



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson Reggie Harris
Vice Chair Jeff Cramerding
Councilmember Mark Jeffreys
Councilmember Scotty Johnson
Vice Mayor Jan-Michele Kearney
Councilmember Anna Albi
Councilmember Meeka Owens
Councilmember Seth Walsh
President Pro Tem Victoria Parks

Tuesday, January 16, 2024

1:00 PM

Council Chambers, Room 300

AGENDA

STREETCAR TITLE VI PROGRAM

1. [202400054](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/10/2024, **APPROVING** the revised Cincinnati Streetcar Title VI Program for the Connector as recommended by the Connector's Accountable Executive, Deputy Director of Streetcar Services, and the Transit Coordinator.

Sponsors: City Manager

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

PAYMENTS

2. [202400064](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/10/2024, **AUTHORIZING** a payment of \$151,493.47 from General Fund Enterprise Software and License Non-Departmental non-personnel operating budget account no. 050x952x0000x7418 as a moral obligation to Kronos (US) Inc. for the maintenance and support of TeleStaff from July 27, 2020 through July 26, 2021.

Sponsors: City Manager

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

PROJECT TIF AMENDMENT

3. [202400086](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/10/2024, **AMENDING** Ordinance No. 289-2018, to remove certain real property located at 3401 Rosenthal Way in Riverside neighborhood of Cincinnati from the tax increment financing

(TIF) exemption area created by that ordinance.

Sponsors: City Manager

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

ADJOURNMENT

Date: January 10, 2024

To: Mayor and Members of City Council 202400064
From: Sheryl M. M. Long, City Manager
Subject: EMERGENCY ORDINANCE – CINCINNATI STREETCAR TITLE VI UPDATE

Attached is an emergency ordinance captioned as follows:

APPROVING the revised Cincinnati Streetcar Title VI Program for the Connector as recommended by the Connector’s Accountable Executive, Deputy Director of Streetcar Services, and the Transit Coordinator.

The Federal Transit Administration (FTA) requires that recipients of federal assistance adopt and implement a Title VI Program to assure the Federal Government that the agency will carry out programs in compliance with the Department of Transportation’s Title VI regulations. These regulations ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner; promote full and fair participation in public transportation decision-making without regard to race, color, or national origin; and ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

The City of Cincinnati developed and implemented an initial Title VI Program when it assumed operation of the Cincinnati Streetcar (Connector) in 2020. The program was updated during 2023 to incorporate the results of the 2020 census, update service information such as hours and headways, and make minor corrections to contact information such as the change to 311. Federal regulations require that City Council, acting as the Cincinnati Streetcar’s Board of Directors, approve the updated Title VI Program prior to submission to the FTA.

The reason for the emergency is the immediate need to submit the revised Title VI Plan for FTA review and approval.

The Administration recommends passage of the attached emergency ordinance.

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

EMERGENCY

JRS

-2024

APPROVING the revised Cincinnati Streetcar Title VI Program for the Connector as recommended by the Connector’s Accountable Executive, Deputy Director of Streetcar Services, and the Transit Coordinator.

WHEREAS, the City is a rail transit agency subject to Federal Transit Administration (“FTA”) requirements governing such transit agencies; and

WHEREAS, Title 49 Code of Federal Regulations Part 21.7 and the annual certifications and grant assurance with the FTA require that rail transit agencies update their Title VI Programs every three years; and

WHEREAS, Section 601 of Title VI of the Civil Rights Act of 1964 states no person in the United States shall, on the ground or race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance; and

WHEREAS, the City of Cincinnati is dedicated to providing its programs, services, and activities without regard to race, gender, age, color, religion, disability status, marital status, sexual orientation, or transgendered status, ethnicity, national origin, Appalachian ancestry, veteran status, military status, genetic history, HIV status, or any other category protected under federal, state, and local laws; and

WHEREAS, in addition, the revised Cincinnati Streetcar Title VI Program 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, the Deputy Director of Streetcar Services, and the Transit Coordinator for the streetcar have since further revised the Cincinnati Streetcar Title VI Program to ensure compliance with all federal obligations; and

WHEREAS, the City’s revised Cincinnati Streetcar Title VI Program maintains the City’s commitment to upholding Title VI of the Civil Rights Act in its streetcar operations; now, therefore,

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

Section 1. That the revised Cincinnati Streetcar Title VI Program, attached hereto as Attachment A and incorporated herein, is approved as the required Cincinnati Streetcar Title VI Program 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 submit the revised Cincinnati Streetcar Title VI Program to the Federal transit Administration for review and approval.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to submit the revised Cincinnati Streetcar Title VI Program to the Federal Transit Administration within the required time frame.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk



**CINCINNATI STREETCAR TITLE VI
PROGRAM
RECIPIENT ID NO: 1236**

Section 601 of Title VI of the Civil Rights Act of 1964 states no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Submitted and prepared by:

**CITY OF CINCINNATI
DEPARTMENT OF TRANSPORTATION AND ENGINEERING
801 PLUM STREET
CINCINNATI, OHIO 45202**

November 30, 2023

FY2023-2025

Table of Contents

Title VI Notice to the Public.....	3
Title VI Complaint Procedure.....	3
Title VI Investigations, Complaints, and Lawsuits.....	5
Access to Services by Persons with Limited English Proficiency.....	6
Language Assistance Plan.....	8
Sub-recipient Monitoring.....	10
Public Participation Plan.....	10
Service Standards and Policies	12
Non-elected Committee Membership.....	14
Board of Directors.....	14
Title VI Equity Analysis.....	14
Appendix 1- Title VI Complaint Form	16
Appendix 2- City Ordinance re: Streetcar Operations.....	21

Section 601 of Title VI of the Civil Rights Act of 1964 states no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

This document outlines the City of Cincinnati's commitment to upholding Title VI provisions of the Civil Rights Act in its streetcar operations.

THE CITY OF CINCINNATI'S COMMITMENT TO CIVIL RIGHTS

The City of Cincinnati is dedicated to providing its programs, services, and activities without regard to race, gender, age, color, religion, disability status, marital status, sexual orientation, or transgendered status, or ethnic, national origin, Appalachian ancestry, veteran status, military status, genetic history, HIV status, or any other category protected under federal, state and local laws.

The City of Cincinnati's Public Non-Discrimination Notice includes the following language and is posted onboard streetcar vehicles and on the streetcar website

Notifying the Public of Rights Under Title VI

The City of Cincinnati

The City of Cincinnati is dedicated to providing programs, services, and activities without regard to race, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with the City of Cincinnati.

For more information on the City of Cincinnati's civil rights program, and the procedures to file a complaint, contact 513-591-6000, or visit the City Hall located at 801 Plum St, