, Page 1193, all records referenced to the Recorder's Office, Hamilton County, Ohio, said tract bounded and described as follows:

Beginning at an iron pin found (bent) in the easterly right-of-way line of Moerlein Avenue (50 feet in width), in the northerly line of said tract conveyed to Moerlein Properties LLC, and at the southwesterly corner of Lot 25, as shown upon the plat entitled Adeline L. Brashear's Heirs Subdivision of Part 1 of Block 1 of Barr, Graham & Lewis Subdivision, of record in Plat Book 8, Volume 2, Page 11, said pin being S 15° 38' 32" W a distance of 98.87 feet from a point at the intersection of the westerly right-of-way line of Moerlein Avenue with the southerly right-of-way line of McMillan Street (60 feet in width), said point being referenced by a 1" Solid found northwesterly a distance of 0.57 feet;

thence S 15° 38' 32" W along the easterly right-of-way line of Moerlein Avenue and crossing said Lot 23 a distance of 150.00 feet to a 5/8" iron pin set in the northerly right-of-way line of Lyon Street (36 feet in width) and in the southerly line of said Lot 23;

thence N 83° 52' 34" W along a portion of the northerly right-of-way line of Lyon Street and along a portion of the southerly line of said Lot 23 a distance of 1.64 feet to a 1/2" solid found at the southwest corner of said 1.344 acre tract conveyed to Moerlein Properties LLC;

thence N 15° 38' 32" E along the westerly line of said 1.344 acre tract conveyed to Moerlein Properties LLC a distance of 150.00 feet to an iron pin found (bent, 0.4' westerly) at the northwest corner of said 1.344 acre tract conveyed to Moerlein Properties LLC;

thence S 83° 52' 34" E along a portion of the northerly line of said 1.344 acre tract conveyed to Moerlein Properties LLC a distance of 1.64 feet to the place of beginning;

containing 253 square feet (= 0.005 acre) of land, more or less, and being subject to all highways, easements, restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd., (formerly Bird+Bull, Inc.) Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision, in March, 2021. 5/8" iron pin set are 30" in length with a plastic cap stamped "V3CO.COM". Basis of bearings is the centerline of McMillan Street, being N 83° 52' 34" E, derived from VRS observations referencing monument, PID designation of DH9007 and CORS_ID of KYBO, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.

Kevin L. Baxter

Kevin L. Baxter
Ohio Surveyor #7697



November 1, 2023

To: Mayor and Members of City Council

202302301

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – FY 2023 Year-End Recommended Transfers and Appropriations for City Council Allocation

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of \$7,095,646 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$7,095,646 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for identified one-time infrastructure and capital projects for identified urgent needs.

This Emergency Ordinance would authorize the various transfers and appropriations as recommended in the Administration’s FY 2023 Carryover to FY 2024 Report (B Version) (Item #202302199) which includes the following transfers and appropriations:

Administration’s Recommended One-Time Uses

- Deferred Capital Maintenance (\$7,095,646) – The recommended \$7,095,646 allocation will provide funding to address the backlog of deferred maintenance of the City’s capital assets as well as information technology equipment. The recommended projects include the following amounts by department:
 - Enterprise Technology Solutions – \$1,795,646
 - \$795,646 to replace radios used by multiple City Departments including Police and Fire
 - \$500,000 for Lifecycle Asset Replacement of Windows based devices
 - \$250,000 to install, repair, and replace uninterruptable power supply (UPS) systems at all network locations
 - \$250,000 to replace the City’s phone systems and provide a unified communications system
 - City Manager’s Office – \$400,000
 - An additional allocation of funds for the Office of Environment and Sustainability (OES) to add one new location and partially fund an additional location (Millvale and Evanston) as Solar Panel Battery Backup Resiliency Hubs

- Department of Community and Economic Development – \$1,000,000
 - Funds for the Division of Parking Services for improvements to off-street parking garages
- Department of Public Services – City Facilities Management (CFM) – \$3,400,000
 - \$1,000,000 for asbestos abatement at various City facilities
 - \$1,000,000 for improvements at public safety facilities
 - \$500,000 for the Fire Training Center
 - \$400,000 for an electrical Arc Flash Hazard Study and mitigation efforts
 - \$250,000 for heating, ventilation, and air conditioning (HVAC) upgrades at various City facilities
 - \$250,000 for safety upgrades at various City facilities
- Department of Public Services – Fleet Services – \$500,000
 - Funds to replace the Cincinnati Police Department’s Special Weapons and Tactics (SWAT) vehicle

This Emergency Ordinance does not include items proposed by the Mayor which are included in a separate Emergency Ordinance to be considered by the City Council.

Additional information regarding the overview of the City of Cincinnati’s financial condition for the fiscal year (FY) ending June 30, 2023, can be found in the Revised Department of Finance Report for the Fiscal Year Ended June 30, 2023 (unaudited) (Item #202302200).

The reason for the emergency is the immediate need to accomplish the authorized transfers and appropriations so the funding described herein is in place immediately and so the necessary expenditures described herein may be made as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

cc: William “Billy” Weber, Assistant City Manager
 Andrew M. Dudas, Budget Director
 Karen Alder, Finance Director

Attachments

EMERGENCY

CNS

- 2023

AUTHORIZING the transfer of \$7,095,646 from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$7,095,646 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for identified one-time infrastructure and capital projects for identified urgent needs.

WHEREAS, in 2015, in Ordinance No. 253-2015, Council adopted a Stabilization Funds Policy to define appropriate funding for the City’s various reserve funds, with such policy being later revised in 2019 through Ordinance No. 213-2019 and revised again in 2022 through Ordinance No. 56-2022; and

WHEREAS, in accordance with the revised Stabilization Funds Policy, Council established a new balance sheet reserve account within the General Fund, “Infrastructure and Capital Project Reserve,” to provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and

WHEREAS, Council is now appropriating \$7,095,646 in the “Infrastructure and Capital Project Reserve” balance sheet reserve account to various projects identified in the attached Schedule A of the Capital Budget Schedule of Transfer; now, therefore,

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

Section 1. That \$7,095,646 is transferred from balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to the unappropriated surplus of General Fund 050.

Section 2. That \$7,095,646 is transferred and appropriated from the unappropriated surplus of General Fund 050 to new or existing capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer to provide resources for the one-time infrastructure and capital projects identified in the attached Schedule A of the Capital Budget Schedule of Transfer.

Section 3. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 2.

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 accomplish the authorized transfers and appropriations so the funding described herein is in place immediately and so the necessary expenditures described herein may be made as soon as possible.

Passed: _____ 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter totaling \$7,095,646.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
ETS 091	050	General Fund	230926	Radio Replacements - GFCO	1,703,292.00	2,498,938.00	795,646.00
	050	General Fund	240913	Telephone System Upgrades	206,000.00	456,000.00	250,000.00
	050	General Fund	240918	Lifecycle Asset Acquisition and Replacement	451,000.00	951,000.00	500,000.00
	050	General Fund	240930	Uninterruptible Power Supply Systems - GFCO	0.00	250,000.00	250,000.00
City Manager OES 104	050	General Fund	241040	Solar Panel Battery Backup Resiliency Hub	325,000.00	725,000.00	400,000.00
Enterprise Services Parking Facilities 248	050	General Fund	242400	Parking Garage Rehabilitation	0.00	1,000,000.00	1,000,000.00
Public Services City Facility Management 255	050	General Fund	232533	Public Safety Facilities Improvements - GFCO	1,000,000.00	2,000,000.00	1,000,000.00
	050	General Fund	232546	Fire Training Facility/Tower - GF	3,400,000.00	3,900,000.00	500,000.00
	050	General Fund	242540	Arc Flash Hazard Mitigation - GFCO	0.00	400,000.00	400,000.00
	050	General Fund	242541	City Facility Asbestos Abatement - GFCO	0.00	1,000,000.00	1,000,000.00
	050	General Fund	242543	City Facility HVAC Upgrades - GFCO	0.00	250,000.00	250,000.00
	050	General Fund	242544	City Facility Security Upgrades - GFCO	0.00	250,000.00	250,000.00
Motorized Equip. 981	050	General Fund	242533	Fleet Replacements - SWAT Truck - GFCO	0.00	500,000.00	500,000.00
							7,095,646.00

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

20230228

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days) the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Associate
- 4. Business Address 255 E Fifth St 1900
City State Zip(+4)
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 10/24/23

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Roger Bacon High School
- 2. Type of Industry High School
- 3. Business Address 4320 Vine Street
City State Zip(+4)
Cincinnati Ohio 45217
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Zoning

07:34:42 AM

07:34:42 AM

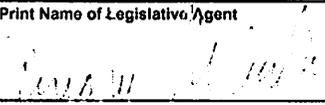
D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input checked="" type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Annalese Cahill
Type or Print Name of Legislative Agent


Signature of Legislative Agent

10/24/23
Date

Steve Schad
Type or Print Name of Persons Signing for Employer

BY: Steve Schad
Signature for Employer

President
Title

10/24/2023
Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

202302289

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days) the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Colleen Reynolds
- 2. Occupation Government Affairs
- 3. Title/Position Partner
- 4. Business Address 255 E Fifth Street 1900

	Street	Suite Number
<u>Cincinnati</u>	<u>OH</u>	<u>45217</u>
City	State	Zip(+4)
- 5. Telephone Number (513) 832-5449
- 6. Date of Engagement as Legislative Agent 10/29/23

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Roger Bacon High School
- 2. Type of Industry High School
- 3. Business Address 4320 Vine Street

	Street	Suite Number
<u>Cincinnati</u>	<u>OH</u>	<u>45217</u>
City	State	Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Zoning

202302289

202302289

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input checked="" type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen Reynolds

Type or Print Name of Legislative Agent

Colleen M Reynolds

Signature of Legislative Agent

Date

10/24/23

Steve Schad

Type or Print Name of Persons Signing for Employer

BY: *Steve Schad*

Signature for Employer

President

Title

10/24/2023

Date

Date: October 18, 2023

To: Mayor and Members of City Council

202302222

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – First Amendment to Horses on the Hill Lease

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a First Amendment to Ground Lease with BLOC Ministries, Inc., pursuant to which the City will lease approximately three and one-half acres of land at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati for the operation of a youth horse riding academy.

The Administration recommends passage of the attached ordinance.

cc: Daniel Betts, Director, Cincinnati Recreation Commission

AUTHORIZING the City Manager to execute a First Amendment to Ground Lease with BLOC Ministries, Inc., pursuant to which the City will lease approximately three and one-half acres of land at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati for the operation of a youth horse riding academy.

WHEREAS, the City of Cincinnati and BLOC Ministries, Inc., an Ohio nonprofit corporation (“Lessee”), are parties to a Ground Lease, authorized by Ordinance No. 191-2018, passed by Council on June 27, 2018, pursuant to which the City leases to Lessee approximately seven acres of real property in the East Price Hill neighborhood located at 1655 Ross Avenue (“Leased Premises”) for the development and operation of a youth horse riding academy; and

WHEREAS, the City owns approximately three and one-half acres of vacant land abutting the Leased Premises (“Lease Expansion Property”), which is under the management of the Cincinnati Recreation Commission (“CRC”); and

WHEREAS, the City and Lessee desire to amend the Ground Lease to include the Lease Expansion Property to facilitate the expansion and enhancement of services provided at the youth horse riding academy, as detailed in the First Amendment to Ground Lease attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, the City Manager, in consultation with CRC, has determined that (i) the Lease Expansion Property is not needed for municipal or recreational purposes for the duration of the Ground Lease, and (ii) leasing the Lease Expansion Property to Lessee is not adverse to the City’s retained interest in the Lease Expansion Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the lease 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 eliminating competitive bidding in connection with the City’s lease of the Lease Expansion Property is in the best interest of the City because the City desires to facilitate the expansion and enhancement of services provided at the youth horse riding academy and has identified the Lease Expansion Property as being an appropriate and suitable location for such expansion; and

WHEREAS, the City's Real Estate Services Division has determined, by a professional appraisal, that the fair market rental value of the Lease Expansion Property is approximately \$3,000 per year; however, the City is agreeable to lease the Lease Expansion Property to Lessee for less than its estimated fair market rental value, namely, for \$0.00 because the City anticipates that it will receive economic and non-economic benefits from the lease of the Lease Expansion Property that equal or exceed its fair market rental value because Lessee's operation of a horse riding academy for kids after school and during the summer expands exposure to unique cultural and educational programs, activities, and opportunities in the City for CRC patrons; and

WHEREAS, the City has determined that the lease of the Lease Expansion Property to Lessee is commercial in nature and constitutes a proper public purpose because the youth horse riding academy will result in the creation of employment and recreational opportunities for the benefit of the community; and

WHEREAS, Cincinnati Recreation Commission approved the lease of the Lease Expansion Property to Lessee at its meeting on May 17, 2022; and

WHEREAS, the City Planning Commission, having the authority to approve the change in use of City-owned property, approved the lease of the Lease Expansion Property to Lessee at its meeting on August 18, 2023; 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 First Amendment to Ground Lease with BLOC Ministries, Inc., an Ohio nonprofit corporation ("Lessee"), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City will lease to Lessee approximately three and one-half acres of land located at 1655 Ross Avenue in East Price Hill ("Lease Expansion Property") on the same terms and conditions as set forth in that certain Ground Lease dated July 31, 2018, which Ground Lease Council authorized by Ordinance No. 191-2018, passed on June 27, 2018.

Section 2. That the Lease Expansion Property is not needed for a recreational or other municipal purpose for the duration of the Ground Lease.

Section 3. That leasing the Lease Expansion Property to Lessee is not adverse to the City's retained interest in the Lease Expansion Property.

Section 4. That the City’s Real Estate Services Division has determined, by professional appraisal, that the fair market rental value of the Lease Expansion Property is approximately \$3,000 per year; however, the City is agreeable to lease the Lease Expansion Property to Lessee for less than its estimated fair market rental value, namely, for \$0.00 because the City anticipates that it will receive economic and non-economic benefits from the lease of the Lease Expansion Property that equal or exceed its fair market rental value because Lessee’s operation of a horse riding academy for kids after school and during the summer expands exposure to unique cultural and educational programs, activities, and opportunities in the City for CRC patrons.

Section 5. That eliminating competitive bidding in connection with the City’s lease of the Lease Expansion Property is in the best interest of the public because the City desires to facilitate the expansion and enhancement of the youth horse riding academy and has identified the Lease Expansion Property as being an appropriate and suitable location for such expansion.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the First Amendment to Ground Lease, including executing any and all ancillary documents associated therewith, such as amendments or supplements to the Ground Lease deemed by the City Manager to be in the vital and best interests of the City.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

FIRST AMENDMENT TO GROUND LEASE

(Addition of property to Lease Area)

This First Amendment to Ground Lease (this "**Amendment**") is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), and **BLOC Ministries, Inc.**, an Ohio nonprofit corporation, the address of which is 911 W. 8th Street, Cincinnati, Ohio 45203 ("**Lessee**").

Recitals:

A. The City and Lessee are parties to that certain *Ground Lease* dated July 31, 2018 (the "**Lease**"), pursuant to which Lessee leases approximately seven acres of City-owned property located at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati (the "**Lease Area**"), which Lease Area is under the management and control of the City's Public Recreation Commission ("**CRC**"). Capitalized terms used herein but not defined herein shall have the meanings ascribed to them in the Lease.

B. The City owns approximately 3.5 acres of undeveloped vacant land formerly used as recreation space, as more particularly depicted on Exhibit A (*Exhibit A-1 of Ground Lease-Site Map-Lease Area Expansion Property*) hereto (the "**Lease Area Expansion Property**"), which Lease Area Expansion Property is under the management of CRC.

C. Lessee desires to amend the Lease to add the Lease Area Expansion Property to the Lease to expand its operation of a horse-riding academy for kids after school and during the summer.

D. Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

E. The City is agreeable to lease to Lessee the Lease Area Expansion Property finding that it is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements.

F. The City Manager, in consultation with CRC, has determined that the Lease Area Expansion Property is not needed for recreation or other municipal purposes for the duration of the Lease and leasing the Lease Area Expansion Property to Lessee is not adverse to the City's retained interest in the Lease Area Expansion Property.

G. The City's Real Estate Services Division has determined by appraisal that the fair market rental value of the Lease Area Expansion Property is approximately \$3,000 per year; however, the City is agreeable to lease the Lease Area Expansion Property to Lessee for less than the estimated fair market rental value of the Lease Area Expansion Property, namely, for \$0.00 because the City anticipates that it will receive economic and non-economic benefits from the lease of the Lease Area Expansion Property that equal or exceed its fair market rental value because Lessee's operation of a horse riding academy for kids after school and during the summer expands exposure to unique cultural and educational programs, activities, and opportunities in the City through the provision of certain after school and summer horse riding programming available to CRC patrons.

H. The City has determined that eliminating competitive bidding in connection with the City's lease of the Lease Area Expansion Property is in the best interest of the City because the City has determined that Lessee's use of the Lease Area Expansion Property for the Permitted Use is a unique and appropriate use of the Lease Area Expansion Property that will benefit the City.

I. The Public Recreation Commission approved the lease of the Lease Area Expansion Property to Lessee at its meeting on April 18, 2023.

J. The City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Lease Area Expansion Property at its meeting on August 18, 2023.

K. Cincinnati City Council authorized City's execution of this Amendment by Ordinance No. [___]-2023, passed [___], 2023.

NOW, THEREFORE, effective as of the Effective Date of this Amendment, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Grant.** The City does hereby lease the Lease Area Expansion Property to Lessee, and Lessee does hereby lease the Lease Area Expansion Property from the City, on the terms and conditions set forth in the Lease, as hereby amended. The rights herein granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions, and other matters of record affecting the Lease Area Expansion Property as of the Effective Date. The City has not made any representations or warranties concerning the title, condition, or characteristics of the Lease Area Expansion Property or the suitability or fitness of the Lease Area Expansion Property for any purpose, and, on the Effective Date (defined below), Lessee shall accept the Lease Area Expansion Property in "as is," "where is" condition with all faults and defects, known or unknown. Lessee acknowledges and agrees that it is not relying upon any such representations or warranties from the City. Without limitation of the foregoing, under no circumstances shall the City be responsible or liable for any pre-existing environmental conditions affecting the Lease Area Expansion Property.

2. **Exhibit A-1, Exhibit A (Site Map)** to the Lease is hereby amended and supplemented by adding Exhibit A of this Amendment attached hereto as Exhibit A-1 of the Lease. For clarity, this amendment is solely intended to add the attached Exhibit A of this Amendment to the Exhibit A of the Lease and is not intended to delete any portion of Exhibit A as it currently exists in the Lease. All references within the Lease to Exhibit A shall be read to refer to Exhibit A and Exhibit A-1 on and after the Effective Date. Any reference in the Lease to the Property shall be deemed to include all of the real property depicted in Exhibit A and Exhibit A-1, including but not limited to the Lease Area Expansion Property, as applicable.

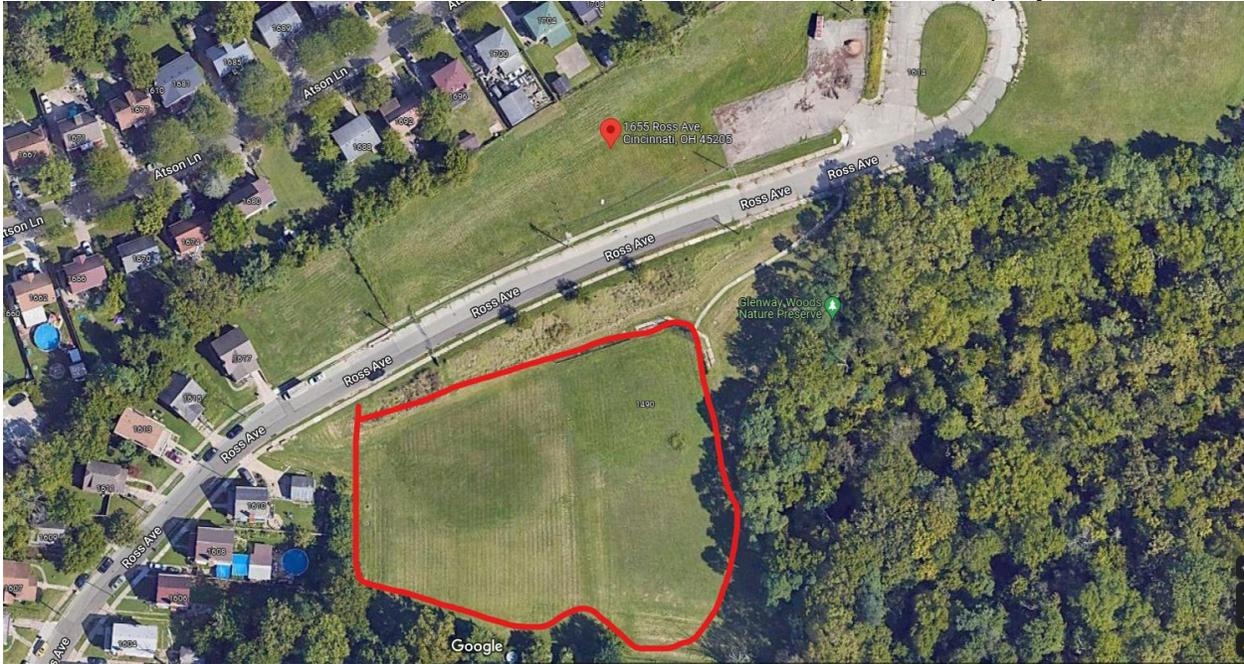
3. **Ratification.** All terms of the Lease not amended by this Amendment or not inconsistent with this Amendment shall remain in full force and effect, and by this reference are incorporated herein as if fully rewritten herein. The Lease, as amended by this Amendment, is hereby ratified by the parties.

4. **Counterparts; E-Signature.** The parties hereto agree that this Amendment may be executed and delivered by electronic signature, which shall have the same force and effect as an original signature. Electronic signatures may be delivered via email or other electronic means agreed upon by the parties. The parties hereto may execute this Amendment in two or more counterparts, and each executed counterpart shall be considered an original and all of which shall constitute one and the same Amendment.

5. **Exhibits.** The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Exhibit A-1 of Ground Lease-Site Map– Lease Area Expansion Property*

EXHIBIT A
to
First Amendment to Ground Lease

Exhibit A-1 of Ground Lease-Site Map- Lease Area Expansion Property



October 25, 2023

To: Mayor and Members of City Council

202302233

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DOTE: Local Major Bridge Program Grant Application

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant of up to \$10,000,000 from the Ohio Department of Transportation’s Local Major Bridge program to provide resources for design and construction services associated with major preventative maintenance work on the Hopple Street Viaduct.

This Ordinance authorizes the City Manager to apply for a grant of up to \$10,000,000 from the Ohio Department of Transportation (ODOT)’s Local Major Bridge program to provide resources for design and construction services associated with major bridge preventative maintenance work on the Hopple Street Viaduct.

The grant program requires a twenty percent local match, which the City would provide from future and existing “Maintenance Fund for Bridges” capital improvement program project accounts, which will be identified if grant resources are awarded. No new FTEs/full time equivalents are required.

The City applied for the grant by the October 15th deadline but will only accept grant resources with City Council approval.

Applying for grant resources to enable major preventative maintenance on the Hopple Street Viaduct is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system” as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the City Manager to apply for a grant of up to \$10,000,000 from the Ohio Department of Transportation’s Local Major Bridge program to provide resources for design and construction services associated with major preventative maintenance work on the Hopple Street Viaduct.

WHEREAS, through its Local Major Bridge Program the Ohio Department of Transportation (ODOT) distributes federal resources to counties and municipalities for bridge rehabilitation and preventative maintenance on local major bridges; and

WHEREAS, the Hopple Street Viaduct, a local major bridge, requires preventative maintenance; and

WHEREAS, the grant program requires a twenty percent local match, which the City would provide from future and existing “Maintenance Fund for Bridges” capital improvement program project accounts, which will be identified if grant resources are awarded; and

WHEREAS, the City intends to apply for this grant by the October 15, 2023 deadline but will only accept grant resources for which matching funds are available and only if separately approved by Council; and

WHEREAS, no new FTEs/full time equivalents are associated with acceptance of this grant; and

WHEREAS, applying for grant resources to enable major preventative maintenance on the Hopple Street Viaduct is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system” as 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 City Manager is authorized apply for a grant of up to \$10,000,000 from the Ohio Department of Transportation’s Local Major Bridge program to provide resources for design and construction services associated with major preventative maintenance on the Hopple Street Viaduct.

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

October 25, 2023

To: Mayor and Members of City Council 202302274
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – DOTE: RAISE Grant and Community Project Funding Grant

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account nos. 980x232x242368, “State to Central - RAISE Grant,” and 980x232x242369, “State to Central - CPF Grant,” to provide federal grant resources to conduct a Complete Streets project, which includes improving the safety of City streets and enhancing bicycle and pedestrian connections and safety; **AUTHORIZING** the City Manager to accept and appropriate a Rebuilding American Infrastructure with Sustainability and Equity grant (ALN 20.933) awarded by the United States Department of Transportation (“USDOT”) of up to \$20,000,000 to newly established capital improvement program project account no. 980x232x242368, “State to Central - RAISE Grant”; **AUTHORIZING** the City Manager to accept and appropriate a Community Project Funding grant (ALN 20.534) awarded by USDOT of up to \$1,500,000 to newly established capital improvement program project account no. 980x232x242369, “State to Central - CPF Grant”; and **AUTHORIZING** the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

Approval of this Emergency Ordinance authorizes the following:

1. The establishment of new capital improvement program project account nos. 980x232x242368, “State to Central – RAISE Grant,” and 980x232x242369, “State to Central – CPF Grant,” to provide federal grant resources to conduct a Complete Streets project, which includes improving the safety of City streets and enhancing bicycle and pedestrian connections and safety;
2. The City Manager to accept and appropriate a Rebuilding American Infrastructure with Sustainability and Equity (“RAISE”) grant (ALN 20.933) awarded by the United States Department of Transportation (“USDOT”) of up to \$20,000,000 to newly established capital improvement program project account no. 980x232x242368, “State to Central – RAISE Grant”;
3. The City Manager to accept and appropriate a Community Project Funding (CPF) grant (ALN 20.534) awarded by USDOT of up to \$1,500,000 to newly established capital improvement program project account no. 980x232x242369, “State to Central – CPF Grant”; and
4. The City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

On March 30, 2022, the City Council approved Ordinance No. 0078-2022, which authorized the City Manager to apply for a RAISE grant of up to \$25,000,000 from USDOT to conduct a Complete Streets project. The City was awarded a RAISE grant of up to \$20,000,000 from USDOT to conduct a Complete Streets project.

The Consolidated Appropriations Act, 2023 included a Community Project Funding earmark for the State to Central Complete Streets project of up to \$1,500,000, and City Council authorization is required to accept and appropriate this Community Project Funding.

The Department of Transportation and Engineering intends to conduct a Complete Streets project that will include right-sizing Linn Street from Central Parkway to West 8th Street and West 8th Street from Linn Street to State Avenue, creating and improving bicycle connections on West 8th Street from Linn Street to downtown and installing streetscape and pedestrian safety improvements along State Avenue, all in the neighborhoods of the West End and Lower Price Hill.

The federal grants require a twenty percent local match, which is anticipated to be available in the future FY 2025 capital improvement program project account, “State to Central: Building Better Neighborhoods.” This local match may be partially offset by upcoming grant opportunities from the Ohio Public Works Commission (OPWC) and the Southwest Ohio Regional Transit Authority (SORTA). No new FTE/full-time equivalent requirements are associated with these grants.

Utilizing grant funding for conducting a Complete Streets project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategies to “[e]xpand options for non-automotive travel” and “[p]lan, design, and implement a safe and sustainable transportation system” as described on pages 129-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to finalize agreements to comply with the established project schedule.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

CMZ

- 2023

ESTABLISHING new capital improvement program project account nos. 980x232x242368, “State to Central - RAISE Grant,” and 980x232x242369, “State to Central - CPF Grant,” to provide federal grant resources to conduct a Complete Streets project, which includes improving the safety of City streets and enhancing bicycle and pedestrian connections and safety; **AUTHORIZING** the City Manager to accept and appropriate a Rebuilding American Infrastructure with Sustainability and Equity grant (ALN 20.933) awarded by the United States Department of Transportation (“USDOT”) of up to \$20,000,000 to newly established capital improvement program project account no. 980x232x242368, “State to Central - RAISE Grant”; **AUTHORIZING** the City Manager to accept and appropriate a Community Project Funding grant (ALN 20.534) awarded by USDOT of up to \$1,500,000 to newly established capital improvement program project account no. 980x232x242369, “State to Central - CPF Grant”; and **AUTHORIZING** the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

WHEREAS, on March 30, 2022, Council approved Ordinance No. 78-2022, which authorized the City Manager to apply for a Rebuilding American Infrastructure with Sustainability and Equity (“RAISE”) grant of up to \$25,000,000 from the United States Department of Transportation (“USDOT”) to conduct a Complete Streets project; and

WHEREAS, the City was awarded a RAISE grant of up to \$20,000,000 from USDOT to conduct a Complete Streets project; and

WHEREAS, the Consolidated Appropriations Act, 2023 included a Community Project Funding earmark for the State to Central Complete Streets project of up to \$1,500,000, and Council authorization is required to accept and appropriate this Community Project Funding; and

WHEREAS, the City has multiple priorities to improve street safety for vehicles, bicycles, and pedestrians; and

WHEREAS, the Department of Transportation and Engineering (“DOTE”) intends to conduct a Complete Streets project that will include right-sizing Linn Street from Central Parkway to West 8th Street and West 8th Street from Linn Street to State Avenue, creating and improving bicycle connections on West 8th Street from Linn Street to downtown and installing streetscape and pedestrian safety improvements along State Avenue, all in the neighborhoods of the West End and Lower Price Hill; and

WHEREAS, the federal grants require a twenty percent local match, which is anticipated to be available in the future FY 2025 capital improvement program project account, “State to Central: Building Better Neighborhoods,” and this local match may be partially offset by upcoming grant opportunities from the Ohio Public Works Commission and the Southwest Ohio Regional Transit Authority; and

WHEREAS, there are no new FTE/full-time equivalent requirements associated with these grants; and

WHEREAS, utilizing grant funding for conducting a Complete Streets project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategies to “[e]xpand options for non-automotive travel” and “[p]lan, design, and implement a safe and sustainable transportation system” as 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 authorized to establish capital improvement program project account nos. 980x232x242368, “State to Central - RAISE Grant,” and 980x232x242369, “State to Central - CPF Grant,” to provide federal grant resources to conduct a Complete Streets project, which includes improving the safety of City streets and enhancing bicycle and pedestrian connections and safety.

Section 2. That the City Manager is authorized to accept and appropriate a Rebuilding American Infrastructure with Sustainability and Equity grant (ALN 20.933) of up to \$20,000,000 awarded by the United States Department of Transportation (“USDOT”) to newly established capital improvement program project account no. 980x232x242368, “State to Central - RAISE Grant.”

Section 3. That the City Manager is authorized to accept and appropriate a Community Project Funding grant (ALN 20.534) of up to \$1,500,000 awarded by USDOT to newly established capital improvement program project account no. 980x232x242369, “State to Central - CPF Grant.”

Section 4. That the City Manager is authorized to enter into any agreements necessary for the receipt and administration of these grant resources.

Section 5. That the proper City officials are authorized to take all necessary actions to carry out the terms of the grants and Sections 1 through 4.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to finalize agreements to comply with the established project schedule.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

October 25, 2023

To: Mayor and Members of City Council 202302236

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Health: Health Resources and Services Administration
FY 2023 Health Center Bridge Access Program Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a grant of up to \$234,311 from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA) FY 2023 Health Center Bridge Access Program (ALN 93.527) to support health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8556.

Approval of this Ordinance authorizes the City Manager to accept and appropriate a grant in an amount of up to \$234,311 from the United States Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (ALN 93.527) to support health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure. This Ordinance further authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8556.

The City seeks to use the funds from this grant to support local health centers funded under the Health Center Program with COVID-19 testing, vaccination, and therapeutics, as well as to improve patient support services, support community COVID-19 vaccination events, and support health department personnel with work on COVID-19 services and care delivery.

No additional FTEs/full time equivalents or local matching funds are associated with this grant.

The City did not apply for these funds but did receive a notice of award from HRSA on September 1, 2023, but no funds will be accepted without the approval of the City Council.

Acceptance of the HRSA FY 2023 Health Care Bridge Access Program grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the City Manager to accept and appropriate a grant of up to \$234,311 from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA) FY 2023 Health Center Bridge Access Program (ALN 93.527) to support health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8556.

WHEREAS, grant resources are available from the United States Department of Health and Human Services, Health Resources and Services Administration (“HRSA”) FY 2023 Health Center Bridge Access Program (ALN 93.527) to support local health departments with COVID-19 testing, vaccination, and therapeutics, as well as improve patient support services, support community COVID-19 vaccination events, and support health department personnel with work on COVID-19 services and care delivery; and

WHEREAS, the City seeks to use funds from this grant to support health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure; and

WHEREAS, the City did not apply for these funds but did receive a notice of award from HRSA on September 1, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, this grant requires no matching funds, and no additional FTEs/full time equivalents are associated with this grant; and

WHEREAS, acceptance of the HRSA FY 2023 Health Center Bridge Access Program grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 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 authorized to accept and appropriate a grant of up to \$234,311 from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA) FY 2023 Health Center Bridge Access Program (ALN 93.527) to support health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Public Health Research Fund revenue account no. 350x8556.

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



October 25, 2023

To: Mayor and Members of City Council
202302237

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Health: NACCHO Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance Project Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$80,000 from the National Association of County and City Health Officials to strengthen the Cincinnati Health Department’s capacity to prevent and respond to healthcare-associated infections and antimicrobial resistance related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$80,000 from the National Association of County and City Health Officials (NACCHO) to strengthen the Cincinnati Health Department’s capacity for healthcare-associated infections and antimicrobial resistance prevention and response related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance Project. This Ordinance further authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

The objectives of the Healthcare-Associated Infections (HAI) and Antimicrobial Resistance (AR) project include supporting local health department capacity for HAI prevention and response, advancing local health department engagement in AR-related initiatives and activities, enhancing coordination and connection with the State Health Department HAI/AR programs, developing and identifying resources and best practices for other Local Health Departments (LHDs), and building strategic approaches to HAI/AR to address health equity.

There are no new FTEs/full time equivalents associated with this grant and no local match is required.

The Cincinnati Health Department applied for the grant on September 22, 2023, but no grant funds will be accepted without approval from the City Council.

Acceptance of the NACCHO grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$80,000 from the National Association of County and City Health Officials to strengthen the Cincinnati Health Department’s capacity to prevent and respond to healthcare-associated infections and antimicrobial resistance related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

WHEREAS, a grant is available from the National Association of County and City Health Officials (“NACCHO”) to strengthen the Cincinnati Health Department’s capacity to prevent and respond to healthcare-associated infections (“HAI”) and antimicrobial resistance (“AR”) related to the Local Health Department (“LHD”) Healthcare-Associated Infections and Antimicrobial Resistance Project (the “HAI/AR Project”); and

WHEREAS, the goal of the HAI/AR Project is to pilot and implement the Centers for Disease Control and Prevention Local Health Department strategy for HAI and AR; and

WHEREAS, the objectives of the HAI/AR Project include supporting LHD capacity for HAI prevention and response, advancing LHD engagement in AR-related initiatives and activities, enhancing coordination and connection with the State Health Department HAI/AR programs, developing and identifying resources and best practices for other LHDs, and building strategic approaches to HAI/AR to address health equity; and

WHEREAS, this grant requires no matching funds, and no additional FTEs/full time equivalents are associated with this grant; and

WHEREAS, the City applied for the NACCHO grant on September 22, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of the NACCHO grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 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 authorized to apply for, accept, and appropriate a grant of up to \$80,000 from the National Association of County and City Health Officials to strengthen the Cincinnati Health Department’s capacity to prevent and respond to

healthcare-associated infections and antimicrobial resistance related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance Project.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

October 25, 2023

To: Mayor and Members of City Council
202302235

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Cincinnati Recreation Commission:
Amending Prior Ordinance No. 0143-2023**

Attached is an Emergency Ordinance captioned:

AMENDING Ordinance No. 143-2023 which authorized the City Manager to accept an in-kind donation of new trees, boulders, plants, and related landscaping from the Cincinnati Zoo and Botanical Garden valued at up to \$25,000 to increase the in-kind donation value to up to \$35,000.

Approval of this Emergency Ordinance would amend prior Ordinance No. 0143-2023 which authorized the City manager to accept an in-kind donation of new trees, boulders, plants, and related landscaping from the Cincinnati Zoo and Botanical Garden valued up to \$25,000 to increase the in-kind donation value to up to \$35,000.

On May 3, 2023, the City Council approved Ordinance No. 0143-2023, which authorized the City Manager to accept an in-kind donation of new trees, boulders, plants, and related landscaping from the Cincinnati Zoo and Botanical Garden valued at up to \$25,000, in addition to the services reasonably necessary to install and maintain the donation, for the purpose of the beautification of green space at the Forest and Irving Recreation Area. The Cincinnati Zoo and Botanical Garden has indicated the value of the in-kind donation has increased since the original Ordinance was approved by the City Council.

The reason for the emergency is the immediate need to authorize the new donation amount before the donation agreement is finalized.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

LES

- 2023

AMENDING Ordinance No. 143-2023, which authorized the City Manager to accept an in-kind donation of new trees, boulders, plants, and related landscaping from the Cincinnati Zoo and Botanical Garden valued at up to \$25,000, to increase the in-kind donation value to up to \$35,000.

WHEREAS, on May 3, 2023, Council approved Ordinance No. 143-2023, which authorized the City Manager to accept an in-kind donation of new trees, boulders, plants, and related landscaping from the Cincinnati Zoo and Botanical Garden valued at up to \$25,000, in addition to the services reasonably necessary to install and maintain the donation, for the purpose of beautification of green space at the Forest and Irving Recreation Area; and

WHEREAS, the Cincinnati Zoo and Botanical Garden has indicated that the value of the in-kind donation has increased by up to \$10,000 since Ordinance No. 143-2023 was approved; and

WHEREAS, Ordinance No. 143-2023 must be amended to allow the City to accept the in-kind donation now valued at up to \$35,000; now, therefore,

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

Section 1. That Section 1 of Ordinance No. 143-2023, approved by Council on May 3, 2023, is hereby amended as follows:

Section 1. That the City Manager is hereby authorized to accept an in-kind donation of new trees, boulders, plants, and related landscaping from the Cincinnati Zoo and Botanical Garden valued at up to ~~\$25~~\$35,000, in addition to the services reasonably necessary to install and maintain this donation, for the purpose of beautification of green space at the Forest and Irving Recreation Area.

Section 2. That all terms of Ordinance No. 143-2023 not amended by this ordinance remain in full force and effect.

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

{00391479-4}

the immediate need to authorize the new donation amount before the donation agreement is finalized.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.

October 25, 2023

To: Mayor and Members of City Council

202302238

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Finance: Then and Now Payment to Dinsmore and Shohl LLP

Attached is an Emergency Ordinance captioned:

AUTHORIZING a payment of \$6,500 to Dinsmore & Shohl LLP for outstanding charges related to legal services provided to the City, to be paid from Bond Retirement Fund non-personnel operating budget account no. 151x134x0000x7289 pursuant to the attached certificate from the Director of Finance.

Approval of this Emergency Ordinance would authorize the payment of \$6,500 to Dinsmore & Shohl LLP for outstanding charges related to legal services provided to the City, to be paid from Bond Retirement Fund non-personnel operating budget account no. 151x134x0000x7289 pursuant to the attached certificate from the Director of Finance.

In May 2023, Dinsmore & Shohl LLP invoiced the City \$6,500 for legal services. The services were provided under contract, but the funds were not certified when the letter of engagement was executed.

Pursuant to Ohio Revised Code 5705.41(D)(1), the Director of Finance has issued a Then and Now Certificate, verifying sufficient resources were appropriated at the time of executing the letter of engagement, and now, for the purpose of paying for services rendered under the contract. No new resources are being appropriated for this purpose.

The reason for the emergency is the immediate need to make payment to Dinsmore & Shohl LLP in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

CMZ

- 2023

AUTHORIZING a payment of \$6,500 to Dinsmore & Shohl LLP for outstanding charges related to legal services provided to the City, to be paid from Bond Retirement Fund non-personnel operating budget account no. 151x134x0000x7289 pursuant to the attached certificate from the Director of Finance.

WHEREAS, in May 2023, Dinsmore & Shohl LLP invoiced the City \$6,500 for legal services; and

WHEREAS, the services were provided under a letter of engagement between the City of Cincinnati and Dinsmore & Shohl LLP, but funds were not properly certified to the letter of engagement when it was executed in February 2023; and

WHEREAS, pursuant to Ohio Revised Code 5705.41(D)(1), the Director of Finance has issued a certificate, attached hereto, within the last 30 days verifying that at the time of executing the letter of engagement, and at the time the attached certificate was issued, a sufficient sum was appropriated and in the City Treasury for the purpose of paying for services rendered to the City under the letter of engagement; and

WHEREAS, Council desires to pay \$6,500 to Dinsmore & Shohl LLP for the legal services; 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 make a payment of \$6,500 to Dinsmore & Shohl LLP for outstanding charges related to legal services provided to the City, to be paid from Bond Retirement Fund non-personnel operating budget account no. 151x134x0000x7289 pursuant to the attached certificate from the Director of Finance.

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

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 make payment to Dinsmore & Shohl LLP in a timely manner.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

CITY OF CINCINNATI
DIRECTOR OF FINANCE
THEN AND NOW CERTIFICATE

I, Karen Alder, Director of Finance for the City of Cincinnati, state the following:

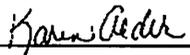
WHEREAS, the City of Cincinnati (“City”) and Dinsmore & Shohl LLP (“Dinsmore”) entered into a letter of engagement (“Agreement”) on February 16, 2023, for legal services, but no funds were certified to the Agreement.

WHEREAS, after February 16, 2023, Dinsmore provided services to the City under the scope of work set forth in the Agreement in the amount of \$6,500 for which Dinsmore has not been compensated.

NOW, THEREFORE,

1. As of February 16, 2023 and as of the date this certificate was executed, I hereby verify that the City Treasury held a sufficient sum that was appropriated and available for the purpose of paying for services rendered under the Agreement. This verification is conditioned upon and subject to City Council’s approval of an ordinance authorizing the drawing of a warrant in payment of amounts due to Dinsmore & Shohl LLP under the Agreement.

Signed,



Karen Alder, Director of Finance
City of Cincinnati

Date: 10/17/2023

*Interdepartmental
Correspondence Sheet*

October 25, 2023

TO: Mayor and Members of City Council

202302259

FROM: Sheryl M.M. Long, City Manager

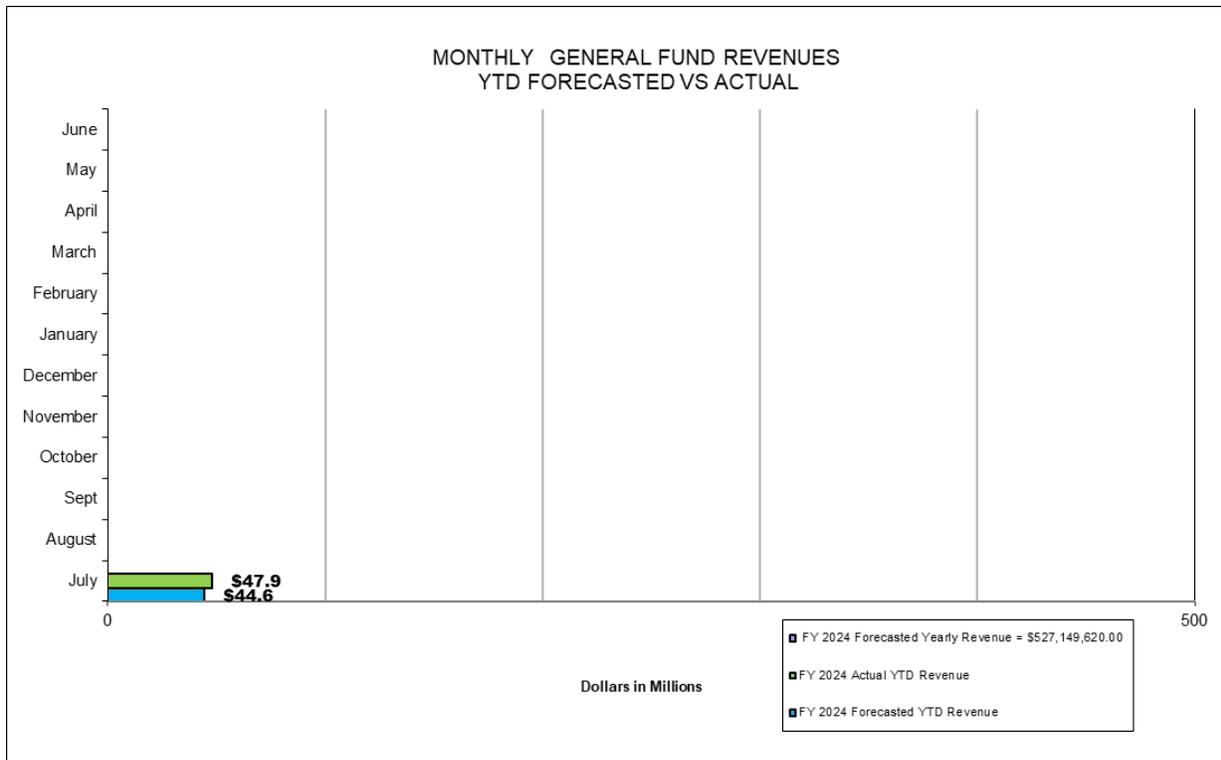
SUBJECT: Department of Finance Reports for the Month Ended July 31, 2023

***JULY 2023
MONTHLY FINANCIAL REPORTS***

The following report provides an update on the City of Cincinnati’s financial condition as of the month ending July 31, 2023. This report represents the first report for the new 2024 fiscal year, ending June 30, 2024. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues and expenditures is attached for review, including reports comparing the current year’s actual revenue vs. forecasted revenue and prior year’s actual revenue vs. current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through July 31, 2023 and shows that actual revenue of \$47.9 million was above forecasted revenue of \$44.6 million by \$3.3 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$9,804)
City Income Tax	1,835,171	
Admissions Tax	782,662	
Short Term Rental Excise Tax	182,344	
Licenses & Permits	652,997	
Fines, Forfeitures, & Penalties		(\$248,888)
Investment Income		
Local Government	151,827	
Casino	175,821	
Police		(\$336,623)
Buildings and Inspections	174,412	
Fire		(\$114,722)
Parking Meter		(\$100)
Other	106,630	
	4,061,863	(\$710,137)
Difference	3,351,726	

General Fund (favorable variance) is \$3.3 million above the amount forecasted through July in the FY 2024 Budget. This is the first month's report for the new fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

Income Taxes (favorable variance) is \$1.8 million above the forecasted amount. Income Tax projections have been estimated with no increase from last year. This is the first month of the new fiscal year and as such there is not enough data to discern any trends.

Admissions Tax (favorable variance) is \$783k above the forecasted amount. A large weekend concert contributed to the positive variance in this category.

Licenses & Permits (favorable variance) is up \$653k. Contractor permits and Commercial Solid Waste revenues have come in above estimate. Finance will continue to monitor this revenue group closely.

The Restricted Funds are at or close to estimates. There are currently no notable variances.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue and Expenditures (Actual, Forecast and Prior Year) as of July 31, 2023.
2. Statement of Balances in the various funds as of July 31, 2023.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

*Interdepartmental
Correspondence Sheet*

October 25, 2023

TO: Mayor and Members of City Council

202302260

FROM: Sheryl M.M. Long, City Manager

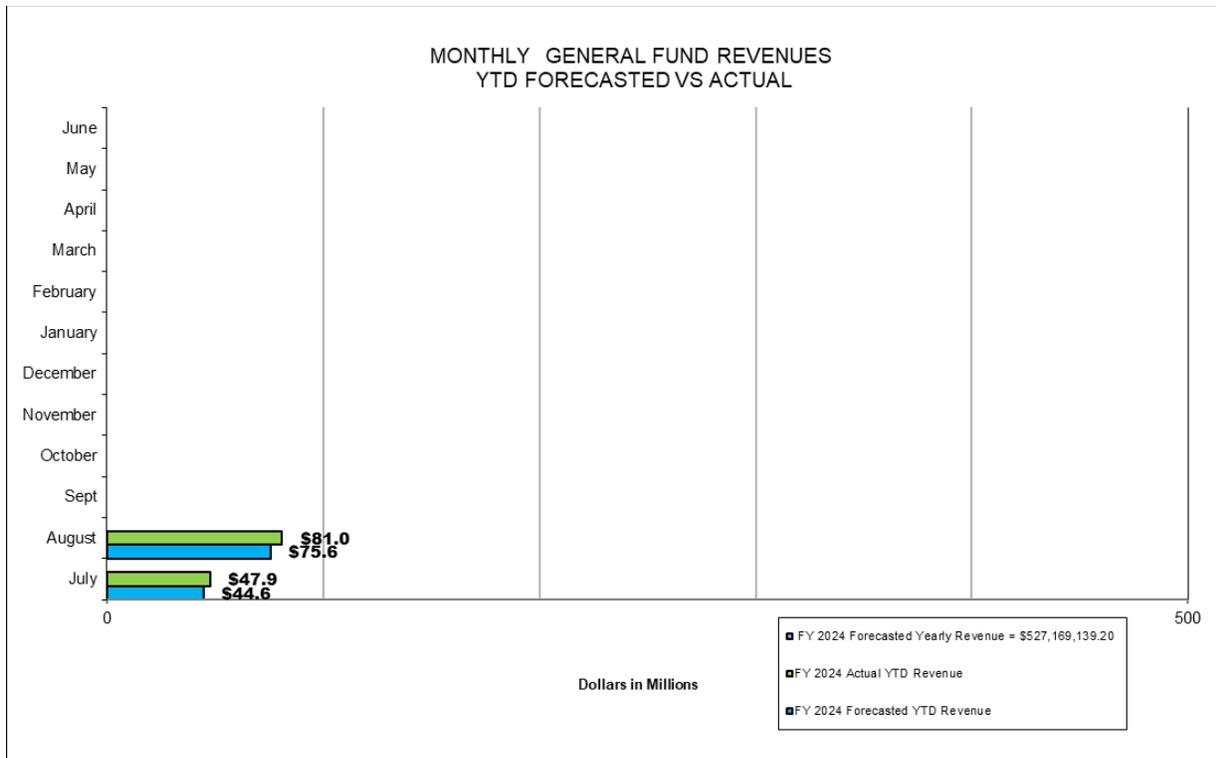
SUBJECT: Department of Finance Reports for the Month Ended August 31, 2023

**AUGUST 2023
MONTHLY FINANCIAL REPORTS**

The following report provides an update on the City of Cincinnati’s financial condition as of the month ending August 31, 2023. This report represents the second report for the new 2024 fiscal year, ending June 30, 2024. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues and expenditures is attached for review, including reports comparing the current year’s actual revenue vs. forecasted revenue and prior year’s actual revenue vs. current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through August 31, 2023 and shows that actual revenue of \$81 million was above forecasted revenue of \$75.6 million by \$5.4 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$9,804)
City Income Tax	2,911,379	
Admissions Tax	1,322,632	
Short Term Rental Excise Tax	184,024	
Licenses & Permits	370,357	
Fines, Forfeitures, & Penalties		(\$654,669)
Investment Income		
Local Government	174,390	
Casino	175,821	
Police		(\$26,658)
Buildings and Inspections	131,262	
Fire	33,455	
Parking Meter		(\$200)
Other	826,997	
	6,130,318	(\$691,330)
Difference	5,438,987	

General Fund (favorable variance) is \$5.4 million above the amount forecasted through August in the FY 2024 Budget. This is the second month's report for the new fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

Income Taxes (favorable variance) is \$2.9 million above the forecasted amount. This is only the second month of the new fiscal year and as such there is not enough data to discern any trends.

Admissions Tax (favorable variance) is up \$1.3 million from the forecasted amount. A large weekend concert that crossed months (June-July) contributed to the positive variance in this category.

Fines, Forfeitures & Penalties (unfavorable variance) is down \$655k from the forecasted amount. All categories seem to be trailing estimates. It is early in the fiscal year and Finance will keep watch on this category.

Other (favorable variance) is \$827k above the forecasted amount. This is largely a result of a grant being received this fiscal year instead of last fiscal year. Due to the large number of revenue sources in this category and their fluctuations the Finance Department will monitor these closely.

Restricted Funds:

Parking Systems Facilities (favorable variance) is up \$342k from the forecasted amount. This is a result of the large weekend concert that was highlighted in Admissions Tax.

The remaining Restricted Funds are at or close to estimates.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue (Actual, Forecast and Prior Year) as of August 31, 2023.
2. Audit of the City Treasurer's Report for the month ended July 31, 2023.
3. Statement of Balances in the various funds as of August 31, 2023.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Date: October 25, 2023

To: Mayor and Members of City Council 202302234
From: Sheryl M. M. Long, City Manager
Subject: EMERGENCY ORDINANCE – Cincinnati Streetcar Agency Safety Plan

Attached is an emergency ordinance captioned as follows:

APPROVING the revised Public Transportation Agency Safety Plan for the Connector as recommended by the streetcar’s Accountable Executive and Chief Safety Officer.

The Federal Transit Administration requires that the Cincinnati Streetcar implement a Public Transportation Agency Safety Plan (“PTASP”) approved by City Council. The PTASP must also be updated annually due to continuous safety improvements. The PTASP has been revised with the following updates:

- Updated Public Transportation Agency Safety Plan review date to November 1st to fall in line with Ohio Department of Transportations’ annual review. (Section 11)
- Added reference to Continuity of Operations Plan (COOP) developed by the City and Transdev. (Section 32.2)
- Updated how rules compliance activities are monitored and how Transdev assures Quality Assurance and Quality Control. (Sections 34.4 and 35)
- Removed City Transit Coordinator from signature page.
- Added strategies to minimize exposure to infectious disease. (Section 26.7)
- Added employee safety reporting protection from disciplinary action. (Section 23)
- Added employee conduct that is not protected from disciplinary action. (Section 23)
- Detailed how the City will respond to emergency Corrective Action Plans (CAP) and submit CAPs to the State Safety Oversight Agency. (Section 31)
- Added the Accountable Executive’s review and signature of materials regarding the conduct and results of internal safety reviews. (Section 33)
- Updated table of contents.

The emergency ordinance is necessary to meet the end of the year deadline.

The Administration recommends passage of the attached ordinance.

Attachment A – Streetcar Agency Safety Plan (PTASP)

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

EMERGENCY

JRS

-2023

APPROVING the revised Public Transportation Agency Safety Plan for the Connector as recommended by the streetcar’s Accountable Executive and Chief Safety Officer.

WHEREAS, the City is a rail transit agency subject to Federal Transit Administration (“FTA”) requirements governing such transit agencies; and

WHEREAS, the FTA promulgated Title 49 Code of Federal Regulations (CFR) Part 673, which requires that rail transit agencies subject to state safety oversight must establish a Public Transportation Agency Safety Plan (“PTASP”); and

WHEREAS, 49 CFR Part 674 requires the appropriate State Safety Oversight Agency, the Ohio Department of Transportation (“ODOT”) in the case of the streetcar, to ensure that each transit agency has a PTASP compliant with 49 CFR Part 673; and

WHEREAS, in addition, Ohio Revised Code Section 5501.56 and 49 CFR Part 673 together require that an agency PTASP must be approved by each transit agency’s board of directors or an equivalent authority, in this case City Council; and

WHEREAS, the City Manager, in her capacity as the Accountable Executive for the streetcar, and the Chief Safety Officer for the streetcar have since further revised the PTASP to ensure the streetcar’s ongoing safe operation; and

WHEREAS, the City’s revised PTASP maintains a sufficiently explicit process for safety risk management with adequate means of risk mitigation for the streetcar; includes a process and timeline for annually reviewing and updating the safety plan; includes a comprehensive training program for the operations personnel directly responsible for streetcar safety; identifies an adequately trained safety officer who reports directly to the Accountable Executive; includes adequate methods to support the execution of the PTASP by all employees, agents, and contractors for the streetcar; and sufficiently addresses other requirements provided in 49 CFR Part 673; now, therefore,

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

Section 1. That the revised Cincinnati Streetcar Agency Safety Plan, attached hereto as Attachment A and incorporated herein, is approved as the required Public Transportation Agency Safety Plan (“PTASP”) for the Connector, the streetcar system located in downtown and Over-the-Rhine.

Section 2. That the City Manager and all appropriate City officials are authorized to send the revised Cincinnati Streetcar Agency Safety Plan to the Ohio Department of Transportation (“ODOT”), the State Safety Oversight Agency for the streetcar, for review and approval.

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 submit the revised Cincinnati Streetcar Agency Safety Plan to the Ohio Department of Transportation within the required time frame.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

CINCINNATI STREETCAR AGENCY SAFETY PLAN



801 PLUM STREET
CINCINNATI, OHIO 45202

OCTOBER 1, 2023

REVISION 6

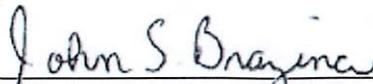
RECORD OF REVISIONS

Revision #	Revised By	Date	Issue/Revision Description
0	TJ Thorn	8/27/2019	Original Draft Document
1	TJ Thorn	10/21/2019	Removed references to Authority (meaning SORTA) in appropriate sections of the document, added a description of an “adequately trained” CSO in 22.2, added feedback process language to Section 23.
2	Paul Conway	4/8/2020	Update signature block and minor grammar edits. Remove interim status.
3	Les Shaw	4/15/2020	Replaced the “CEO” with the “City Manager,” who is the Accountable Executive. Replaced the “Engineering and Project Management” with the “Department of Transportation and Engineering.” Replaced “ENP text messages from the RCC” with “text messages from the City.” Replaced “Security Director” with “Chief Safety Officer.” Removed the fire training video statement.
4	Paul Conway	7/20/2021	Update current roles and dates. Update table of contents. Add PTSCTP training for City Staff (CSO, Streetcar Director, Transit Coordinator). Update Safety Performance Targets. Add City Address to Title page. Update and sign policy statement.
5	Paul Conway	5/10/2022	Updated ASP review date to April 30 th (Section 14). Removed reference to GATIS worksheet and updated SMS implementation (Section 17). Employee Safety Committee added (Section 22.6).

			<p>Employee suggestion box added to employee reporting (Section 23).</p> <p>Transit operators de-escalation training added (Section 32.5).</p> <p>Updated the City personnel that must go through a specific technical transit training (Section 41.1).</p> <p>Updated to include the separate, overarching training plan included in the Operations and Maintenance plans (Section 41.2).</p> <p>Update table of contents.</p>
6	Paul Conway	10/1/2023	<ul style="list-style-type: none"> -Update ASP review date to November 1st to fall in line with ODOT’s annual review, Section 11 -Add reference to Continuity of Operations Plan (COOP) developed by the City and Transdev, Section 32.2 -Update how rules compliance activities are monitored and how does Transdev assure QA / QC. (Sections 34.4 and 35) -Remove City Transit Coordinator from signature page - add strategies to minimize exposure to infectious disease (Section 26.7) - added employee safety reporting protection from disciplinary action (Section 23) -added employee behavior that is not protected from disciplinary action (Section 23) -detail how the City will respond to emergency Corrective Action Plans and submit CAPs to the SSOA(section 31) -added the Accountable Executive’s review and signature of materials regarding the conduct and results of internal safety reviews. (section33) -update table of contents

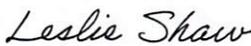
Agency Safety Plan Review and Approval

Approved by:  10 / 9 / 23
Accountable Executive

Reviewed by:  10 / 9 / 23
Director of Transportation and Engineering

Reviewed by:  10 / 06 / 2023
Streetcar Deputy Director

Reviewed by:  10/1/23
Chief Safety Officer of Streetcar Services

Reviewed by:  10 / 6 / 2023
Cincinnati Streetcar General Manager

Approval by City Council

This plan was approved by the City Council of the City of Cincinnati on ___/___/___ and reflected in the official, approved council minutes. A copy of the resolution is contained in the Appendices.

Table of Contents

1.	Definitions	1
2.	Acronyms	1
3.	Introduction	1
4.	Applicability.....	1
5.	Policy.....	1
6.	Transition from SSPP to ASP	1
7.	Accountable Executive and City Council Approvals	1
8.	Modes Covered by this Plan.....	2
9.	Safety Performance Measures and Targets.....	2
10.	Safety Plan Review, Update and Certification	2
11.	ASP Review Schedule.....	2
12.	ASP Control and Update Procedure	2
13.	ASP Review and Approval by City Council	3
14.	Review and Approval by ODOT SSO	3
15.	ASP Change Management.....	3
16.	Coordination with the Metropolitan Planning Organization (MPO) and Non-Metropolitan Planning Organizations	3
17.	Safety Management System (SMS) Implementation	3
18.	Safety Management Policy	4
19.	Safety Management Policy Statement	4
20.	Safety Management Policy Communication.....	5
21.	Emergency Preparedness and Response Plans.....	5
	21.1. Emergency Response Personnel Training	5
22.	Authorities, Accountabilities, and Responsibilities	5
	22.1. Accountable Executive	5
	22.2. Chief Safety Officer	5
	22.3. Executive Management.....	6
	22.4. Key Staff.....	6
	22.5. Safety and Security Review Committee	6
	22.6. Monthly Employee Safety Committee.....	6
23.	Employee Safety Reporting Program	6
24.	Safety Risk Management	6
25.	Safety Risk Management Process	6
26.	Safety Hazard Identification.....	7
	26.1. Safety Certification Process.....	7
	26.2. System Modifications.....	9
	26.3. Train Orders and Special Instructions.....	9
	26.4. Memorandum.....	9
	26.5. Tracking	9
	26.6. Procurement.....	9
	26.6.1. Overview.....	9
	26.6.2. Program Responsibility.....	10

26.6.3.	Safety-Related Procurement Process and Procedures	10
26.6.4.	New or Modified Systems Specifications	10
26.6.5.	New or Modified Systems Safety Design Reviews.....	11
26.6.6.	New or Modified Systems Acceptance Testing and Inspection	11
26.7	Minimizing Infectious Disease Exposure	11
27.	Safety Risk Assessment.....	11
28.	Safety Risk Mitigation	11
29.	Safety Assurance	11
30.	Safety Performance Monitoring and Measurement.....	12
30.1.	Safety Data Acquisition	12
30.1.1.	Roles and Responsibilities	12
30.1.2.	Data Acquisition Process	12
30.1.3.	Data Analysis.....	12
30.1.4.	Reports	12
30.1.5.	Accident and Incident Notification, Accident and Incident Investigation Plan and Reporting Procedures	13
31.	Corrective Action Plans.....	13
32.	Emergency Management Program	13
32.1.	Emergency Planning Responsibilities and Requirements	13
32.2.	Emergency Procedures and Plans.....	13
32.3.	Required Meetings.....	14
32.4.	Emergency Exercises and Evaluation	14
32.5.	Employee Training	14
32.6.	First Responder Familiarization Training	15
33.	Internal Safety Audit Program	15
34.	Rules Compliance	15
34.1.	General	15
34.2.	Review	16
34.2.1.	Directives, Rules, and Standard Operating Procedures	16
34.3.	Rule Book.....	16
34.4.	Process for Ensuring Rules Compliance	16
34.5.	Systems Inspections	17
34.6.	Coordination with Local, State, and Federal Safety Requirements.....	17
34.7.	Resolution of Audit/Inspection Findings.....	17
34.8.	Compliance with Local, State and Federal Safety Requirements.....	17
34.9.	Working On or Near Transit Controlled Property.....	17
34.9.1.	Contractor and Non-Transit Agency Personnel	17
34.9.2.	Employees.....	17
34.10.	Hazardous Materials Program	18
34.11.	Responsibility.....	18
34.11.1.	Chief Safety Officer	18
34.12.	O&M Contractor	18
34.13.	Hazardous Materials Process	18
34.14.	Drug and Alcohol Program	18

34.14.1.	Overview.....	18
34.14.2.	Decision Tree	18
34.14.3.	Compliance	18
34.14.4.	Program Responsibility.....	18
34.14.5.	Drug and Alcohol Abuse Program	18
35.	Operational and Maintenance Procedure Compliance Monitoring	19
36.	Risk Mitigation Monitoring	20
37.	Safety Event Investigation	20
38.	Management of Change	20
39.	Continuous Improvement.....	20
40.	Safety Promotion.....	20
41.	Training and Certification Program	21
41.1.	City of Cincinnati	21
41.2.	Rail Vehicle Operators.....	21
41.2.1.	Extensions and Major Modifications	21
41.2.2.	Rail Vehicle Operator Compliance	21
41.3.	Maintenance.....	22
41.4.	Refresher Training.....	22
41.4.1.	Rail Vehicle Operators	22
41.4.2.	Maintenance Personnel	22
41.5.	Contractor Training.....	22
42.	Recordkeeping.....	23
43.	References.....	23
	Appendix A – Definitions of Special Terms Used in the Safety Plan.....	24
	List of Acronyms Used in the Safety Plan.....	27
	City Council Resolution.....	28
	Safety Management Policy Statement.....	29

1. Definitions

A list of definitions based upon those listed in 49 CFR Part 673.5 is contained in the Appendices.

2. Acronyms

A list of acronyms utilized in this Plan is contained in the Appendices.

3. Introduction

On July 19, 2018, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (ASP) Final Rule, which requires certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). The effective date of this rule is July 19, 2019. As a result, Transit operators must certify they have a safety plan in place meeting the requirements of the rule by July 20, 2020. The plan must be updated and certified by the transit agency annually.

4. Applicability

As a recipient of funds under 49 U.S.C. 5307 the City of Cincinnati is required to develop a Public Transit ASP. This document will serve as the ASP for Cincinnati Streetcar.

5. Policy

Cincinnati Streetcar has adopted the principles and methods of SMS as the basis for enhancing safety and will follow the principles and methods of SMS in the delivery of service to our community.

6. Transition from SSPP to ASP

Cincinnati Streetcar previously utilized a System Safety Program Plan (SSPP), which documented the overall safety program. The Plan was previously approved by the State Safety Oversight (SSO) Program of the Ohio Department of Transportation (ODOT) and the Board of Trustees of the Southwest Ohio Regional Transit Authority, the operator at that time. The SSPP was constituted of 21 elements which outlined and described the policies, processes and procedures associated with the safety program. To maintain the integrity of the safety program, yet be compliant with state and federal regulations, these elements were integrated into the ASP. This integration was based upon an analysis performed by the SSO to determine where and how these elements should be integrated into components of the ASP per 49 CFR Part 673.

7. Accountable Executive and City Council Approvals

In accordance with 49 U.S.C. 5329(d)(1)(A), the Accountable Executive and City Council must approve this plan. This will be accomplished via signature of the Accountable Executive, which will be affixed to this Plan, and by formal City Council Resolution. A copy of that Motion will be included in the Appendices of this document. Additionally, the ASP will be submitted for approval to the Accountable Executive and City Council annually.

8. Modes Covered by this Plan

This Plan covers the Cincinnati Streetcar System.

9. Safety Performance Measures and Targets

Safety Performance Measures aid Cincinnati Streetcar in monitoring performance. Safety performance measures also focus on improving safety performance through the reduction of safety events, fatalities and injuries. These Safety Performance measures are shared with our MPO annually. In accordance with the National Public Transportation Safety Plan the following Safety Performance Targets have been identified:

Table 1 Safety Performance Targets

Mode of Transit Service	Fatalities (Total)	Fatalities (Rate) Per 100,000 VRM	Injuries (Total)	Injuries (Rate) Per 100,000 VRM	Safety Events (Total)	Safety Events (Rate) Per 100,000 VRM	System Reliability VRM between failures
Cincinnati Streetcar	0	0.00	1	1.04	12	12.5	10000

It should be noted that these performance targets are based on the time the City has been operating the system as documented in the National Transit Database (NTD) Safety and Security Time Series from January 2020 through June 2021. (No service from April 1, 2020-September 2, 2020)

10. Safety Plan Review, Update and Certification

In accordance with 49 U.S.C. 5329(d)(1)(A), the ASP will be certified as compliant on an annual basis. Annually, the Chief Safety Officer (or Designee) will lead a review of the ASP in conjunction with affected departments and update the ASP as necessary. Route extensions, significant changes to the operational practices, or other events may be cause for a review at any time. The ASP and any updates must be reviewed and approved by the City of Cincinnati City Council.

11. ASP Review Schedule

The ASP will be reviewed annually by November 1st. However, any changes and approvals will be completed by January 15th. The ASP will be submitted to City Council for review and approval by February 10th.

12. ASP Control and Update Procedure

The Chief Safety Officer is responsible for control and update of the ASP. Input for annual reviews will be solicited from all Cincinnati Streetcar personnel.

13. ASP Review and Approval by City Council

In accordance with 49 U.S.C. 5329 (d)(1)(A) and 49 CFR Part 673 (1) the Public Transportation ASP, and subsequent updates, must be signed by the Accountable Executive and approved by the agency's Board of Directors, or an Equivalent Authority. Because Cincinnati Streetcar does not have a Board of Directors, the Cincinnati City Council is the equivalent authority and therefore is required to review and approve the ASP as well as any updates to the ASP.

14. Review and Approval by ODOT SSO

Cincinnati Streetcar is required to review the ASP at least annually and make any modifications, as needed to assure that the ASP is current and accurate. Each updated draft ASP submitted to the ODOT SSO program will include a summary that identifies and explains the changes. If there are no changes required for the ASP, it will be indicated.

Once the draft ASP has been determined to be ready for approval, the ODOT SSO program staff will indicate that status to the Chief Safety Officer and provide the checklist used for the review. This submittal is required to be completed by April 30th each year to coincide with the annual report to the ODOT SSO program. Upon receipt of the final ASP, the ODOT SSO program will issue written approval of the ASP to Cincinnati Streetcar within thirty (30) calendar days.

15. ASP Change Management

Any changes to the ASP will be documented in the Change Record. This Change Record will contain a summary that identifies and explains the changes for submittal to the City Council annually.

16. Coordination with the Metropolitan Planning Organization (MPO) and Non-Metropolitan Planning Organizations

Annually the Cincinnati Streetcar will create Safety Performance and State of Good Repair Measures and Targets for Cincinnati Streetcar service based upon the principal of continuous improvement. To aid in the planning process for both the State of Ohio and the local MPO these measures and targets will be transmitted to the MPO via electronic communication to the OKI Regional Council of Governments and ODOT Office of Transit. However, prior to submittal to the MPO and ODOT Office of Transit the safety performance measures and targets must be submitted to, and approved by, the SSO. The entire process will be completed prior to annual submission of the ASP to City Council.

17. Safety Management System (SMS) Implementation

To implement SMS, the Cincinnati Streetcar has taken a four-phase approach based upon a continuous improvement cycle of Plan, Do, Check, Act. Over the last 2 years the Cincinnati Streetcar has made the transition to SMS. City of Cincinnati employees have completed the FTA's Public Transportation Safety Certification Training Program (PTSCTP) while Operations & Management (O&M) operator Transdev's management team will complete the same training in 2022. Transdev has developed a SMS training program for all employees, maintains an employee safety reporting drop box, and hosts a management/frontline employee safety

meeting monthly. Employee concerns are addressed and conclusions are shared via operators orders and break room postings. The Safety & Security department is responsible for leading implementation with assistance from the Safety and Security Review Committee (SSRC) which also serves as the SMS implementation team. The City and Transdev are committed to a culture of open safety discussions and strive for continuous improvement.

18. Safety Management Policy

Safety Management Policy establishes necessary organizational structures, roles and responsibilities. It also ensures safety is on the same priority level as other organizational functions. And it provides direction for effective safety risk management (SRM), assurance and promotion. Lastly, it helps ensure sufficient resources are provided.

19. Safety Management Policy Statement

Cincinnati Streetcar recognizes that the management of safety is a core value of our business. The management team at Cincinnati Streetcar will embrace the SMS and is committed to developing, implementing, maintaining, and constantly improving processes to ensure the safety of our employees, customers, and the general public. All levels of management and frontline employees are committed to safety and understand that safety is the primary responsibility of all employees.

Cincinnati Streetcar is committed to:

- Communicating the purpose and benefits of the SMS to all staff, managers, supervisors, and employees. This communication will specifically define the duties and responsibilities of each employee throughout the organization and all employees will receive appropriate information and SMS training.
- Providing appropriate management involvement and the necessary resources to establish an effective reporting system that will encourage employees to communicate and report any unsafe work conditions, hazards, or at-risk behavior to the management team.
- Identifying hazardous and unsafe work conditions and analyzing data from the employee reporting system. After thoroughly analyzing provided data, the transit operations division will develop processes and procedures to mitigate safety risk to an acceptable level.
- Ensuring that no action will be taken against employees who disclose safety concerns through the reporting system, unless disclosure indicates an illegal act, gross negligence, or deliberate or willful disregard of regulations or procedures.
- Establishing safety performance targets that are realistic, measurable, and data driven.
- Continually improving our safety performance through management processes that ensure appropriate safety management action is taken and is effective.

A signed copy of this statement is contained in the Appendices.

20. Safety Management Policy Communication

This Safety Management Policy Statement is communicated to the City Council via the annual review and approval process. It is also communicated to Streetcar employees and contractors through the use of communication boards at the Maintenance and Operations facility as well as on our website at <https://www.cincinnati-oh.gov/streetcar/>. An employee may also request a printed copy from their supervisor. A signed copy of the Safety Management Policy Statement is contained in the Appendices.

21. Emergency Preparedness and Response Plans

Cincinnati Streetcar's emergency preparedness and response plans, which are incorporated here by reference, include the Security and Emergency Preparedness Plan (SEPP) and Emergency Operations Plan (EOP).

21.1. Emergency Response Personnel Training

Training to familiarize fire, rescue, and other emergency service personnel with special transit system requirements is coordinated through and conducted by O&M Contractor.

Emergency preparedness and response drills are planned and conducted with emergency services and Cincinnati Streetcar personnel to a) ensure the adequacy of emergency plans and procedures; b) ensure readiness personnel to perform under emergency conditions; and c) effectively coordinate between and emergency response agencies. These exercises and drills are coordinated through the O&M Contractor and include potentially affected operations personnel.

22. Authorities, Accountabilities, and Responsibilities

22.1. Accountable Executive

The City of Cincinnati City Manager serves as the Accountable Executive for the Cincinnati Streetcar and is ultimately responsible for the Safety Program. The Accountable Executive is responsible for ensuring there are adequate resources to develop and maintain both the ASP and Transit Asset Management Plan and approving the ASP annually.

22.2. Chief Safety Officer

The Chief Safety Officer reports directly to the Accountable Executive and is responsible for the following: developing and maintaining SMS documentation; directing hazard identification and safety risk assessment; monitoring safety risk mitigation activities; providing periodic reports on safety performance; briefing the Accountable Executive and City Council on SMS implementation progress; and planning safety management training. The Chief Safety Officer will be adequately trained. Adequate training is defined as having completed or in process of completing the PTSCTP for Rail and be a graduate of an accredited University or College.

22.3. Executive Management

In addition to the Accountable Executive and Chief Safety Officer, the Streetcar Director and Transit Coordinator have responsibility for day-to-day implementation of the SMS.

22.4. Key Staff

The SSRC is designated as key staff to support the Accountable Executive and Chief Safety Officer in developing, implementing, and operating the SMS. Additionally, the SSRC will serve as SMS Ambassadors to promote the SMS program through communication and training.

22.5. Safety and Security Review Committee

The SSRC is a multi-disciplinary working group that serves as a high level committee to address all safety and security issues as well as review and approval of configuration management items. Committee membership includes representation from the following functional areas: safety, security, engineering, planning, operations and maintenance. ODOT representatives are invited to attend all SSRC meetings. The committee is chaired by the Chief Safety Officer and co-chaired by the City Transit Coordinator. For more detailed information about the SSRC please refer to the Cincinnati Streetcar SSRC procedure.

22.6. Employee Safety Committee

The Employee Safety Committee is a working group composed of O&M management, operators, maintenance, and support staff along with the City Chief Safety Officer and City Transit Coordinator. This group meets monthly to discuss any issues that frontline employees encounter and works on specific mitigations.

23. Employee Safety Reporting Program

Cincinnati Streetcar has established a Safety Reporting System for the public and employees to report identified hazards or safety concerns. Employees are encouraged to report safety concerns and may do so through the following means including, but not limited to: Employee Safety Committee, Employee Safety Anonymous Drop Box, and immediate manager or supervisor. The City and the City's O&M contractor will not retaliate against any employee reporting a safety concern. This includes protection from termination, compensation decrease, a poor work assignment, and threats of physical harm. The public may report concerns to the Cincinnati Customer Service Request hotline at 513-591-6000, which will notify Streetcar management for follow-up. To close the feedback loop Cincinnati Streetcar will provide an update to employees regarding the results of any investigations and (or) action taken arising out of their report. Employee behavior that is not protected from disciplinary action includes, but is not limited to:

- Preventable Accidents/Incidents
- Threats, intimidation, harassment, physical violence or fighting while on duty
- Possession of firearms, weapons, explosives, or similar devices on Company premises or any time while on duty
- Abusive, harassing, or threatening behavior toward a passenger, any member of the public, fellow employee, supervisor, or other company official

24. Safety Risk Management

SRM is vital to the success of the SMS. And before an SMS can be effectively built or improved, safety hazards must be identified and mitigations in place to manage the safety risk. SRM is a continuous process, which includes the following activities: Safety hazard identification, safety risk assessment, and safety risk mitigation.

25. Safety Risk Management Process

The SRM Process identifies and analyzes hazards and potential consequences. It then expresses safety risks for each consequence in terms of probability and severity to determine if the risk is acceptable and if not utilizes safety risk mitigation to lower the safety risk. The process also includes interaction with safety assurance to ensure hazards are tracked after safety risk mitigation has taken place. In all cases safety risk mitigation activities are documented.

26. Safety Hazard Identification

Effective Hazard Identification is supported by sources, training on proper identification and reporting and promotion of the safety reporting program to employees and the public. Potential sources for hazard identification and their consequences include the following: Safety Reporting System (employee program and public reporting), safety event (accidents, incidents occurrences), internal audits, safety committees, government sources (ODOT,FTA, NTSB), industry partners (American Public Transit Association - APTA) operational observations, review of historical data, scenario development and review, Job Hazard Analysis (JHA)/Job Safety Analysis (JSA), accident/incident investigations data review and ad hoc hazard reporting.

As referenced in Section 3.5 Reporting to the State Safety Oversight Agency (SSOA) of the Hazard Management Plan, Cincinnati Streetcar has established a Hazard Tracking Log, which reflects the consolidation of information in the hazard management process. The Hazard Tracking Log will contain all hazards identified through the methods applied by Cincinnati Streetcar. The Hazard Tracking Log will be submitted to ODOT's designated point of contact on the 15th day after the end of the month.

For more information see the Cincinnati Streetcar Hazard Management Plan.

26.1. Safety Certification Process

The Safety and Security Certification Plan ensures that any design or operating hazards/threats are identified, monitored, and properly controlled or mitigated, prior to the commencement of revenue service. The Safety and Security Certification Plan addresses all systems and equipment, which may reasonably be expected to pose hazards/threats to customers, employees, contractors, emergency responders, and the general public. The plan identifies the technical and managerial tasks required during the design, supply, construction, and commissioning of any project or equipment.

The City of Cincinnati certifies that all safety critical systems and major capital projects that may impact passenger, employee, or public safety are operationally ready to enter safe and secure

revenue service as further delineated in Cincinnati Streetcar's Safety and Security Certification Plan provided. Safety and security operational readiness is demonstrated through a safety and security certification program that is developed and implemented for each subsequent operating segment and phase.

The goals of the safety and security certification program are to verify that identified safety and security requirements have been met and to provide evidence that the new or rehabilitated equipment, systems and facilities are safe to use by passengers, employees, contractors, emergency responders, and the public by:

- Verifying that appropriate codes, standards, and guideline, including the most recent Safety and Security Design Criteria, have been incorporated into the specifications.
- Ensuring that a thorough and complete system safety/security engineering process is followed throughout the acquisition process.
- Ensuring that all identified hazards/threats have been eliminated or controlled.
- Ensuring that normal and emergency hazard resolution methodologies have been implemented.
- Ensuring that all training required for the safe/secure operation of the new vehicles is complete.
- The objectives of the safety and security certification program that support the above goals include:
 - Identify specific safety and security requirements to ensure the most comprehensive specification possible to avoid inadvertent hazards/threats.
 - Verify that all documentation identified as safety critical has been reviewed to ensure compliance with safety criteria.
 - Facilities and equipment have been constructed, manufactured, inspected, installed, and tested, in accordance with safety and security requirements in the Design Criteria and contract documents.
 - Assure that operations and maintenance manuals reflect appropriate procedures necessary for control of hazards and include appropriate warnings, hazards, and cautions required for safety critical operations.
 - Training documents have been developed for the training of operating personnel, and emergency response personnel.
 - Transportation and maintenance personnel have been properly trained and qualified regarding potentially hazardous operations.
 - Emergency response agency personnel have been prepared to respond to emergency situations in or along the alignment system.
 - Verify that testing associated with elimination of control of hazards has been completed.
 - All security related issues have been addressed and resolved.
 - Create a verification-tracking log to track all safety related closures that are not complete at the time of revenue operations.

An outline of the certification process is shown below. The process began with system design and continued through the start of revenue operation. The process is ongoing for continuous improvement.

1. Identify those safety and security related elements to be certified
2. Establish Safety & Security Design Criteria
3. Prepare the Design Criteria Conformance Checklists
4. Verify conformance with Design Criteria
5. Prepare the Specification Conformance Checklists
6. Verify conformance with Specifications
7. Perform testing, training, and emergency response coordination
8. Manage Integrated Testing
9. Resolve all Open Items
10. Perform Pre-Revenue Testing
11. Approve completed checklists and issue Project Safety & Security Certificate

Each critical system element receives a written safety/security certificate. When all required system elements are certified, a system-wide safety/security certificate is issued along with a safety/security verification report. Final authority to approve certification of extensions for revenue service rests with the City Manager.

The City of Cincinnati and Southwest Ohio Regional Transit Authority certified the project in 2016. Formal safety certification is required for all new, extended, rehabilitated or modified systems or components including replacement vehicles and equipment. A complete program description can be found in the Safety and Security Certification Plan.

26.2. System Modifications

The City of Cincinnati ensures that safety concerns are addressed in modifications to the existing system by a formal process of notification to O&M Contractor. The O&M Contractor is responsible for coordinating changes to existing systems, including vehicles, trackway, signals, and switches. All changes are to be reflected in a modification log for each system or subsystem. Modifications or changes will be disseminated through various means and will follow the process laid out in Section 38.0 Management of Change Process.

26.3. Train Orders and Special Instructions

Operations personnel will be informed of changes or modifications through either Train Orders or Special Instructions. Permanent modifications or changes will be written into the Recertification program and be accepted as a normal condition of operation.

26.4. Memorandum

The O&M Contractor may elect to address modifications or changes to the System in memo form. The O&M Contractor will ensure that information posted has been read and understood by Operations personnel prior to operation through modified or changed systems.

26.5. Tracking

The O&M Contractor is delegated the responsibility of ensuring that any hazards associated with system modifications of any kind are worked into the Hazard Management Process. Any accepted risks associated with system changes will be tracked from the outset.

26.6. Procurement

26.6.1. Overview

Procurement of new systems such as facilities, equipment, cars, and non-revenue vehicles or the modification of existing systems include safety requirements in specifications, design reviews, testing, configuration control and periodic safety evaluations. These procurements include consultation with the Chief Safety Officer to ensure basic system safety principles.

26.6.2. Program Responsibility

The City of Cincinnati will appoint a Project Engineer for new rail contracts and is responsible for all matters relating to this contract, except changes to the contract involving scope, cost or time. Such changes shall be made with the approval of the Project Engineer. The Maintenance Manager is also responsible for coordinating the effort to assure that all specifications to new streetcar vehicles, equipment, and parts meet the technical specifications and provisions in the document "Vehicle Technical Specifications."

26.6.3. Safety-Related Procurement Process and Procedures

For Rail the Maintenance Manager must approve modifications, or parts changes to any vehicle. The SSRC and Department of Transportation and Engineering office will review modifications to original specifications; however, the Maintenance Manager has the authority to approve the purchase of parts manufactured by a non-OEM supplier. The Maintenance Manager maintains a change and modification record.

26.6.4. New or Modified Systems Specifications

Basic safety and user requirements are included in procurement specifications and coordinated with appropriate departments. As new facility, system, or equipment specifications are proposed, responding contractors are required to resolve hazards in accordance with the established order of precedence:

- Design for Minimum Hazard. The major effort during the design phase of a contract shall be to select appropriate safety design features (e.g., fail-safe and redundancy).
- Safety Devices. Hazards, which cannot be eliminated through design, shall be reduced to an acceptable level through the use of appropriate safety devices.
- Warning Devices. Where it is not possible to preclude the existence or occurrence of a hazard, devices shall be employed for the timely detection of the condition and the generation of an adequate warning signal.
- Special Procedure. Wherever it is not possible to reduce the magnitude of an existing or potential hazard through design, or the use of safety and warning devices, the development of special procedures to control the hazard shall be required.

Specification includes the requirement that contractors who provide systems, subsystems, or equipment that affect safe movement of vehicles or passenger/employee safety, establish and maintain a safety program in accordance with the approved safety program plan which defines objectives, tasks, procedures, schedules, and data submittals for the safety activities that will be performed by the contractor. The contractor's safety program plan and supporting documentation is approved by the designated management representative subject to review by the Chief Safety Officer.

26.6.5. New or Modified Systems Safety Design Reviews

Safety design reviews are an integral part of all acquisition processes for facilities, systems and equipment. Safety design reviews are conducted to assess the compliance of facility or equipment design with safety requirements in specifications and to ensure that the safety of existing equipment is not degraded by the addition of new facilities or equipment. Safety reviews are normally carried out as an integral part of engineering design reviews coordinated by the Department of Transportation and Engineering.

26.6.6. New or Modified Systems Acceptance Testing and Inspection

Acceptance testing and inspections are included in procedures that assess compliance with the safety requirements of the procurement specification. The project manager verifies and certifies to the Chief Safety Officer that the modified system and facility documents follow the specified safety requirements for the issuance of the Final Certification Report.

26.7. Minimizing Infectious Disease Exposure

The Cincinnati Streetcar has adopted strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions, including infectious diseases. The Cincinnati Streetcar has installed 2 hand sanitizing stations on each streetcar and can dispense face masks to passengers if recommended by the Centers for Disease Control or the local Health Department. Operators can also stop at every station and open the doors to allow fresh air inside the streetcar.

27. Safety Risk Assessment

To assess risk, Cincinnati Streetcar has adopted Military Standard 882-E. A comparative risk assessment process is utilized which is based on the principles, descriptions and definitions of MIL-STD-882E, but enhances the risk assessment and prioritization to include the cost of corrective action. The process codifies the hazard severity, hazard probability of occurrence, and the cost of eliminating or controlling the hazard and rates each element using established hazard rating tables. The process then determines which hazards are unacceptable or undesirable based on their severity and probability of occurrence. The hazard severity, probability and cost combination for unacceptable and undesirable risk is then ranked on a Hazard Priority Rating Table whereby Cincinnati Streetcar Management can prioritize and allocate the resources available to eliminate or correct the unacceptable and undesirable hazards. For information about the safety risk assessment process see the Cincinnati Streetcar Hazard Management Plan.

28. Safety Risk Mitigation

To reduce the likelihood and severity of consequences related to hazards Cincinnati Streetcar will employ the following risk mitigation strategies as appropriate: hazard elimination, reduction of risk through alteration, incorporation of engineered features or devices, provision of warning devices or the incorporation of signage, procedures, training and personal protective equipment. Safety risk mitigation may include more than one measure to achieve the most acceptable result. Any employed risk mitigation measure will be monitored for its effectiveness. This will be accomplished through regular review of performance measures and event reports to determine recurrence and (or) trends.

29. Safety Assurance

Safety Assurance, in SMS, gives Cincinnati Streetcar the ability to know if and how well our mitigations are working by providing key information for data-driven informed decision making, by the collection and analysis of safety performance data, and the provision of timely safety performance information. Finally, it provides safety performance verification and validates the effectiveness of our safety risk mitigation activities. At Cincinnati Streetcar, this is accomplished through safety performance monitoring and measurement as discussed in Section 30.

30. Safety Performance Monitoring and Measurement

Safety Performance Measurement is a subcomponent of SMS and there are three things that it accomplishes. First of all it provides critical indicators to Executive Management and any oversight authority. Secondly, it provides assurance that Cincinnati Streetcar is meeting its safety objectives. Thirdly, it provides assurance that SMS and safety risk controls are working as anticipated and if not a process is in place to continually improve. Cincinnati Streetcar monitors safety performance through the following activities: the Employee Safety Reporting Program, Service Delivery Activities and Operational and Maintenance Data. It also conducts safety surveys, safety audits and inspections, and safety investigations.

30.1. Safety Data Acquisition

30.1.1. Roles and Responsibilities

The O&M Contractor has the responsibility to monitor the safety performance of operations. Safety data is collected and analyzed to determine if safety performance meets established safety goals. This data includes injuries to passengers, O&M Contractor personnel, public; potentially hazardous equipment failures; unacceptable hazardous conditions, and rules and procedure violations. A closed-loop reporting system for identifying and monitoring safety-related items has been established. To close out each incident, safety verification activities and results are reviewed and audited by the Chief Safety Officer or their designee.

30.1.2. Data Acquisition process

The O&M Contractor is responsible for information regarding accidents, incidents, hazardous conditions and operations are obtained from several different reporting mechanisms. These

include, but are not limited to: email and (or) text messages from the City, accident/incident reports, daily operations reports, and employee occupational injury reports. Employees are also encouraged to bring any safety-related issues to the attention of managers and supervisors.

30.1.3. Data Analysis

Tracking of hazard related-data is used to identify trends. These trends are further analyzed and/or investigated to determine causal factors. This is accomplished by interviews with personnel in the affected department(s) and analysis of pertinent documentation. Identified hazards are submitted with corrective action recommendations or request for corrective action development.

30.1.4. Reports

Safety performance trend and analysis reports are provided to the SSRC for review and discussion. SSRC will receive safety trend and analysis reports relative to the area of interest. The reports are the basis for determining achievement of the ASP safety goals and objectives and formulation of safety performance goals/objectives for the coming year. The safety trend and analysis reports are also the basis for the annual safety performance report to ODOT. The annual report includes collision data, passenger and employee injury data, injury data affecting the public, program audit findings and trends, and corrective action plans (CAP). The annual report also describes the strategies for achievement of the stated safety and security objectives.

30.1.5. Accident and Incident Notification, Accident and Incident Investigation Plan and Reporting Procedures

For Accident and Incident Notification, Accident and Investigation Plans and Reporting Procedures see the Cincinnati Streetcar Accident Investigation Procedure.

31. Corrective Action Plans

CAPs can be the result of safety events (e.g. accidents, near-miss incidents, auditing (internal or otherwise) and potentially National Transit Safety Board investigations. CAPs document the action taken and contain the following information: identification of the hazard, deficiency, or root causes, action(s) being taken to resolve or mitigate the hazard or deficiency, implementation schedule for the CAP, the individual or department responsible for implementing the corrective action(s) and any other critical information deemed necessary by Cincinnati Streetcar or ODOT. CAPs must be approved by ODOT and tracked through resolution. CAPs will be handled on a case-by-case basis by the City and the O&M contractor at the Safety and Security Review Committee (SSRC) with system safety being the top priority. After approval, a CAP closure form including all relevant information. Will be submitted to the SSOA and tracked in the CAP log. Any emergency action will be added to the Hazard Log and followed up with one or more CAPs to be reviewed by ODOT and the SSRC. For additional information, please refer to the Cincinnati Streetcar CAP Development, Tracking and Closeout Procedure Review and Approval Plan.

32. Emergency Management Program

32.1. Emergency Planning Responsibilities and Requirements

Annually, the Chief Safety Officer, or designee, will coordinate, conduct or participate in safety/security related drills and exercises with the City of Cincinnati, Hamilton County EMA, Department of Homeland Security, and other agencies, such as Cincinnati Fire and Cincinnati Police. The purpose of participation is to ensure that all potential emergency responders are familiar with equipment and property. Participation may include hands-on training, demonstrations, video demonstrations, hand-outs, or any other media. Minimally, emergency responder training will include basics of streetcar vehicle and system electrification, familiarization with Streetcar operations and routing, and emergency entry methods into Streetcar vehicles.

32.2. Emergency Procedures and Plans

Cincinnati Streetcar has implemented several emergency response plans and procedures in support of Emergency Management including an EOP and a Continuity of Operations Plan (COOP). The purpose of the EOP is to ensure that in any event requiring emergency management there is effective coordination of response and restoration of normal operations between Cincinnati Streetcar personnel, First Responders and other responding organizations. The purpose of the COOP is to ensure that during and after an event the City and Cincinnati Streetcar personnel have a coordinated plan to safely continue operations.

Please see the EOP and COOP for additional information.

32.3. Required Meetings

The Chief Safety Officer is responsible to annually establish on-going meetings with local emergency responders. These meetings will include, but are not limited to: a review of emergency management plans, preparation for drills and coordination of familiarization or refresher training with first responders.

32.4. Emergency Exercises and Evaluation

A program for effective joint training exercises and drills involving and other external agencies including local police, fire, and emergency management agencies is maintained by the system the Chief Safety Officer. The Chief Safety Officer uses the Homeland Security Exercise and Evaluation Program (HSEEP). This program includes the creation and use of tabletop exercises (TTX) and Full-Scale Exercises (FSE). This program is followed annually and prior to opening new lines or as required.

TTX involve presenting various emergency scenarios to teams of participants with the purpose of allowing the teams to discuss the appropriate response actions. TTX are conducted to prepare Cincinnati Streetcar, law enforcement, and emergency response personnel to respond to emergencies involving transit passengers and equipment. FSE differ from TTX in that they

involve utilizing actual equipment, facilities, and personnel together to form a full-scale mock emergency.

The purpose of these exercises is to demonstrate that participants understand their individual roles and responsibilities and are familiar with the equipment and layout of facilities. Drills involve local law enforcement and emergency response personnel and are indicative of the types of emergencies typical of transit operations and services. Alternating exercises for natural and human caused scenarios is critical for satisfying federal requirements. Cincinnati Streetcar has adopted an after action review (AAR) with a lessons learned sharing system (LLS). The key element of the LLS is where an assigned person tracks the results of the AAR and incorporates the recommendations into policy, procedure, SOP, training or mitigation.

The O&M Contractor will implement new findings from TTX and FSE and will ensure that appropriate and timely employee training occurs, as necessary. Furthermore, to ensure that personnel are trained to perform satisfactorily during emergency conditions, annual recertification will incorporate discussion and refresher training regarding procedures, practices, actions, and responsibilities during emergency situations.

32.5. Employee Training

An important aspect of every employee's job is his or her individual responsibility for safety and security. As a result, the O&M contractor develops, maintains, and updates the security-related training curriculum for all employees. Targeted security training incorporates such security and emergency management concepts as terrorism awareness, continuity of operations and the National Incident Management System (NIMS). Security-awareness training is required for all personnel and is considered an essential and proactive element of the security program. De-escalation training for operations and maintenance employees is also a required and essential part of safety training conducted by the O&M contractor. This program is administered by the O&M contractor, the operator or Cincinnati Streetcar. It is designed to reinforce security roles and responsibilities for all employees by doing the following:

- Preparing employees for the requirements of their jobs with appropriate security training. Train employees on de-escalation methods and tactics.
- Increasing the level of security awareness throughout the organization.
- Reinforcing any applicable security policies and procedures, including standard operating procedures (SOPs).
- Providing each employee with an opportunity to take part in the security program by asking questions and voicing any concerns.
- Increasing employee understanding pertaining to the potential threats and vulnerabilities within the system and what measures can be taken to eliminate, control, mitigate, and prepare for those threats and vulnerabilities.

32.6. First Responder Familiarization Training

The Cincinnati Fire Department has hands-on familiarization for fire companies working in or will be responding to emergencies on the alignment, which has been and will continue to be provided on an as-needed basis coordinated by the Chief Safety Officer or Designee.

33. Internal Safety Audit Program

The purpose of internal system safety audits is to inform management if programs and activities are meeting planned and published requirements. Audits are authorized by management to verify compliance with requirements and policy. Elements of the ASP will be reviewed over a three-year period. ODOT will be notified and presented with the review checklist thirty days prior to each review. The annual report must be submitted to ODOT each year. The Chief Safety Officer must certify compliance of the ASP each year or define the areas of non-compliance with an appropriate CAP. The Accountable Executive will review, evaluate, and sign off on the results of any internal safety review. An approved designee conducts internal system safety reviews. The Chief Safety Officer is responsible for the direction of the audits. For more information see the Cincinnati Streetcar Internal Audit Plan.

34. Rules Compliance

34.1. General

All Cincinnati Streetcar personnel are responsible for the prevention of accidents, identification of hazards, and resolution of such hazards. Reports of all accidents, incidents, deficiencies, and defects will be maintained by the Manager of the appropriate department.

34.2. Review

34.2.1. Directives, Rules, and Standard Operating Procedures

The Streetcar Operators Rule Book, SOPs, Communications Center Procedures, Emergency Operating Procedures, Bulletins and Operating Orders all govern operations procedures during normal and abnormal conditions and are considered safety-critical documents. Additionally, the Maintenance SOPs govern maintenance practices (Inspection and Maintenance Manual). All of these documents are subject to configuration management and formal document control procedures.

34.3. Rule Book

The Streetcar Operators Rule Book is reviewed and analyzed annually, to ensure it provides for the safe operation of the system in normal, abnormal (e.g. brake failure, bypassed door) and emergency conditions, and to ensure compliance with appropriate governing bodies. Revisions to the Rule Book are done by the Cincinnati Streetcar General Manager, or designees annually, through the SSRC and submission to ODOT before implementation. All Streetcar Operators Rule Book revisions are tracked via a revision page that is updated following revisions. All are signed for by every operator and must be carried with them when operating streetcars. The Streetcar Operations Manager will keep a log for rules compliance and update the committee annually.

34.4. Process for Ensuring Rules Compliance

The Rail Operational Safety Checks Program serves as the foundation for observing, correcting, and documenting safety related behaviors and activities. It is also used to re-enforce positive safety behaviors. Operations Managers/Supervisors and Training Instructors are responsible for conducting periodic field and on-board operations safety checks. Supervisors and Training Instructors travel along the right-of-way and/or board streetcars to observe and evaluate adherence to rules, policies and procedures, verbal, or written instructions such as Train Operating Orders, and speed limit compliance. Operator safety checks are recorded on the “Supervisor Rail Safety Ride Check” and “Supervisor/Check forms.” Operations Supervisors and Training Instructors are authorized to take appropriate and immediate actions if indicated by the situation. Each Streetcar Operator receives a monthly operations safety check.

The Cincinnati Streetcar General Manager organizes a program of unannounced safety inspections and field observations. All members of the senior management team participate in at least one such inspection every calendar month. These Safety Inspections and Field Observations fortify the safety processes, procedures and plans we have implemented for Streetcar Operators, Operations Control personnel, Wayside personnel, Streetcar Technicians, and Facilities Maintenance personnel. The Streetcar Operations Manager monitors rules compliance through the Rules Compliance Log.

The results of Safety Checks will be reported to the Chief Safety Officer, or Designee, for incorporation into the Hazard Management Plan.

34.5. Systems Inspections

An essential element of the System Program is regular inspection of all system elements that can affect safe operation. Major elements in the system that directly affect safety are: vehicles, right-of-way, overhead power distribution, signal system, and streetcar stations and facilities. Preventive maintenance activities on wayside equipment and other safety critical equipment are performed in accordance with manufacturers’ recommended practice and the APTA Manual of Standards and Recommended Practices for Transit Systems and are documented. Checklists are used in conducting inspections of facilities and equipment. See the Cincinnati Streetcar Maintenance Plan, Revision 5 for additional information including checklists utilized.

34.6. Coordination with Hazard Management Process

Deficiencies noted during inspections are logged into Cincinnati Streetcars asset management system and submitted for repair or corrective action to applicable managers. The Chief Safety Officer receives copies of all deficiency reports for tracking through the Hazard Management process. The adequacies of control measures for safety critical equipment and systems are evaluated to ensure the proper corrective actions are in place to control potentially hazardous conditions to passengers, employees, and the general public.

34.7. Resolution of Audit/Inspection Findings

Safety critical equipment that does not meet established requirements is removed from service and/or tagged or locked-out. Vehicles or equipment involved in accidents are inspected by qualified personnel prior to being placed back into service

34.8. Compliance with Local, State and Federal Safety Requirements

The City of Cincinnati is committed to the safety and health of its employees and contractors who work within the system. Additionally, the City of Cincinnati ensures a safe and healthy work environment through adherence to all applicable Federal standards, BWC standards and local codes. The O&M Contractor ensures that employees are aware of job related hazards through training, posters and notices located in affected areas. Employees will receive appropriate training when new materials, chemicals, or potentially hazardous materials are brought into their working environment.

The O&M Contractor, in coordination with the Chief Safety Officer, evaluates and creates solutions to ensure that employees are educated to potential hazards in their working environment. Procedures and practices employed to minimize exposure to workplace conditions that may jeopardize their safety and health are periodically reviewed and updated.

34.9. Working On or Near Transit Controlled Property

34.9.1. Contractor and Non-Transit Agency Personnel

All Contractors and Non-Transit Agency Personnel must have a Track Access Permit to perform work on or near the alignment. Furthermore, all Contractor and Non-Agency Personnel must complete a safety orientation as part of the permitting process

34.9.2. Employees

All employees who work on or near the rail alignment will receive safety training during New Hire Orientation or any time there is a change on the alignment.

34.10. Hazardous Materials Program

The goal of any Occupational, Safety and Health Program is to ensure a safe work environment free from recognized hazards. To that, the Hazardous Materials Program places emphasis on recognition, evaluation, and control of material hazards arising in and from the occupational environment. Several tools are employed which include, but are not limited to: industrial hygiene surveys, JHA, chemical inventories and employee training. There is one SOP that governs the Hazardous Materials Program: Cincinnati Streetcar Hazard Communication Program.

34.11. Responsibility

34.11.1. Chief Safety Officer

The Chief Safety Officer is responsible for maintaining and communicating the expectations within this procedure and ensuring the program is adequate. At least annually, the Chief Safety Officer or designee will conduct an audit of the HCP and update the program as necessary.

34.12. O&M Contractor

The O&M Contractor is responsible for ensuring that personnel and sub-contractors comply with all Safety and Environmental programs.

34.13. Hazardous Materials Process

A chemical inventory is conducted annually. The results of this inventory are documented in the Chemical Inventory List (CIL). During this task chemicals are identified and evaluated based upon their Safety Data Sheet. Other tools may be used to identify hazardous materials such as industrial hygiene surveys and JHA.

34.14. Drug and Alcohol Program

34.14.1. Overview

All drug and alcohol testing for employees classified as “safety sensitive” is covered by the Drug and Alcohol policy. All drug and alcohol testing for Cincinnati Streetcar employees classified as “safety sensitive” is covered by the O&M Contractor Drug and Alcohol program.

34.14.2. Decision Tree

The Drug Testing Decision Tree is used by supervisory personnel to make drug-testing determinations following all accidents involving employees. The completed form will be forwarded to the Drug and Alcohol Test Program Administrator.

34.14.3. Compliance

FTA drug testing regulations require that all supervisors must undergo a minimum of sixty minutes of training on the signs and symptoms of drug use before they are qualified to make reasonable suspicion determination. A similar provision in the FTA alcohol testing regulation requires supervisors to undergo an additional sixty minutes of training on the signs and symptoms of alcohol use. The Drug and Alcohol Program Manager will ensure supervisory staff meet these minimum qualifications and will provide or arrange for refresher training when requested.

34.14.4. Program Responsibility

The O&M Contractor has primary responsibility for administering the Drug and Alcohol Program.

34.14.5. Drug and Alcohol Abuse Program

For Cincinnati Streetcar, the O&M Contractor has primary responsibility for administering the Substance Abuse Testing Program in accordance with 49 CFR Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs and 49 CFR Part 655: Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

35. Operational and Maintenance Procedure Compliance Monitoring

The Streetcar Operator Rule book, SOPs, Operations Control Procedures, Emergency Operating Procedures, and Bulletins all govern operations procedures during normal and abnormal

conditions and are considered safety-critical documents. Additionally, the Maintenance SOPs govern maintenance practices (Inspection and Maintenance Manual). All these documents are subject to configuration management and formal document control procedures. Operations Supervisors conduct audits to ensure compliance of rules and procedures. This is accomplished through service audits. Safety performance issues are documented and tracked to determine if remedial action is required. The Streetcar Operations Manager will keep a log for rules compliance and update the committee annually.

The Maintenance Department is responsible for inspections of the facilities, equipment, and infrastructure. These safety inspections include life safety (alarm, fire doors and carbon monoxide monitoring), suppression systems and equipment lifts (portable and fixed). Streetcars are maintained at a minimum in accordance with manufacturer recommendations or at a higher level. Most of the preventative maintenance intervals are time driven based. Maintenance is tracked and coordinated through time schedules, which are maintained by the maintenance personnel using Maintenance Information Systems software. All maintenance is scheduled through work orders and completed within a twenty-percent requirement of the schedule maintenance activity. The Maintenance Department maintains a Quality Assurance Program to ensure audits and inspections are conducted. See the Cincinnati Streetcar Management Plan.

36. Risk Mitigation Monitoring

The purpose of Risk Mitigation monitoring is to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended. At Cincinnati Streetcar this is accomplished through safety performance monitoring.

37. Safety Event Investigation

Safety Events are investigated in the context in which they occur. Collision events are investigated by qualified investigators. For more information see the Cincinnati Streetcar Accident and Incident Investigation Procedure.

38. Management of Change

Change management is activities through which Cincinnati Streetcar ensures that any changes or proposed changes don't introduce new hazards, and if changes have introduced new hazards, measures to mitigate their potential consequences are instituted.

The process for identifying and assessing changes is contained in the Cincinnati Streetcar Configuration Management Plan. The purpose of configuration management plan is to ensure that changes to safety-critical systems and subsystems are reviewed prior to implementation. This assures there are a set of practices and procedures of identifying all components and their relationship in a dynamic and continually evolving system for the purpose of maintaining integrity, traceability and control over change throughout the cradle to grave lifecycle of the component. These practices will ensure that appropriate personnel have been provided accurate reference documentation for maintaining components and any modifications to

components are properly and systematically documented. A change in configuration refers to a modification that may result in a change to physical and/or operational features of any asset.

For additional information, see the Cincinnati Streetcar Configuration Management Change Procedure.

39. Continuous Improvement

Continuous improvement is a process in which Cincinnati Streetcar works towards revising current processes in response to changing needs, operational environment, or standards. In the case of safety, this is accomplished through monitoring and evaluation of SMS performance to ensure we meet our safety performance targets. This is accomplished through internal/external audits and self-assessments.

40. Safety Promotion

Safety Promotion improves safety performance by increased awareness through communication and training. It also displays continuous management commitment to communication. In fact, one of management's most important responsibilities of management is to encourage and motivate others to want to communicate openly, authentically, and without concern of reprisal. Training also documents executive management responsibilities to allocate resources to training and maintain the relationship between safety training and SRM and safety assurance.

41. Training and Certification Program

Safety training is conducted on equipment. Operating Rules and SOPs will be prepared by the O&M Contractor and provided to all operating personnel. The O&M Contractor oversees the formulation of training programs and records, SOPs, and Rules and maintains all records, which are kept at the streetcar office. The O&M contractor's training plan is maintained in an Operations and Maintenance plan for frontline employees. The City of Cincinnati commits to continuous training for the Streetcar Director, Chief Safety Officer and Transit Coordinator.

41.1. City of Cincinnati

The Streetcar Director, Chief Safety Officer and Transit Coordinator will attend TSA sponsored classes provided by the U.S. Department of Transportation's Transportation Safety Institute (TSI). The PTSCTP requires that the 4 classes be completed over a 3-year period. When completed, this training results in a certificate for the Transit Safety and Security Program (Transit Rail Program).

41.2. Rail Vehicle Operators

All Streetcar Operators will be required to successfully complete the streetcar operations training program prepared by the O&M Contractor and approved by the SSRC, ODOT, and the City of Cincinnati. The O&M Contractor's training plan is contained within the Operations and Maintenance Plan. The O&M Contractor also has a fully developed Streetcar Operator Training plan with a recently updated Training syllabus.

All new Streetcar Operators are given the Streetcar Operator Training Course. This course covers SOPs and Operator Rules that govern the Streetcar alignment and operation. Operators are issued manuals for safe operation and troubleshooting of Streetcar vehicles.

New Streetcar Operators are also evaluated by established Operators using an Observation Report Form. New Operators must meet criteria satisfactorily or will receive additional training. O&M Contractor, on a separate occasion prior to certification, will determine whether the Operator demonstrates safe control of the Streetcar or needs additional training. Each Operator is certified with both written and practical testing to validate operational readiness.

41.2.1. Extensions and Major Modifications

Updated training materials will be developed under coordination by the General Manager, Operations and Safety Manager, Maintenance Manager, and Streetcar Supervisors prior to the opening of any new rail extension or major modification to the existing Streetcar line. Operations personnel will be certified by written and practical testing.

41.2.2. Rail Vehicle Operator Compliance

Streetcar Operators are subject to periodic in-service evaluations by Streetcar Supervisors who monitor their compliance to rules and procedures outlined in the Rule Book and SOP manual. The Supervisor completes an Observation Report Form after completion of the in-service evaluation and will review the information in the report with the Operator. Operators observed violating any rule or procedure are subject to progressive discipline. The O&M Contractor will maintain a Rule Violation Log that chronicles violations each month and administers all disciplinary actions, retraining, re-instructions, and determines the consequence to rule violations.

41.3. Maintenance

Maintenance requirements, methods and procedures of equipment and systems are described in manuals, handbooks, and other documentation developed for the training and certification of maintenance personnel. Use of personal protective equipment (PPE), emergency equipment, and safety instruction are included within the training program.

Maintenance personnel who are required to operate Streetcars, hi-rail equipment, heavy equipment, or other specialized vehicles/equipment/apparatus are certified by both written and practical testing in order to document the employee's knowledge of safety and operating procedures and skill in the proper and safe operation and procedures.

41.4. Refresher Training

41.4.1. Rail Vehicle Operators

Annually, each Operator is given a refresher course on the rules and procedures and will re-certify with written and practical testing. The re-certification may consist of one or more of the following: a quiz, a checklist, a test, and a demonstration of troubleshooting techniques. Any person who fails the annual examination is given special retraining

41.4.2. Maintenance Personnel

Annually, each employee will re-certify in the proper and safe use of the equipment/vehicles with written and practical testing. Each person who fails the annual examination is given special retraining.

41.5. Contractor Training

Construction safety and project management is privately contracted in accordance with City of Cincinnati procedures. Contractors must first seek approval, in writing, to perform work on or near property and infrastructure.

Contractors will contact the City to apply for a Track Access Permit for rail-related projects. The request is forwarded to the O&M Contractor for review. Contractor requests must be submitted, at a minimum, one week in advance of scheduled work. Once approved, the O&M Operations Manager will provide a Track Access Permit to the requesting party. The Access Permit details the work to be performed, the time the work will be performed, and contact information for the on-site contractor Supervisor. The City of Cincinnati will receive a copy of the access permit.

The O&M Contractor must ensure that the requesting party abides by the safety requirements established by Cincinnati Streetcar. Requirements include, but are not limited to: reflective safety vests, proper hand signaling to Streetcar Operators, and understanding of inherent dangers of the live and hot overhead contact system.

Contractors are required to attend safety certification classes prior to approval and issuance of a Track Access Permit; this requirement depends on the work request. The O&M Contractor will make arrangements for contractors to attend such classes and receive certification prior to the approval and issuance of an Access permit, when necessary.

42. Recordkeeping

Per 49 CFR Part 673.31 Cincinnati Streetcar must maintain the documents utilized to create the ASP, including those related to the implementation of the SMS, and results from SMS processes and activities. Cincinnati Streetcar must also maintain documents (e.g. procedures, plans) that are included in whole, or by reference, that describe the programs, policies, and procedures that are used to carry out the ASP. These documents will be made available upon request by the FTA or other Federal entity, or the ODOT SSO. All of these documents require a minimum retention of three years after creation.

43. References

49 CFR 673 – Final Rule

Cincinnati Streetcar Safety and Security Review Committee procedure

Cincinnati Streetcar Configuration Management Change Procedure

Cincinnati Streetcar Hazard Management Plan

Cincinnati Streetcar Internal Audit Plan
Cincinnati Streetcar Accident and Incident Investigation Procedure
Cincinnati Streetcar Corrective Action Plan (CAP) Development, Tracking and Closeout
Procedure Review and Approval Plan
Cincinnati Streetcar Maintenance Plan

Appendix A

Definitions of Special Terms Used in the Safety Plan

Accident means an Event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

Accountable Executive means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation ASP of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation ASP, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

Chief Safety Officer means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Consequence means a potential outcome of a safety hazard.

Equivalent Authority means an entity that carries out duties similar to that of a Board of Directors, for a recipient or sub recipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or sub recipient's Public Transportation ASP.

Event means any Accident, Incident, or Occurrence.

FTA means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

Hazard means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Incident means an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Investigation means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

National Public Transportation Safety Plan means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

Occurrence means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

Operator of a Public Transportation System means a provider of public transportation as defined under 49 U.S.C. 5302(14).

Performance Measure means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Performance Target means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.

Public Transportation Agency Safety Plan means the documented comprehensive ASP for a transit agency that is required by 49 U.S.C. 5329 and this part.

Rail Fixed Guideway Public Transportation System means any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of a State, and is not subject to the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction. Rail fixed guideway public transportation systems include but are not limited to rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

Rail Transit Agency means any entity that provides services on a rail fixed guideway public transportation system.

Risk means the composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation means a method or methods to eliminate or reduce the effects of hazards.

Safety Assurance means processes within a transit agency's SMS that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Deficiency means a condition that is a source of hazards and/or allows perpetuation of the hazards in time.

Safety Management Policy means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

Safety Management System (SMS) means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

Safety Management System (SMS) Executive means a Chief Safety Officer or an equivalent.

Safety Performance Target means a performance target related to safety management activities.

Safety Promotion means a combination of training and communication of safety information to support the SMS as applied to the transit agency's public transportation system.

Safety Risk Assessment means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management means a process within a transit agency's Public Transportation ASP for identifying hazards and analyzing, assessing, and mitigating safety risk.

Serious Injury means any injury which:

1. Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received;
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or noses);
3. Causes severe hemorrhages, nerve, muscle, or tendon damage;
4. Involves any internal organ; or
5. Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

Small Public Transportation Provider means a recipient or sub recipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State of Good Repair means the condition in which a capital asset is able to operate at a full level of performance.

State Safety Oversight Agency means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in 49 CFR part 674.

Transit Agency means an operator of a public transportation system.

Transit Asset Management Plan means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

List of Acronyms Used in the Safety Plan

AAR – After Action Review
APTA – American Public Transit Association
ASP – Agency Safety Plan
CAP – Corrective Action Plan
EOP – Emergency Operations Plan
FSE – Full Scale Exercises
FTA – Federal Transit Administration
HSEEP – Homeland Security Exercise and Evaluation Program
JHA – Job Hazard Analysis
LLS – Lessons Learned Sharing System
MOF – Maintenance Operations Facility
MPO – Metropolitan Planning Organization
NIMS – National Incident Management System
O&M – Operations & Management
ODOT – Ohio Department of Transportation
OKI – Ohio Kentucky Indiana council of governments
PPE – Personal Protective Equipment
PTSCTP – Public Transportation Safety Certification Training Program
SEPP – Security and Emergency Preparedness Plan
SMS – Safety Management Systems
SOP – Standard Operating Procedures
SRM – Safety Risk Management
SSO – State Safety Oversight
SSOA – State Safety Oversight Agency
SSPP – System Safety Program Plan
SSRC – Safety and Security Review Committee
TSI – Transportation Safety Institute
TTX – Tabletop Exercises

City Council Resolution

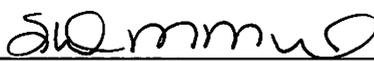
Reserved for formal resolution

Cincinnati Streetcar Safety Management Policy Statement

Cincinnati Streetcar recognizes that the management of safety is a core value of our business. The management team at Cincinnati Streetcar will embrace the Safety Management System (SMS) and is committed to developing, implementing, maintaining, and constantly improving processes to ensure the safety of our employees, customers, and the public. All levels of management and frontline employees are committed to safety and understand that safety is the primary responsibility of all employees. Cincinnati Streetcar is committed to:

- Communicating the purpose and benefits of the SMS to all managers, supervisors, and employees. This communication will specifically define the duties and responsibilities of each employee throughout the organization and all employees will receive appropriate information and SMS training.
- Providing appropriate management involvement and the necessary resources to establish an effective reporting system that will encourage employees to communicate and report any unsafe work conditions, hazards, or at-risk behavior to the management team.
- Identifying hazardous and unsafe work conditions and analyzing data from the employee reporting system. After thoroughly analyzing the provided data, the transit operations division will develop processes and procedures to mitigate safety risk to an acceptable level.
- Ensuring that no action will be taken against employees who disclose safety concerns through the reporting system, unless disclosure indicates an illegal act, gross negligence, or deliberate or willful disregard of regulations or procedures.
- Establishing safety performance targets that are realistic, measurable, and data driven.
- Continually improving our safety performance through management processes that ensure appropriate safety management action is taken and is effective.

Signature by the Accountable Executive


_____ Date 10/9/23

Signature by the Chief Safety Officer


_____ Date 10/01/2023

Date: October 11, 2023

202302132

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: EMERGENCY ORDINANCE – CHCURC Artwork Donation Agreement - Traffic Control Boxes - CUF

Attached is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager to design, install, and maintain artwork on various traffic control boxes located in the CUF neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork.

The Clifton Heights Community Urban Redevelopment Corporation (CHCURC) has a desire to implement public artwork to enhance the CUF neighborhood. This project involves applying a patterned vinyl artwork wrap to existing City traffic control boxes in the public right of way. This can discourage graffiti, beautify the public sphere, and foster community pride. The selected boxes are located along the prominent corridors of Clifton Avenue, Calhoun Street and W. McMillan Street.

The Department of Transportation and Engineering has guidelines for the artwork related to visual criteria and physical placement on this City infrastructure and is working closely with CHCURC.

The emergency ordinance is necessary to meet the needs of CHCURC to begin installation in the fall of 2023 prior to colder temperatures.

The Administration recommends passage of the attached ordinance.

Attachment A - Depiction of Artwork - CUF Traffic Control Boxes (00390851xC2130)

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

EMERGENCY

JRS

- 2023

AUTHORIZING the City Manager to design, install, and maintain artwork on various traffic control boxes located in the CUF neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork.

WHEREAS, the City of Cincinnati wishes to install artwork and paintings (“Artwork”), substantially similar in design, color, and concept to the sample designs in Attachment A to this ordinance, on various traffic control boxes located in the CUF neighborhood to enliven the space and promote public awareness of the arts; and

WHEREAS, the City may designate one or more agents or contractors, including the Clifton Heights Community Urban Redevelopment Corporation (“CHCURC”), to carry out all or a portion of the work required to design, install, and maintain the Artwork; and

WHEREAS, the City may also accept donations from one or more persons, including CHCURC, in order to offset the cost and expense associated with the design, installation, and maintenance of the Artwork and to ensure the design, installation, and maintenance of the Artwork shall have little or no impact on the General Fund of the City of Cincinnati; and

WHEREAS, the design, installation, and maintenance of the Artwork shall be performed under the management of the City Manager or her designee, and any agents or contractors of the City, including CHCURC, shall comply with rules and regulations established by the City Manager and the City’s Department of Transportation and Engineering (“DOT”) regarding the design, installation, and maintenance of the Artwork, including rules and regulations concerning its location, size, materials, means of installation, and maintenance as necessary to ensure public safety; and

WHEREAS, the City’s design, installation, and maintenance of the Artwork is the City’s own expression, constitutes government speech, and does not signify the City’s intent to create a free speech forum; and

WHEREAS, the City will own the Artwork created under this project, will maintain complete control over the surrounding public rights-of-way as necessary for public safety, and will require the artists who design, install, and maintain the Artwork to waive their rights in and to the Artwork, including waiving all applicable rights under the federal Visual Artists Rights Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech; and

WHEREAS, the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in part or in whole, at any time; and

WHEREAS, prior to installation, DOTE will review the final design and placement of the Artwork to ensure it will not detract from, interfere with, or obscure official traffic control devices, will be safe, and will not unreasonably interfere with pedestrians; and

WHEREAS, the City has an interest in promoting the arts, including within the public right-of-way, notwithstanding the provisions of the Cincinnati Municipal Code that would normally prohibit such displays, when the proposed display will not negatively impact the health, safety, or welfare of residents and users of the public right-of-way; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on September 15, 2023, recommended that the City install the Artwork on various traffic control boxes located in the CUF neighborhood; and

WHEREAS, the City Council finds that the design, installation, and maintenance of the Artwork in the CUF neighborhood will beautify the public right-of-way, enhance civic pride, and advance public health and wellness goals; and

WHEREAS, the design, installation, and maintenance of this Artwork is consistent with the "Live" goal to "[c]reate 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 Council hereby declares the design, installation, and maintenance of artwork that is substantially similar in design, color, and concept to the sample designs on the attached Attachment A ("Artwork"), incorporated herein by reference, on various traffic control boxes located in the CUF neighborhood to be a matter of significant public interest, and it hereby resolves to raise public awareness of the arts through the design, installation, and maintenance of this conspicuous visual art; further that, notwithstanding the provisions of the Cincinnati Municipal Code that would normally restrict such displays within the public right-of-way, Council has determined that the design, installation, and maintenance of the Artwork is in the interest of the public health, safety, morals, and general welfare and will not negatively impact the health, safety, morals, or welfare of residents and users of the public right-of-way.

Section 2. That the City's design, installation, and maintenance of the Artwork is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum.

Section 3. That the City Manager is hereby authorized to design, install, and maintain the Artwork on the various traffic control boxes located in the CUF neighborhood, which Artwork shall be similar in design concept with the sample designs depicted on the attached Attachment A, incorporated herein by reference, and shall be located on the various traffic control boxes located in the CUF neighborhood as approved by the City Manager, notwithstanding any conflicting Department of Transportation and Engineering ("DOTE") rules and regulations and any applicable provisions of the Cincinnati Municipal Code.

Section 4. That the design, installation, and maintenance of the Artwork shall be performed under the management of the City Manager or her designee, and any agents or contractors of the City, including the Clifton Heights Community Urban Redevelopment Corporation, shall comply with rules and regulations established by the City Manager and the City's Department of Transportation and Engineering ("DOTE") regarding the design, installation, and maintenance of the Artwork, including rules and regulations concerning its colors, symbols, styles, location, size, materials, and means of installation and maintenance as necessary to ensure public safety.

Section 5. That the City Manager is authorized to engage one or more agents or contractors to assist with the City's design, installation and maintenance of the Artwork on such terms and conditions that the City Manager determines are in the best interests of the City, and any work performed by the agents and contractors so engaged by the City Manager shall be performed under the management of the City Manager or her designee, who shall have the sole

authority to approve the design, location, size, materials, and means of installation and maintenance of the Artwork and to establish rules and regulations for the same as necessary to ensure public safety.

Section 6. That the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in whole or in part, at any time.

Section 7. That the City will own the Artwork created under this project, will maintain complete control over the right of way as necessary for public safety, and will require the artists who design, install, and maintain the Artwork to waive their rights in and to the Artwork, including waiving all applicable rights to the Artwork under the federal Visual Artists Rights Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech.

Section 8. That the City Manager is authorized to accept donations, including materials, labor, money, and in-kind services, on such terms and conditions that the City Manager determines are in the best interests of the City, to offset the cost and expense associated with the design, installation, and maintenance of the Artwork, so that the design, installation, and maintenance of the Artwork shall have minimal impact on the General Fund of the City of Cincinnati.

Section 9. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 through Section 8 hereof.

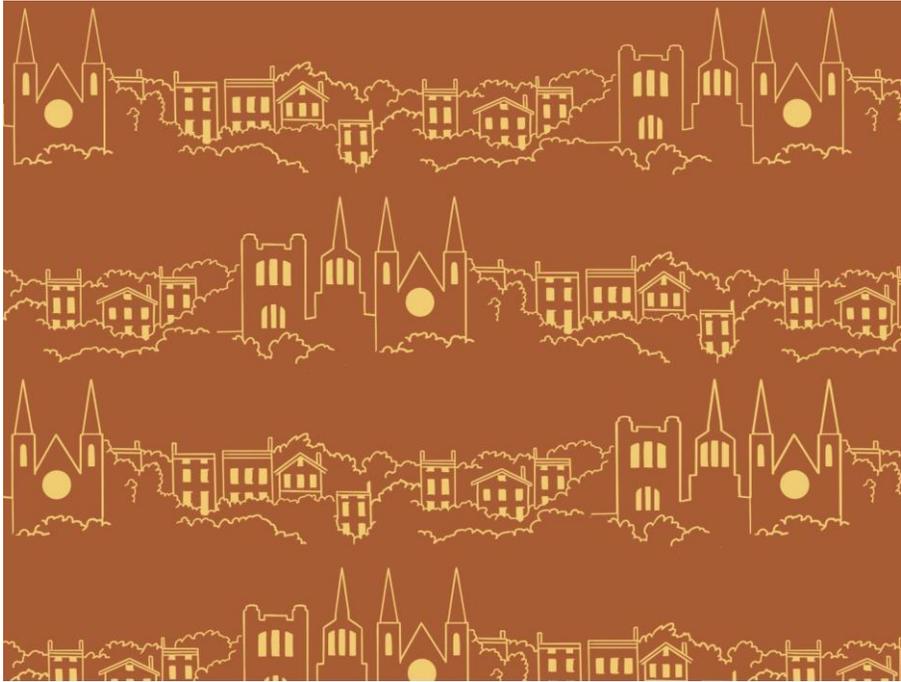
Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the

emergency is the immediate need to allow the public art project described in this ordinance to proceed to allow the corresponding benefits to the City and the CUF neighborhood to be realized at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



Sample Artwork for Traffic Boxes in CUF



100% DV of vitamins H & I

SQUEEZE NECTAR

Made
for
kids

By
kids!



TANGERELLO

Naturally flavored with other natural flavors

678 FL OZ (20L)

contains no juice

Nutrition Facts

Serving size 1 Box (20 L)

Amount per serving
Calories 9000

% Daily Value*

Total Fat

Sodium

Total Carbohydrate

Total Sugars

Includes

Protein

Not a significant source of saturated fat, trans fat, cholesterol, dietary fiber, vitamin D, calcium, iron, and potassium

ingredients: purified water and natural flavors



On
#TeamSqueezeForThePlanet
our commitment to
sustainability means that
every step of our journey is
marketed as eco-conscious.

Here at Heritage Creek Hollow Family Farms our journey starts with a curated selection of sun-ripened natural fruit™. Each piece, chosen with love & expertise, carries the promise of the sweetest nectar. They are washed & hand-squeezed to extract the purest essence. Once perfected (pasteurized) these liquid saccharine bombs are sealed in our specially designed juice boxes, guarding their freshness & flavor.

Squeeze Nectar juice boxes are more than just beverages; they are a story of love, passion, profits for our shareholders, & your child's inevitable post-juice box sugar crash meltdown.



October 25, 2023

To: Mayor and Members of City Council 202302258
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance** – Easement: Little Miami Scenic Trail Connection to Elstun Road

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a Grant of Easement in favor of the Board of Trustees of Anderson Township, Hamilton County, Ohio, pursuant to which the City of Cincinnati will grant temporary and perpetual easements to construct and maintain a public shared-use path upon portions of City-owned property located south of Beechmont Avenue and west Elstun Road in the Mt. Washington neighborhood of Cincinnati, thereby connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails.

The Administration recommends passage of this Emergency Ordinance.

cc: Daniel Betts, Director, Cincinnati Recreation Commission

EMERGENCY

CHM

- 2023

AUTHORIZING the City Manager to execute a Grant of Easement in favor of the Board of Trustees of Anderson Township, Hamilton County, Ohio, pursuant to which the City of Cincinnati will grant temporary and perpetual easements to construct and maintain a public shared-use path upon portions of City-owned property located south of Beechmont Avenue and west of Elstun Road in the Mt. Washington neighborhood of Cincinnati, thereby connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails.

WHEREAS, the City of Cincinnati owns certain real property generally located south of Beechmont Avenue in Cincinnati, designated as Hamilton County, Ohio Auditor's Parcel No. 004-0008-0001-90 ("Property"), which is under the management of the Cincinnati Recreation Commission ("CRC"); and

WHEREAS, the Board of Trustees of Anderson Township, Hamilton County, Ohio, an Ohio political subdivision ("Grantee"), has requested the City to grant temporary and perpetual easements upon the Property, as depicted and described in the Grant of Easement attached to this ordinance as Attachment A and incorporated herein by reference ("Easements") to construct and maintain a shared use path connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails; and

WHEREAS, the City Manager, in consultation with CRC, has determined that granting the Easements to Grantee (i) is not adverse to the City's retained interest in the Property, and (ii) will not unreasonably interfere with the City's use of the Property for recreation or other municipal purposes; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, the City has determined that eliminating competitive bidding in connection with granting the Easements is in the best interest of the City because the Easements are needed to enable Grantee to construct and maintain the proposed shared-use path and, as a practical matter, no one else would have any need for the Easements; and

WHEREAS, the fair market value of the Easements, as determined by a professional appraisal by the City's Real Estate Services Division, is \$28,816; however, the City desires to grant the Easements for less than their estimated fair market value, namely, \$0.00, because (i) Grantee is a governmental entity, (ii) the Easements will serve and benefit the public, and (iii) the City will receive economic and non-economic benefits from the public shared-use path that equal or exceed the estimated fair market value of the Easements in that the City will be relieved of the expense and administrative burden of the construction and maintenance of the shared-use path in perpetuity; and

WHEREAS, CRC approved the grant of the Easements to Grantee at its regular meeting on September 19, 2023; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easements at its meeting on October 20, 2023; 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 the Board of Trustees of Anderson Township, Hamilton County, Ohio (“Grantee”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City will grant to Grantee temporary and perpetual easements to construct and maintain a proposed public shared-use path (“Easements”) upon portions of City-owned property located south of Beechmont Avenue and west of Elstun Road designated as Hamilton County, Ohio Auditor’s Parcel No. 004-0008-0001-90 (“Property”), thereby connecting Elstun Road to the Little Miami Scenic Trail and the City-owned Otto Armleder and Lunken Bike Trails.

Section 2. That granting the Easements to Grantee (i) is not adverse to the City’s retained interest in the Property, and (ii) will not unreasonably interfere with the City’s use of the Property for recreation or other municipal purposes.

Section 3. That the fair market value of the Easements, as determined by a professional appraisal by the City’s Real Estate Services Division, is \$28,816; however, the City desires to grant the Easements for less than their estimated fair market value, namely, \$0.00, because (i) Grantee is a governmental entity, (ii) the Easements will serve and benefit the public, and (iii) the City will receive economic and non-economic benefits from the public shared-use path that is anticipated to equal or exceed the estimated fair market value of the Easements in that the

City will be relieved of the expense and administrative burden of the construction and maintenance of the shared-use path in perpetuity.

Section 4. That it is in the best interest of the City to grant the Easements without competitive bidding because the Easements are needed to enable Grantee to construct and maintain the public shared-use path and, as a practical matter, no one else would have any need for the Easements.

Section 5. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance, including without limitation execution of any and all ancillary agreements, plats, and other documents associated with the Easement, such as amendments and supplements to the Easement as deemed necessary or appropriate by the City Manager to be in the vital and best interests of the City.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to grant the Easements to Grantee so that Grantee may begin construction without delay and within timelines established by the Ohio Department of Transportation.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

[SPACE ABOVE FOR RECORDER'S OFFICE]

Property: Hamilton County, Ohio
Auditor's Parcel No.: 004-0008-0001-90

GRANT OF EASEMENT

This Grant of Easement (this "**Easement**") is made as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of the **BOARD OF TRUSTEES OF ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO**, an Ohio political subdivision, the address of which is 7850 Five Mile Road, Cincinnati, OH 45230 ("**Grantee**").

Recitals:

A. By virtue of a *General Warranty Deed* executed on January 13, 1951, and recorded on March 9, 1951, in Deed Book 2467, Page 394, Hamilton County, Ohio Records, the City holds title to certain real property generally located south of Beechmont Avenue designated as Hamilton County, Ohio Auditor's Parcel No. 004-0008-0001-90, as more particularly described on Exhibit A (*Legal Description-the Property*) hereto (the "**Property**"). The Property is under the management of the Cincinnati Recreation Commission ("**CRC**").

B. Grantee has undertaken a project involving the design and construction of a public shared-use path for transportation and recreation purposes commonly known as the Little Miami Scenic Trail Extension to Elstun Road (HAM-LMST Ext. PID 113602) (the "**Project**").

C. The City desires to facilitate the Project by granting Grantee certain temporary and perpetual easement rights in, on, under, over and across portions of the Property, as more particularly depicted on Exhibit B (*Surveys*) and described on Exhibit C (*Legal Description-Easement Areas*) hereto to allow Grantee to do all things necessary and appropriate to construct, reconstruct, improve, alter, widen, use, maintain, and repair a public shared-use path for transportation and recreational purposes (the "**Improvements**").

D. The City Manager, in consultation with CRC, has determined that granting the Easements to Grantee (i) is not adverse to the City's retained interest in the Property, and (ii) will not unreasonably interfere with the City's use of the Property for recreation or other municipal purposes.

E. The fair market value of the Easements, as determined by a professional appraisal by the City's Real Estate Services Division, is \$28,816; however, the City desires to grant the Easements for less than their estimated fair market value, namely, \$0.00, because (i) Grantee is a governmental entity, (ii) the Easements will serve and benefit the public, and (iii) the City will receive economic and non-economic benefits from the public shared-use path that equal or exceed the estimated fair market value of the Easements in that the City will be relieved of the expense and administrative burden of the construction and maintenance of the shared-use path in perpetuity. The City has determined that eliminating competitive bidding in connection with granting the Easements is in the best interest of the City because the Easements are needed to enable Grantee to construct and maintain the proposed shared-use path and, as a practical matter, no one else would have any need for the Easements.

G. CRC approved the grant of the Easements to Grantee at its regular meeting on September 19, 2023.

H. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easements at its meeting on October 20, 2023.

I. City Council authorized the execution of this *Grant of Easement* by Ordinance No. [___] passed by Cincinnati City Council on [_____].

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Grant.** The City does hereby grant to Grantee, on the terms and conditions set forth herein, temporary construction easements and non-exclusive, perpetual easements to perform all necessary activities to construct, reconstruct, improve, alter, widen, maintain, repair, and operate a public shared use path for pedestrian and recreation purposes in, on, under, over, and across the Property, as more particularly depicted on Exhibit B and described on Exhibit C (the "**Easements**" or the "**Easement Areas**," as applicable). The rights herein granted shall include the right to relocate existing Third-Party Utility Lines, as defined below, within the Easement Areas if Grantee deems such relocation is necessary and appropriate in connection with the initial construction of the Improvements, all at no cost to the City. Notwithstanding the foregoing, in no event shall the rights herein granted to Grantee be construed to confer any right to a public utility provider to establish, construct, install, locate, or place new utility lines and related facilities or otherwise extend existing utility lines and associated facilities within the Easement Areas without the prior written consent of the City. The City represents that it is the true and lawful owner of the Property in fee simple, and has the right and power to convey the Easements, and that the Easement Areas are free and clear from all liens and encumbrances, except (i) easements, restrictions, conditions, covenants, and other matters of record; (ii) all legal highways; (iii) zoning and building laws, ordinances, rules, and regulations; and (iv) any and all taxes and assessments not yet due and payable. Grantee acknowledges and agrees that it has conducted its own due diligence to familiarize itself with the condition and characteristics of the Easement Areas. The City has not made any representations or warranties concerning the condition or characteristics of the Easement Areas or the suitability or fitness of the Easement Areas for the Permitted Use, as defined below. Grantee acknowledges and agrees that it is not relying upon any such representations or warranties from the City. The duration of the temporary easements herein granted, as more particularly depicted on Exhibit B and described on Exhibit C shall expire upon completion of all construction activities associated with the initial construction of the Improvements. Grantee shall restore the temporary easement area as nearly as practicable to the condition before the construction. The City

hereby reserves all rights of ingress and egress in, over, across, and through the Property and the Easement Areas.

2. Permitted Use. Grantee shall use the Easement Areas to establish, operate, and maintain a shared use path for the use and benefit of the public, including but not limited to the right to conduct educational, recreational, beautification, and public athletic programs and events. All activities undertaken by Grantee, its employees, agents, contractors, and subcontractors under this instrument shall comply with all applicable federal, state, and local codes, laws, and other governmental standards, policies, guidelines, and requirements. Grantee shall not use or permit the use of the Easement Areas in any manner that is inconsistent with the rights granted herein or in a manner that impairs or unreasonably interferes with the rights of the City or others permitted by the City to the full use and enjoyment of the Property, as determined by the City. Grantee shall ensure continuous, unrestricted access to the Easement Areas (24 hours/day, 7 days/week, 52 weeks/year) to the City for inspection and any other municipal purpose.

3. Ownership of Improvements; No Agency.

(A) Ownership of Shared Use Path. The parties acknowledge and agree that upon completion, any and all improvements associated with the public shared use path shall remain under the ownership of Grantee.

(B) No Agency. The parties acknowledge and agree that the City is not retaining Grantee to provide professional services to the City under this instrument. Grantee and its employees, agents, and contractors shall not be deemed to be agents, servants, or employees of the City and no person performing any activities hereunder or otherwise engaged in activities related to or arising out of the Permitted Use shall be considered an officer, agent, servant, or employee of the City. Grantee shall have the exclusive right to control the details of the construction, maintenance, repair, improvement, and operation of the public shared use path and all persons performing the same and shall be solely responsible for the acts and omissions of its officers, agents, employees, and contractors, if any. Nothing herein shall be construed as creating an agency relationship between the City and Grantee.

4. Alterations; Utilities; Maintenance and Repairs; Signs; No Liens.

(A) Alterations. Grantee shall have the right to alter, enlarge, or modify the Improvements within the Easement Areas without the prior written consent of the City. Grantee shall have the right to install, place, or erect improvements and equipment incidental to the Permitted Use, including but not limited to barricades, trailheads, parking, fencing, benches, landscaping, bicycle racks, and trash facilities.

(B) Utilities. Grantee shall pay for the cost of electricity, water, and any and all other utilities associated with the Improvements. The City shall have no obligation to furnish utilities to the Easement Areas. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Easement Areas ("**Third-Party Utility Lines**"). The rights herein granted to Grantee are subject to the rights of public utility providers to enter upon the Property from time to time to construct, install, operate, maintain, repair, reconstruct, reinstall, remove, replace, and abandon utility lines, and related facilities within and around the vicinity of the Easement Areas, if any. Grantee shall ensure that such utility lines and facilities are not disturbed and that the utility providers' access to such facilities is not denied or unreasonably impaired. Grantee shall be responsible for paying all costs related to the repair of any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, licensees, or invitees. Grantee shall be responsible for paying all costs related to relocating such utilities if relocation is required in connection with Grantee's construction, installation, use, occupancy, operation, or maintenance of the Improvements.

(C) Maintenance and Repairs. Grantee shall maintain the Improvements in good and safe condition and repair. Upon completion, Grantee shall be solely responsible for maintaining, operating,

repairing, reconstructing, or removing the Improvements at no cost to the City. Grantee shall assume all responsibility for the maintenance and repair of the Easement Areas, including stormwater trenches, swales, vegetation, and debris and litter removal, provided, however, Grantee shall not have the right to remove any trees, bushes, or other vegetation within the Easement Areas without the prior written consent of the City. The City shall not have any maintenance or repair obligations or any obligation to provide services for the benefit of the Easement Areas and the Improvements under this instrument.

(D) Signs. Grantee shall not install any way finding, directional, or informational signs within the Easement Areas without the City's prior written consent.

(E) No Liens. Grantee shall not permit any liens to attach to the Easement Areas in connection with the construction, installation, use, operation, maintenance, repair, reconstruction, or removal of the Improvements.

5. Insurance

(A) Insurance Coverage. Grantee shall maintain, or shall cause to be maintained, the following insurance:

(i) special peril (formerly known as "all-risk") full replacement cost insurance on the Improvements, naming the City and Grantee as their respective interests may appear;

(ii) property insurance on all of Grantee's personal property from time to time located at the Property in such amount as Grantee shall from time to time determine to be commercially reasonable;

(iii) Commercial General Liability insurance covering claims for bodily injury, personal injury or death, and property damage occurring at the Property in an amount not less than \$2,000,000 per occurrence, combined single limit/\$4,000,000 aggregate, or such additional amount as the City or its insurance or risk advisors may determine from time to time to be customary for comparable facilities in the Cincinnati area, naming the City as an additional insured;

(iv) Automobile Liability Insurance in the amount of not less than \$1,000,000 per occurrence, naming the City as an additional insured; and

(v) Workers Compensation insurance as required by law.

Grantee shall be permitted to satisfy the above-specified liability insurance coverages through a combination of primary and umbrella and/or excess liability policies.

(B) Policy Requirements. Grantee shall be permitted to satisfy the insurance requirements set forth above through primary and umbrella and/or excess liability policies under a self-insurance program authorized pursuant to ORC Section 2744.08 or a joint self-insurance pool authorized pursuant to ORC Section 2744.081 operated by or on behalf of Grantee or written in standard form by insurance companies authorized to do business in Ohio and having an A.M. Best rating of A VII or better, provided that the insurance/coverage (i) may not be canceled or modified without at least thirty (30) days prior written notice to the City, and (ii) is primary with respect to insurance maintained by the City. Grantee shall provide the City with a certificate of insurance evidencing the insurance required to be maintained by Grantee hereunder upon request.

(C) Handling of Claims. The City assumes no responsibility for any acts, errors or omissions of Grantee or any employee, agent, representative or any other person acting or purporting to act for or on

behalf of Grantee; and similarly, Grantee assumes no responsibility for any acts, errors or omissions of the City or any employee, agent, representative or any other person acting or purporting to act for or on behalf of the City. In the event of third-party claims filed against either party pertaining to the Property, each party shall handle its own claims in accordance with its internal policies and procedures. The parties acknowledge that, as governmental entities, the parties are not legally permitted under Ohio law to contractually agree to indemnify each other.

6. Default; Remedies.

(A) Default. If either party fails to pay any amount due the other party hereunder or perform or observe any of the covenants, terms or conditions contained in this Agreement, and such failure to pay or perform continues for longer than sixty (60) days after the defaulting party receives written notice thereof from the non-defaulting party; provided, however, that if such failure is not reasonably susceptible of being cured within such sixty (60) day period, an event of default shall not be deemed to have occurred if the defaulting party commences to cure such failure within such sixty (60) day period and thereafter diligently pursues such cure to completion and, in fact, cures such failure within one hundred twenty (120) days after the defaulting party receives written notice of the default from the non-defaulting party. The foregoing notwithstanding, if the failure creates a dangerous condition or otherwise constitutes an emergency as determined by the non-defaulting party, an event of default shall be deemed to have occurred if the defaulting party fails to take corrective action immediately upon discovering such dangerous condition or emergency.

(B) Remedies. Upon the occurrence of an event of default that continues beyond the applicable notice and cure period provided for under paragraph (A) above, the non-defaulting party shall be entitled to: (i) terminate this Agreement by giving the defaulting party written notice thereof, (ii) take such actions in the way of "self-help" as the non-defaulting party determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of defaulting party, and (iii) exercise any and all other rights and remedies under this Agreement or available at law or in equity. The failure of either party to insist upon the strict performance of any covenant or duty or to pursue any remedy under this Agreement shall not constitute a waiver of the breach of such covenant or of such remedy.

7. Assignment. Grantee shall not assign its rights and interests under this instrument without the prior written consent of the City. Grantee acknowledges that the City is granting the rights herein because of the City's confidence that Grantee has the financial resources, experience, and community support that are necessary to carry out the Project and that therefore the City shall not be expected to consent to a proposed assignment to any entity in which the City does not have similar confidence. No assignment by Grantee of its rights or obligations under this instrument to a third party shall relieve Grantee from any liability to the City under this instrument.

8. Real Estate Taxes. The parties acknowledge that the Property is exempt from real property taxes.

9. Notices. All notices required to be given hereunder by either party shall be in writing and personally delivered, sent by Federal Express, UPS or other recognized courier that in the ordinary course of business maintains a record of each delivery, or mailed by U.S. certified mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Easement, or at such other address as either party may from time to time specify by notice to the other. Notices shall be deemed to have been given on the date of receipt if personally delivered, on the day of receipt if delivered by courier, and on the date noted on the return receipt if mailed by U.S. certified mail. If Grantee sends a notice to the City alleging that the City is in default under this Easement, Grantee shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202.

10. **Covenants to Run 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.

11. **Coordinated Report Conditions (CR #13-2023).** The following additional conditions shall apply: None.

12. **General Provisions.**

(A) **Entire Agreement.** This instrument (including the exhibits hereto and the other agreements referred to herein, if any) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof.

(B) **Governing Law.** This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio.

(B) **Captions.** The captions of the various sections and paragraphs of this instrument are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this instrument.

(C) **Severability.** If any part of this instrument is held to be void, illegal or unenforceable by a court of law, such part shall be deemed severed from this instrument, and the balance of this instrument shall remain in full force and effect.

(D) **Counterparts and Electronic Signatures.** This instrument may be executed and delivered by electronic signature; any original signatures initially delivered electronically shall be physically delivered as soon as reasonably possible. The parties hereto may execute this instrument in two or more counterparts, and each executed counterpart shall be considered an original.

(E) **Official Capacity.** All representations, warranties, covenants, agreements and obligations of the City and Grantee under this instrument shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future member, officer, agent or employee of the City or Grantee in other than his or her official capacity. No official executing or approving the City's or Grantee's participation in this instrument shall be personally liable under this instrument.

(F) **Representation as to Authority.** The City and Grantee each represents to the other that it has the power and authority to enter into and perform its obligations under this instrument without the consent of anyone who is not a party to this instrument, and that the execution and performance of this instrument have been duly authorized by all necessary actions on the part of the performing party.

(G) **Appropriation of Funds.** Notwithstanding anything in this instrument, the City's and Grantee's performance of their respective obligations under the instrument that require the expenditure of money is subject to the appropriation of funds for such purposes by their respective legislative authorities. No party shall be in breach of this instrument if for any reason their legislative authorities do not pass any and all ordinances or resolutions as may be necessary for the respective parties to carry out the terms of this instrument, but in the event such ordinances or resolutions are not passed, the remaining parties may terminate this instrument with sixty (60) days' notice to the other parties.

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

Exhibit A – *Legal Description—the Property*

Exhibit B – *Surveys*

Exhibit C – *Legal Description–Easement Areas*

[Signature Pages Follow]

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

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____

Printed name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, the _____ of **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

Approved by:

Daniel E. Betts, Director
Cincinnati Recreation Commission

Approved as to Form:

Assistant City Solicitor

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

[GRANTEE'S SIGNATURE PAGE FOLLOWS]

Accepted and agreed to by:

**BOARD OF TRUSTEES OF ANDERSON TOWNSHIP,
HAMILTON COUNTY, OHIO**

By: _____

Printed name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022,
by _____, the _____ of the **BOARD OF TRUSTEES OF
ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO**, an Ohio political subdivision, on behalf of the
political subdivision.

Notary Public
My commission expires: _____

EXHIBIT A
to Grant of Easement
Legal Description—the Property

Being part of Military Survey 2204, Anderson Township, Hamilton County, Ohio, and being also part of Turpin lands, known as Case 61318 and recorded in Book 12, Page 186, Common Pleas Court Records and being described as follows:

Beginning at the intersection of the northerly line of said Survey 2204 (said northerly line of Survey 2204 being also the patent line) and the center line of Beechmont Avenue, thence South 20° 08' 20" West along the centerline of Beechmont Avenue a distance of 71.00 feet;

thence southwestwardly along the center line of Beechmont Avenue which is along a curve tangent to the last described course deflecting to the left with a radius of 810.80 feet for a distance of 237.74 feet (the chord of said curve has a bearing of South 11° 44' 20" West and a length of 236.88 feet);

thence southeastwardly along the center line of Beechmont Avenue which is along a curve tangent to the last described curve and deflecting to the left with a radius of 346.31 feet for a distance of 174.88 feet (the chord of said curve has a bearing of South 11° 07' 40" East and a length of 173.03 feet);

thence southeastwardly along the center line of Beechmont Avenue which is along a curve tangent to the last described curve deflecting to the left with a radius of 902.28 feet for a distance of 165.09 feet (the chord of said curve has a bearing of South 30° 50' 10" East and a length of 164.86 feet);

thence southeastwardly along the center line of Beechmont Avenue which is along a curve tangent to the last described curve deflecting to the left with a radius of 1230.87 feet for a distance of 278.20 feet (the chord of said curve has a bearing of South 42° 33' 10" East and a length of 277.61 feet);

thence southeastwardly along the center line of Beechmont Avenue which is along a curve tangent to the last described curve deflecting to the left with a radius of 465.69 feet for a distance of 174.48 feet (the chord of said curve has a bearing of South 59° 45' 40" East and a length of 173.46 feet);

thence southeastwardly along the center line of Beechmont Avenue which is along a curve tangent to the last described curve deflecting to the left with a radius of 1801.95 feet for a distance of 55.32 feet (the chord of said curve has a bearing of South 71° 22' 25" East and a length of 55.32 feet);

thence South 72° 15' 10" East along the centerline of Beechmont Avenue and tangent to the last described curve a distance of 187.81 feet;

thence South 00° 59' 10" East a distance of 17.40 feet;

thence South 77° 40' 10" East a distance of 290.96 feet;

thence South 77° 15' 50" West a distance of 292.65 feet;

thence South 01° 15' 50" West a distance of 448.21 feet to a point in the center line of Elstun Road;

thence North 76° 52' 10" West along the centerline of Elstun Road a distance of 25.10 feet to an angle;
thence North 83° 21' 10" West along the center line of Elstun Road a distance of 821.95 feet;

EXHIBIT A (Cont.)

thence westwardly along a curve tangent to the last described curve deflecting to the left with a radius of 478.30 feet for a distance of 96.86 feet (the chord of said curve has a bearing of North 89° 09' 10" West and a length of 96.70 feet);
thence North 52° 28' 50" West a distance of 1274.82 feet to the southeasterly bank of the Little Miami River;

thence North 49° 50' 20" East along the southeasterly bank of the Little Miami River a distance of 315.18 feet;

thence North 42° 59' 20" East along the southeasterly bank of the Little Miami River a distance of 481.54 feet;

thence North 48° 30' 20" East along the southeasterly bank of the Little Miami River a distance of 280.83 feet to a point in the northerly line of said Survey 2204;

thence South 86° 26' 10" East along the northerly line of said Survey 2204 a distance of 268.28 feet to a point in the center line of Beechmont Avenue and the place of beginning. Subject to all legal highways.

Being part of the premises assigned to Ida Belle Turpin, now Ida Belle Turpin Stoffregen, by order of the Court of Common Pleas of Hamilton County, Ohio, in Case No. 61318, dated January 19, 1885, and recorded in Book 12, Page 169, Common Pleas Court Records.

Being the same premises conveyed to the City of Cincinnati by Ida Belle Turpin Stoffregen by *General Warranty Deed* dated January 13, 1951, and recorded in Deed Book 2467, Page 394, Hamilton County, Ohio records.

EXHIBIT B to Grant of Easement Surveys

Project Parcels 2-SH1 & 2-T1

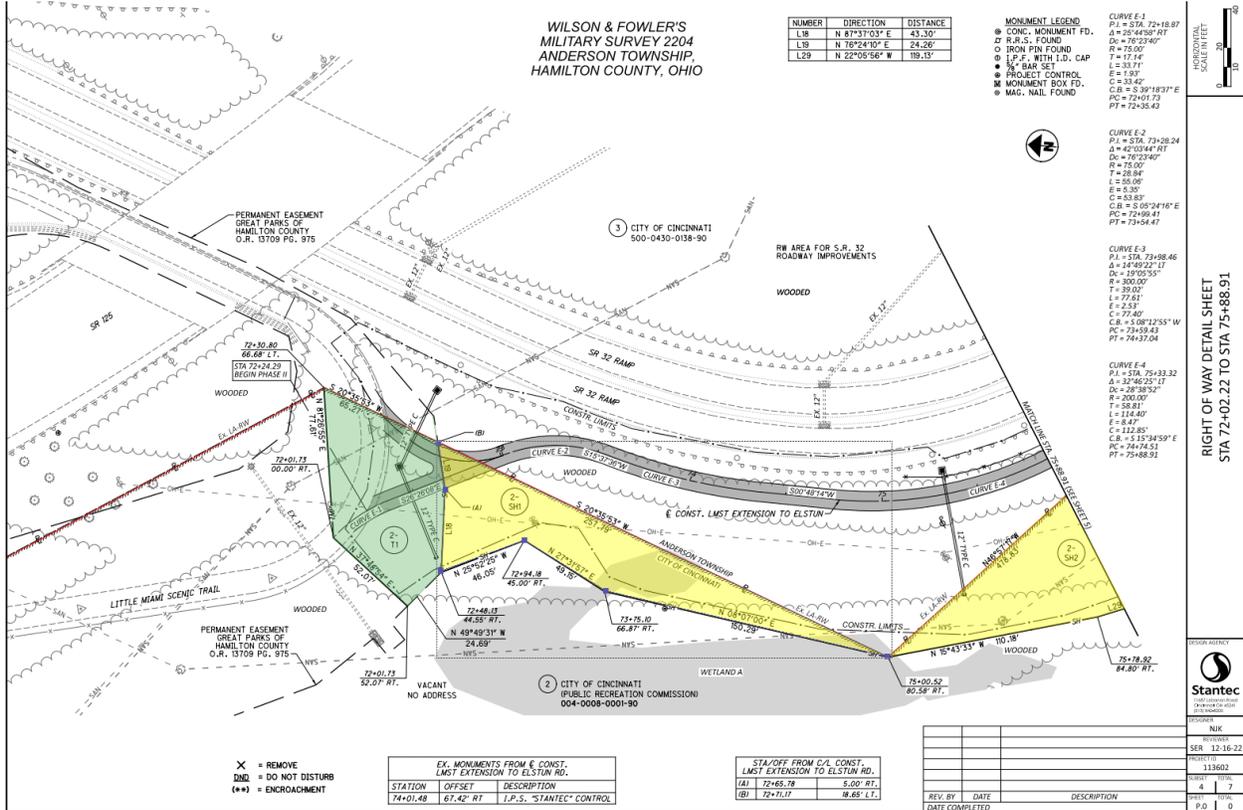


EXHIBIT B (Cont.)

Project Parcel 2-SH2

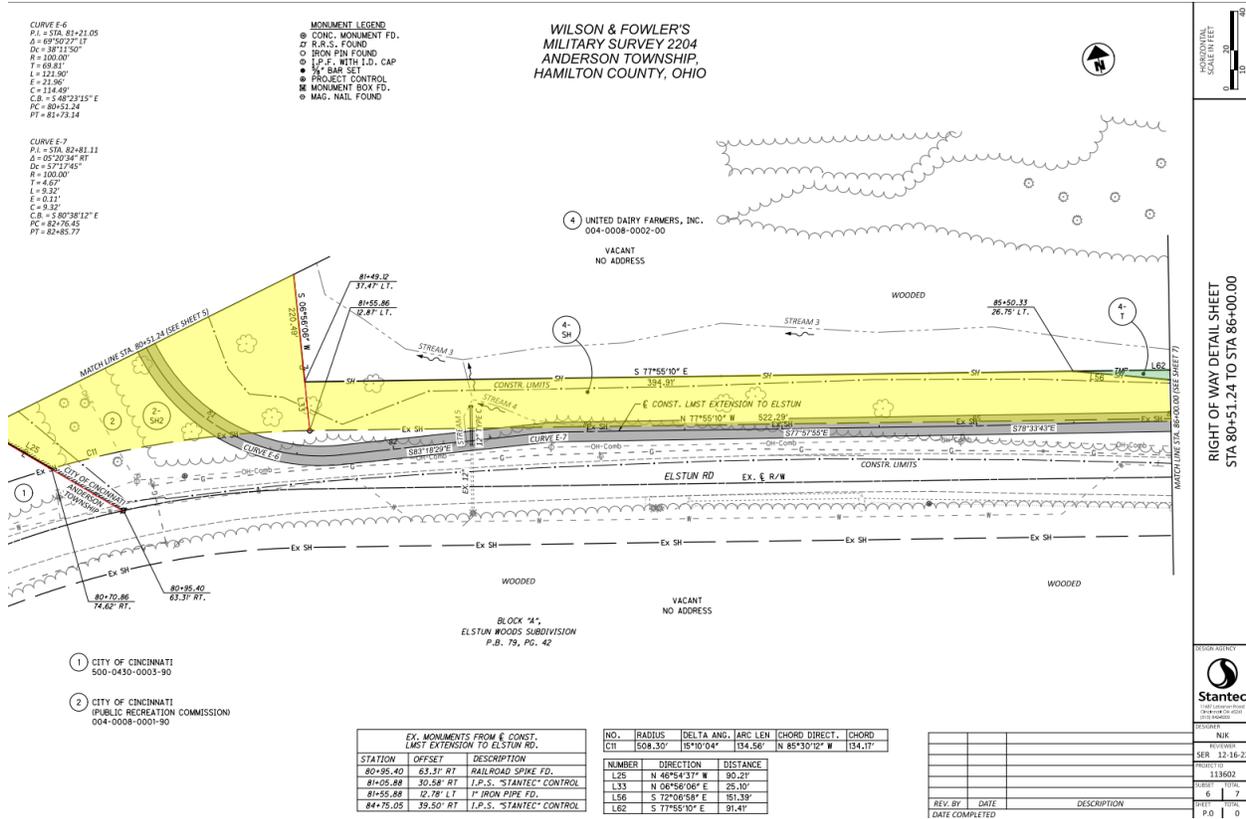


EXHIBIT C
to Grant of Easement
Legal Descriptions—Easement Areas

Project Parcel 2-SH1

Situate in the State of Ohio, County of Hamilton, Township of Anderson, located in Wilson and Fowler's Military Survey 2204, being part of the Turpin lands as shown on Plat "C", Case 61318 dated January 19, 1885 and recorded in Book 12, Page 186, Common Pleas Court Records, being part of the lands conveyed to the City of Cincinnati by deed of record in Deed Book 2467, Page 394, and delineated originally as 30.409 acres upon the HAM-561-0.00 RW Plan (Beechmont Ave. Levee Plan, dated March 1950) on file with the Ohio Department of Transportation, records of the Recorder's Office, Hamilton County, Ohio, unless otherwise noted, and being more particularly described as follows:

Being a parcel of land lying on the left and right sides of the Centerline of Construction of the LMST Extension to Elstun Road, as delineated upon the HAM-LMST Extension to Elstun Road, Phase 2 Right-of-Way Plan on file with the Ohio Department of Transportation;

Beginning for Reference at a railroad spike found in the centerline of Elstun Road (being 60.00 feet in width), being a southerly line of said original 30.409-acre tract, at the northwesterly corner of the Reserve at Skytop Condominiums, Phase 1 of record in Plat Book 398, Page 27; said railroad spike being 22.05 feet right of Centerline Construction station 86+95.06;

Thence South 71 deg. 00 min. 25 sec. East, a distance of 13.60 feet along the centerline of Elstun Road to a railroad spike found at a southwesterly corner of Parcel II conveyed to United Dairy Farmers, Inc. by deed of record in Deed Book 5021, Page 1312, being 21.60 feet right of Centerline Construction station 87+08.28;

Thence North 06 deg. 48 min. 19 sec. East, a distance of 30.50 feet along the westerly line of said Parcel II to a point in the existing northerly right-of-way line of Elstun Road, at a southeasterly corner of Parcel I conveyed to United Dairy Farmers, Inc. by deed of record in Deed Book 5021, Page 1312, being 7.97 feet left of Centerline Construction station 87+01.29;

Thence the following two (2) courses and distances along the existing northerly right-of-way line of Elstun Road and the southerly line of said Parcel I;

1. Thence North 71 deg. 04 min. 21 sec. West, a distance of 22.28 feet to an angle point, being 7.25 feet left of Centerline Construction station 86+79.02;

2. Thence North 77 deg. 55 min. 10 sec. West, a distance of 522.29 feet to a point at the common corner of said Parcel I and the 12.7 acres transferred to the Public Recreation Commission by City of Cincinnati Ordinance Number 343-1969, being 12.87 feet left of Centerline Construction station 81+55.86; said point being further located as being North 06 deg. 56 min. 06 sec. East, a distance of 0.09 feet from a 1-inch pipe found;

Thence the following two (2) courses and distances along the common line of said Parcel I and said 12.7-acre tract;

1. Thence North 06 deg. 56 min. 06 sec. East, a distance of 25.10 feet to a point, being 37.47 feet left of Centerline Construction station 81+49.12;

EXHIBIT C (Cont.)

2. Thence North 06 deg. 56 min. 06 sec. East, a distance of 220.49 feet to a point at a common corner of said Parcel I and said 12.7-acre tract, being 141.98 feet left of Centerline Construction station 78+96.47;

Thence North 46 deg. 57 min. 17 sec. West, a distance of 478.83 feet along the northeasterly line of said 12.7-acre tract to a point being 80.58 feet right of Centerline Construction station 75+00.52; said point being the Point of True Beginning of the herein described parcel;

Thence the following three (3) courses and distances across said 12.7-acre tract and said original 30.409-acre tract;

1. Thence North 08 deg. 07 min. 00 sec. East, a distance of 150.29 feet to a point being 66.87 feet right of Centerline Construction station 73+75.10;

2. Thence North 27 deg. 31 min. 57 sec. East, a distance of 49.15 feet to a point being 45.00 feet right of Centerline Construction station 72+94.18;

3. Thence North 25 deg. 52 min. 25 sec. West, a distance of 46.05 feet to a point in the southerly line of an existing Permanent Easement conveyed to Great Parks of Hamilton County by deed of record in Official Record 13709, Page 975, being 44.55 feet right of Centerline Construction station 72+48.13;

Thence the following two (2) courses and distances along said existing Permanent Easement and across said 12.7 acre tract and said original 30.409 acre tract;

1. Thence North 87 deg. 37 min. 03 sec. East, a distance of 43.30 feet to a point being 5.00 feet right of Centerline Construction station 72+65.78;

2. Thence North 76 deg. 24 min. 10 sec. East, a distance of 24.26 feet to a point in the easterly line of said 12.7 acre tract, being 18.65 feet left of Centerline Construction station 72+71.17; Thence South 20 deg. 35 min. 53 sec. West, a distance of 257.79 feet along the easterly line of said 12.7 acre tract to the Point of True Beginning of the herein described parcel, containing 0.138 acres, more or less, of which 0.000 acres lies within the existing Present Road Occupied.

Of the above-described area, 0.138 acres are contained within Hamilton County Auditor's Parcel 004-0008-0001-90.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011), using GPS methods utilizing the Ohio Department of Transportation's ORTN Network in February 2021.

All iron pins set are 5/8 inches in diameter rebar by 30 inches long with a yellow plastic cap stamped STANTEC.

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for Anderson Township, Hamilton County, Ohio in 2021 and 2022, by Stantec Consulting Services, Inc., under the direction of said surveyor.

Instrument reference as of the date this survey was prepared: Deed Book 2467, Page 394, of the Recorder's Office, Hamilton County, Ohio.

EXHIBIT C (Cont.)

Project Parcel 2-SH2

Situate in the State of Ohio, County of Hamilton, Township of Anderson, located in Wilson and Fowler's Military Survey 2204, being part of the Turpin lands as shown on Plat "C", Case 61318 dated January 19, 1885 and recorded in Book 12, Page 186, Common Pleas Court Records, being part of the lands conveyed to the City of Cincinnati by deed of record in Deed Book 2467, Page 394, and delineated originally as 30.409 acres upon the HAM-561-0.00 RW Plan (Beechmont Ave. Levee Plan, dated March 1950) on file with the Ohio Department of Transportation, and being part of the 12.7 acres transferred to the Public

Recreation Commission by City of Cincinnati Ordinance Number 343-1969, records of the Recorder's Office, Hamilton County, Ohio, unless otherwise noted, and being more particularly described as follows;

Being a parcel of land lying on the left and right sides of the Centerline of Construction of the LMST Extension to Elstun Road, as delineated upon the HAM-LMST Extension to Elstun Road, Phase 2 Right-of-Way Plan on file with the Ohio Department of Transportation;

Beginning for Reference at a railroad spike found in the centerline of Elstun Road (being 60.00 feet in width), being a southerly line of said original 30.409-acre tract, at the northwesterly corner of the Reserve at Skytop Condominiums, Phase 1 of record in Plat Book 398, Page 27; said railroad spike being 22.05 feet right of Centerline Construction station 86+95.06;

Thence South 71 deg. 00 min. 25 sec. East, a distance of 13.60 feet along the centerline of Elstun Road to a railroad spike found at a southwesterly corner of Parcel II conveyed to United Dairy Farmers, Inc. by deed of record in Deed Book 5021, Page 1312, being 21.60 feet right of Centerline Construction station 87+08.28;

Thence North 06 deg. 48 min. 19 sec. East, a distance of 30.50 feet along the westerly line of said Parcel II to a point in the existing northerly right-of-way line of Elstun Road, at a southeasterly corner of Parcel I conveyed to United Dairy Farmers, Inc. by deed of record in Deed Book 5021, Page 1312, being 7.97 feet left of Centerline Construction station 87+01.29;

Thence the following two (2) courses and distances along the existing northerly right-of-way line of Elstun Road and the southerly line of said Parcel I;

1. Thence North 71 deg. 04 min. 21 sec. West, a distance of 22.28 feet to an angle point, being 7.25 feet left of Centerline Construction station 86+79.02

2. Thence North 77 deg. 55 min. 10 sec. West, a distance of 522.29 feet to a point of curvature, said point being a common corner of said Parcel I and said 12.7-acre tract, being 12.87 feet left of Centerline Construction station 81+55.86; said point being the **Point of True Beginning** of the herein described parcel; said point being further located as being North 06 deg. 56 min. 06 sec. East, a distance of 0.09 feet from a 1 inch pipe found;

Thence along the existing northerly right-of-way line of Elstun Road and the southerly line of said 12.7 acre tract, with a curve to the left, having a radius of 508.30 feet, a central angle of 15 deg. 10 min. 04 sec., an arc length of 134.56 feet, the chord to which bears North 85 deg. 30 min. 12 sec. West a distance of 134.17 feet to a point in the southwesterly line of said original 30.409 acre tract, at a southwesterly corner of said 12.7 acre tract, being 74.62 feet right of Centerline Construction station 80+70.86;

Thence North 46 deg. 54 min. 37 sec. West, a distance of 90.21 feet along the southwesterly line of said original 30.409-acre tract and said 12.7-acre tract to a point, being 120.98 feet right of Centerline Construction station 80+10.00;

EXHIBIT C (Cont.)

Thence the following five (5) courses and distances across said original 30.409-acre tract and said 12.7 acre tract;

1. Thence North 24 deg. 10 min. 29 sec. East, a distance of 132.60 feet to a point being 40.00 feet right of Centerline Construction station 79+05.00;
2. Thence North 13 deg. 28 min. 02 sec. West, a distance of 125.00 feet to a point being 40.00 feet right of Centerline Construction station 77+80.00;
3. Thence North 60 deg. 57 min. 25 sec. West, a distance of 81.39 feet to a point being 100.00 feet right of Centerline Construction station 77+25.00;
4. Thence North 22 deg. 05 min. 56 sec. West, a distance of 119.13 feet to a point being 84.80 feet right of Centerline Construction station 75+78.92;
5. Thence North 15 deg. 43 min. 33 sec. West, a distance of 110.18 feet to an angle point in the northeasterly line of said 12.7-acre tract, being 80.58 feet right of Centerline Construction station 75+00.52;

Thence South 46 deg. 57 min. 17 sec. East, a distance of 478.83 feet along said northeasterly line of said 12.7-acre tract to a point at a common corner of said 12.7-acre tract and said Parcel I, being 141.98 feet left of Centerline Construction station 78+96.47;

Thence the following two (2) courses and distances along the common line of said 12.7 acre tract and said Parcel I;

1. Thence South 06 deg. 56 min. 06 sec. West, a distance of 220.49 feet to a point, being 37.47 feet left of Centerline Construction station 81+49.12;
2. Thence continuing South 06 deg. 56 min. 06 sec. West, a distance of 25.10 feet to the **Point of True Beginning** of the herein described parcel, containing 1.774 acres, more or less, of which 0.000 acres lies within the existing Present Road Occupied.

Of the above-described area, 1.774 acres are contained within Hamilton County Auditor's Parcel 004-0008-0001-90.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011), using GPS methods utilizing the Ohio Department of Transportation's ORTN Network in February, 2021.

All iron pins set are 5/8 inches in diameter rebar by 30 inches long with a yellow plastic cap stamped STANTEC.

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for Anderson Township, Hamilton County, Ohio in 2021 and 2022, by Stantec Consulting Services, Inc., under the direction of said surveyor.

Instrument reference as of the date this survey was prepared: Deed Book 2467, Page 394, of the Recorder's Office, Hamilton County, Ohio.

EXHIBIT C (Cont.)

Project Parcel 2-T1

Situate in the State of Ohio, County of Hamilton, Township of Anderson, located in Wilson and Fowler's Military Survey 2204, being part of the Turpin lands as shown on Plat "C", Case 61318 dated January 19, 1885 and recorded in Book 12, Page 186, Common Pleas Court Records, being part of the lands conveyed to the City of Cincinnati by deed of record in Deed Book 2467, Page 394, and delineated originally as 30.409 acres upon the HAM-561-0.00 RW Plan (Beechmont Ave. Levee Plan, dated March 1950) on file with the Ohio Department of Transportation, and being part of the 12.7 acres transferred to the Public Recreation Commission by City of Cincinnati Ordinance Number 343-1969, records of the Recorder's Office, Hamilton County, Ohio, unless otherwise noted, and being more particularly described as follows:

Being a parcel of land lying on the left and right sides of the Centerline of Construction of the LMST Extension to Elstun Road, as delineated upon the HAM-LMST Extension to Elstun Road, Phase 2 Right-of-Way Plan on file with the Ohio Department of Transportation;

Beginning at a point in the easterly line of said 12.7-acre tract, and in the southerly line of an existing Permanent Easement conveyed to Great Parks of Hamilton County by deed of record in Official Record 13709, Page 975, and the northerly line of a proposed Permanent Easement (Parcel 2-SH1), being 18.65 feet left of Centerline Construction station 72+71.17;

Thence the following three (3) courses and distances along the southerly line of said existing Permanent Easement conveyed to Great Parks of Hamilton County;

1. Thence South 76 deg. 24 min. 10 sec. West, a distance of 24.26 feet along the northerly line of said Parcel 2-SH1, to a point being 5.00 feet right of Centerline Construction station 72+65.78;
2. Thence South 87 deg. 37 min. 03 sec. West, a distance of 43.30 feet along the northerly line of said Parcel 2-SH1, to a point being 44.55 feet right of Centerline Construction station 72+48.13;
3. Thence North 49 deg. 49 min. 31 sec. West, a distance of 24.69 feet to a point being 52.07 feet right of Centerline Construction station 72+01.73;

Thence the following two (2) courses and distances across said 12.7-acre tract;

1. Thence North 37 deg. 48 min. 54 sec. East, a distance of 52.07 feet to a point being 0.00 feet right of Centerline Construction station 72+01.73;
2. Thence North 81 deg. 26 min. 55 sec. East, a distance of 77.61 feet to a point at a northeasterly corner of said 12.7 acre tract, being 66.68 feet left of Centerline Construction station 72+30.80;

Thence South 20 deg. 35 min. 53 sec. West, a distance of 65.27 feet along the easterly line of said 12.7 acre tract to the Point of True Beginning of the herein described parcel, containing 0.111 acres, more or less, of which 0.000 acres lies within the existing Present Road Occupied.

Of the above-described area, 0.111 acres are contained within Hamilton County Auditor's Parcel 004-0008-0001-90.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011), using GPS methods utilizing the Ohio Department of Transportation's ORTN Network in February, 2021.

EXHIBIT C (Cont.)

All iron pins set are 5/8 inches in diameter rebar by 30 inches long with a yellow plastic cap stamped STANTEC.

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for Anderson Township, Hamilton County, Ohio in 2021 and 2022, by Stantec Consulting Services, Inc., under the direction of said surveyor.

Instrument reference as of the date this survey was prepared: Deed Book 2467, Page 394, of the Recorder's Office, Hamilton County, Ohio.

Project Parcel 2-T2

Situate in the State of Ohio, County of Hamilton, Township of Anderson, located in Wilson and Fowler's Military Survey 2204, being part of the Turpin lands as shown on Plat "C", Case 61318 dated January 19, 1885 and recorded in Book 12, Page 186, Common Pleas Court Records, being part of the lands conveyed to the City of Cincinnati by deed of record in Deed Book 2467, Page 394, and delineated originally as 30.409 acres upon the HAM-561-0.00 RW Plan (Beechmont Ave. Levee Plan, dated March 1950) on file with the Ohio Department of Transportation, and being part of the 12.7 acres transferred to the Public

Recreation Commission by City of Cincinnati Ordinance Number 343-1969, records of the Recorder's Office, Hamilton County, Ohio, unless otherwise noted, and being more particularly described as follows:

Being a parcel of land lying on the right side of the Centerline of Construction of the LMST Extension to Elstun Road, as delineated upon the HAM-LMST Extension to Elstun Road, Phase 2 Right-of-Way Plan on file with the Ohio Department of Transportation;

Beginning at a point at in the southwesterly line of said original 30.409-acre tract and said 12.7 acre tract and in the westerly line of a proposed Permanent Easement (Parcel 2-SH2), being 120.98 feet right of Centerline Construction station 80+10.00;

Thence the following two (2) courses and distances across said original 30.409 acre tract and said 12.7 acre tract;

1. Thence North 00 deg. 54 min. 00 sec. East, a distance of 165.17 feet to a point being 80.00 feet right of Centerline Construction station 78+50.00;
2. Thence North 22 deg. 33 min. 27 sec. West, a distance of 126.59 feet to a point in the westerly line of said Parcel 2-SH2, being 100.00 feet right of Centerline Construction station 77+25.00;

Thence the following three (3) courses and distances along the westerly lines of said Parcel 2-SH2;

1. Thence South 60 deg. 57 min. 25 sec. East, a distance of 81.39 feet to a point being 40.00 feet right of Centerline Construction station 77+80.00;
2. Thence South 13 deg. 28 min. 02 sec. East, a distance of 125.00 feet to a point being 40.00 feet right of Centerline Construction station 79+05.00;
3. Thence South 24 deg. 10 min. 29 sec. West, a distance of 132.60 to the Point of True Beginning of the parcel described herein, containing 0.230 acres, more or less, of which 0.000 acres lies within the existing Present Road Occupied.

EXHIBIT C (Cont.)

Of the above-described area, 0.230 acres are contained within Hamilton County Auditor's Parcel 004-0008-0001-90.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011), using GPS methods utilizing the Ohio Department of Transportation's ORTN Network in February, 2021.

All iron pins set are 5/8 inches in diameter rebar by 30 inches long with a yellow plastic cap stamped STANTEC.

This description was prepared by Steven E. Rader, registered surveyor 7191, and is based upon a field survey for Anderson Township, Hamilton County, Ohio in 2021 and 2022, by Stantec Consulting Services, Inc., under the direction of said surveyor.

Instrument reference as of the date this survey was prepared: Deed Book 2467, Page 394, of the Recorder's Office, Hamilton County, Ohio.



Liz Keating
Councilmember

202302275

Motion

WE MOVE for City Council to begin the annual review of the City Manager. The review will be based on the 10 categories listed below and will follow the timeline listed below.

WE FURTHER MOVE that the City Manager present to Council a self-evaluation, including the 10 categories listed below.

WE FURTHER MOVE that Councilmembers communicate to internal and external stakeholders to provide informal feedback to use for their own evaluation of the City Manager.

Statement

This motion is to begin the annual City Manager review. Based on 10 categories (see below) the City Manager will provide a self-evaluation to Council following the timeline (see below). The 10 categories will be based on the five priorities of Council voted on during the budget and five additional priorities agreed upon by Council. Councilmembers are encouraged to communicate with internal and external stakeholders to gain informal feedback. This shall be used to aid them with their own evaluation of the City Manager.

Councilmember Liz Keating

Councilmember Jeff Cramerding

EVALUATION CATEGORIES

The City Manager Review will be based on the following 10 categories, five priorities as voted on in the budget and five priorities as agreed upon by Council:

Council Priorities:

1. Public Safety & Health
2. Growing Economic Opportunities
3. Thriving Neighborhoods
4. Fiscal Stability and Strategy
5. Excellent & Equitable Service Delivery

Management Priorities:

1. Management: recruitment, retention, employee morale, major hires, culture of yes and remove bottlenecks
2. Leadership: ability to prioritize, delegate, and lead
3. Government Efficiencies: remove unnecessary bureaucracy, move projects forward, use data-driven approach
4. Relationship and collaboration with Council, Mayor, and Community partners
5. Communication Skills: Internal and external

PROPOSED TIMELINE

- Monday, October 30, 2023: Budget & Finance Committee: Council deliberates and finalizes 10 categories to evaluate the City Manager and approves the timeline.
- Monday, November 6, 2023: Budget & Finance Committee: City Manager presents self-evaluation based on 10 categories and administration priorities and vision going forward.
- Monday, November 13, 2023: Budget & Finance Committee: Council considers the City Manager's evaluation, including a possible motion to enter executive session (if approved by a majority of Council) to consider the employment and compensation of an employee.
- Monday, November 27, 2023: Budget & Finance Committee: Council considers the City Manager's evaluation, including a possible motion to enter executive session (if approved by a majority of Council) to consider the employment and compensation of an employee.
- Monday, December 4, 2023: Budget & Finance Committee: Deliberate and Release final report of the City Manager Review publicly and present report in committee and take action on any approved merit increase.



Liz Keating
Councilmember

Motion

WE MOVE that the administration provide a report detailing all childcare programs facilitated by the Cincinnati Recreation Commission, including, but not limited to day camps, mini camps, and CRC-led before and after school care at Cincinnati Public Schools. These reports should include how many students are currently enrolled, how many were waitlisted and/or denied, which locations and age groups have the highest demand, and how many could be potentially accepted given certain investments such as increased staffing and supplies.

WE FURTHER MOVE that this report includes detailed costs to expand CRC-led childcare programs, on-going operating costs, recruitment and retention bonuses to meet staffing requirements, and other costs related to maintaining capacity levels to meet the existing and anticipated future demand.

WE FURTHER MOVE that this report is released at the same time as the report requested in Motion 202302108 and the funding appropriated for the Financial Freedom program is used as the source for expanding access to CRC-led childcare programs. Childcare is one of the most vulnerable industries and is the gateway to employment for Cincinnati families while supporting financial stability and revenue generation for the City.

****In addition, the report should include the following: fees for CRC's childcare programs and services, and the income levels of the families served in each program, and barriers to participation, including but not limited to transportation.**

Statement

Many Cincinnati parents and caregivers - and particularly women - are unable to enter or re-enter the workforce due to a lack of childcare. According to the Office of Performance and Data Analytics research, 1 in 10 Cincinnati residents consider a lack of childcare as a barrier to job mobility, with the largest concern being access to childcare for second and third shift workers. Many Cincinnati childcare centers are not operating at full capacity due to staffing shortages and consistent turnover. Several of Cincinnati's largest employers face labor shortages because their employees and potential employees lack access to childcare.

The childcare programs by Cincinnati Recreation Commission (CRC) provide a safe, structured, healthy, and fun environment for kids before and after school and during the summer break. The need for a safe place for kids outside of school is critical as the City experiences a rise in youth gun violence.

With the change of the bussing logistics for CPS schools, some CPS schools start as late as 9:30 and others dismiss as early as 2:10. These school schedules are not conducive to working parents and caregivers. In order to alleviate the stress and demand of managing a full-time job and lack of childcare, the City must expand CRC before and after care programs at Cincinnati Public Schools to accommodate all families who request the service.

Childcare is a key component to combating poverty and setting our children up for future success. For parents and caregivers, childcare is the biggest barrier to landing, maintaining, and succeeding in a job. It opens the door for paychecks to come home to families. Without stable childcare, maintaining a job is virtually impossible.

Society still functions as if every family has two parents - one who is the breadwinner and one who stays home to raise the children. This is not reality for the vast majority of Cincinnatians and the City must operate with a different mentality and expand its childcare programs to meet demand. The City has the ability to have a positive impact on the childcare industry through CRC-led programs and help parents and caregivers maintain employment.

The childcare services provided by CRC create revenue for the City of Cincinnati, maximizing the benefit to the City when the programs are operating at full capacity. Revenue-generating programs are critical for the financial health of the City.

When barriers to childcare are removed, more parents and caregivers can go to work, which means more paychecks going home to build financial stability for families. An increase in the Cincinnati workforce will grow Cincinnati's tax base without an additional tax burden on Cincinnati families.

Childcare workers are underpaid in an industry with extremely thin margins. This investment could provide much needed supplemental income to childcare professionals, helping these workers in an economy with inflation and rising cost of living. Supporting childcare workers helps provide working parents the flexibility to be active contributors to the economy.

With an anticipated budget deficit in the next fiscal year, Council should focus on immediate revenue-generating programs, economic growth, and tax base expansion. This program would impact all three, creating a larger positive impact on the City's financial health.



A handwritten signature in black ink, consisting of a stylized 'L' and 'K' with a large loop, positioned above a horizontal line.

Councilmember Liz Keating

BF

GC

CAV



20230227

Seth Walsh
Councilmember

10/18/2023

MOTION

To Produce a Report on the Impact to Response Times in Neighborhoods Formerly in District 5

WE MOVE that the administration produces a report within ninety (90) days after the closure of the Cincinnati Police Department's District 5 headquarters on the impact to response times in neighborhoods formerly contained within District 5 compared to historic trends. The report should include updates on the transition to CPD Districts 1, 3 and 4 with a focus on the response times to neighborhoods that were formerly in District 5 (College Hill, Mt. Airy, Northside, Camp Washington, Winton Hills, Spring Grove Village, Clifton and CUF).

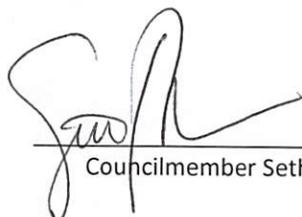
BACKGROUND

This motion is intended to give an update after the transition is complete on what, if any, impacts there have been to services and response times in the neighborhoods formerly contained within Cincinnati Police Department District 5 following their reassignment into other districts.

In May of 2023, it was announced that Cincinnati Police District 5 would be dissolved and dispersed among the other five districts by the end of the year. This decision was based on data points including service calls, crime, population, and optimal staffing analyses.

College Hill, Mt. Airy, Northside and Camp Washington were reassigned to District 3 from District 5. Winton Hills, Spring Grove Village and Clifton were reassigned to District 4 from District 5. CUF was reassigned to District 1 from District 5. Mt. Auburn, Walnut Hills, and Mt. Adams were also reassigned in corresponding moves.

The personnel of District 5 must be out of the current building by December 31, 2023 – the expiration of the current lease. According to the administration, personnel have been or will be reassigned to a new district, and the redistricting plan will not result in any job loss or demotions.


Councilmember Seth Walsh


Councilmember Scotty Johnson

ZTB

10/24/23

8038088-10

Antonio [Signature]



202302162

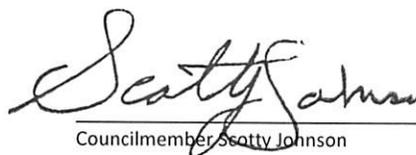
Jan-Michele Lemon Kearney
Vice Mayor

October 17, 2023

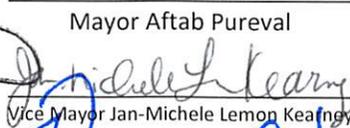
MOTION

WE MOVE that the City Administration rename The Office of Human Relations to The Office of Equity and realign its mission. That mission and office should include the following:

1. Focusing on and prioritizing closing the racial wealth gap in The City of Cincinnati.
2. Managing and continuing to execute the Mayor's Financial Blueprint Plan by (but not limited to):
 - a. Identifying annual targets for each fiscal year.
 - b. Identifying innovative strategies to achieve the targets within that fiscal budget year.
 - c. Reporting on the process of those targets at the end of each fiscal year including the amount of resources allocated to those targets.
 - d. Holding community engagement sessions to update, educate and receive feedback on the City efforts.
3. Annually monitoring and reporting on the progression of closing the racial wealth gap including budget recommendations, best practices across the country with innovation at the forefront. The report should include but not be limited to a presentation before City Council and community members.
4. A community advisory committee, consisting of seven (7) members and appointed by the City Manager pursuant to a transparent application process, shall assist the Office of Equity in its efforts to close the racial wealth gap.


Councilmember Scotty Johnson

Mayor Aftab Pureval


Vice Mayor Jan-Michele Lemon Kearney


President Pro Tem Victoria Parks



STATEMENT

The Financial Blueprint does a thorough job of tracing the history of the racial wealth gap, identifying the major drivers behind the gap, and identifying some initial action steps in the 2024 budget year that will start addressing the gap. City Council commits to continual improvement on closing the wealth gap. To build on the work done in creating the Financial Blueprint, City Council must establish a system for ongoing research and assessment of progress, as well as advice and dialogue with the public through a community advisory council.

City of Cincinnati
Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

January 6, 2023

MOTION

Equitable Development: Cincinnati Bonding Program

WE MOVE that the City Administration create a bonding program for MBE and WBE contractors who have proven themselves with the City through previous project completions in order to overcome one of the major barriers to equitable opportunities. The City Administration should consider self-bonding, working with bonding agencies and/or co-signing for first-time bonds when the MBE or WBE company meets the City's pre-determined qualifications such as *successfully* completing projects for the City totaling at least \$1 million and limiting the upper end of our bonding threshold. Successful completion of projects should be clearly defined as approval by the City Manager's Office.

WE FURTHER MOVE that City Council receive a report at quarterly on MBEs and WBEs that have participated in the City's bonding program, and the status of the projects, in order to assess the efficacy of the City's bonding program.

Handwritten signature of Councilmember Seth Walsh in blue ink.

Councilmember Seth Walsh

Handwritten signature of President Pro Tem Victoria Parks in blue ink.

President Pro Tem Victoria Parks

Handwritten signature of Vice Mayor Jan-Michele Lemon Kearney in blue ink.

Vice Mayor Jan-Michele Lemon Kearney

STATEMENT

Many smaller minority-owned and women-owned companies face the barrier of being unable to secure bonds, and as a result, they are prevented from participating in larger projects. The inability to secure bonding is the major barrier to growth for many contractors. Examples of reasons for denial include inadequate cash savings and/or credit scores. And yet, neither cash savings nor credit scores can improve without the opportunity to work on larger, more lucrative projects.

Councilmember Seth Walsh is intimately familiar with the “glass ceiling” that creates a barrier to growth for MBE and WBE contractors through his years of experience leading the College Hill Community Urban Redevelopment Corporation. In his experience a critical hurdle that smaller contractors must overcome is securing bonding for the first time. Subsequent bonding follows more easily.

Simultaneously, the City provides funding for smaller neighborhood projects each year that struggle to find quality contractors to work with in order to complete the projects in a timely and high quality manner.

Therefore, a program by the City to help contractors overcome the hurdle of first-time bonding, while incentivizing participation in smaller projects with the City, would create equitable opportunities for growth for MBE and WBE contractors.

The City’s bonding program should include clear, pre-determined qualifications such as the successful completion of projects for the City, such as completing projects totaling at least \$1 million. City Administration should be able to determine companies that are ready for larger projects and eligible for the City’s bonding program, being mindful to keep the City’s liability to a minimum. Criteria must be clear so that contractors understand the steps they must take to become eligible.

City Council should receive a report at least semi-annually on MBEs and WBEs that have participated in the City’s bonding program, and the status of the projects, in order to assess the efficacy of the City’s bonding program.

CAL → Budget & Finance
J-mck

202307196

Date: October 18, 2023

To: Vice Mayor Jan-Michele Lemon Kearney
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Emergency Ordinance – Honorary Secondary Street Name “Ventura Navarro Crossing”**

Transmitted herewith is an emergency ordinance captioned as follows:

DECLARING that the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of “Ventura Navarro Crossing” in honor of Federico Ventura Navarro who was hit by a car while crossing Warsaw Avenue, as a reminder of the necessity to know and observe road and traffic regulations, and in recognition of his contributions as a business owner to the Cincinnati community.

ESW/JRS (dmm)
Attachment
391234

EMERGENCY

City of Cincinnati

JRS

EESW

An Ordinance No. _____ - 2023

DECLARING that the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of “Ventura Navarro Crossing” in honor of Federico Ventura Navarro who was hit by a car while crossing Warsaw Avenue, as a reminder of the necessity to know and observe road and traffic regulations, and in recognition of his contributions as a business owner to the Cincinnati community.

WHEREAS, Federico Ventura Navarro came to America from Guatemala in 1991; and

WHEREAS, Mr. Navarro opened his store, Tienda Julia, a decade later in 2001; and

WHEREAS, Tienda Julia serves the Hispanic community by providing traditional ingredients and products not offered by standard grocery stores; and

WHEREAS, Mr. Navarro became a beloved businessman and member of the East Price Hill community, and was known for his kindness and friendliness; and

WHEREAS, Mr. Navarro was tragically struck and killed in a hit and run vehicle collision at the intersection of Warsaw Avenue and McPherson Avenue; and

WHEREAS, At the time of his death, Mr. Navarro was actively working in conjunction with the East Price Hill Improvement Association Community Council to address pedestrian safety concerns on Warsaw Avenue; and

WHEREAS, Mr. Navarro is remembered for his friendliness and being a loving family man, and is survived by his wife and three children who still own Tienda Julia today; and

WHEREAS, Council, together with Mr. Navarro’s loving and dedicated family, wishes to honor his memory by placing an honorary, secondary name on the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood; and

WHEREAS, by this action, Council and Mr. Navarro’s family further seek to increase education and awareness of pedestrian safety issues in the hope that future tragedies of this type are prevented; now, therefore,

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

Section 1. That the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of

“Ventura Navarro Crossing” to honor Federico Ventura Navarro and to serve as a reminder of the necessity for both drivers and pedestrians to know and observe road and traffic regulations and in honor of Mr. Navarro’s contributions to the Cincinnati business community and the East Price Hill neighborhood.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue as “Ventura Navarro Crossing” in accordance with the Department of Transportation and Engineering’s procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to the family of Federico Ventura Navarro via the office of Vice Mayor Jan-Michele Lemon Kearney.

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 allow the Department of Transportation and Engineering to move forward with the administrative requirements related to the honorary naming of streets to provide for the ceremony and dedication of the honorary name at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk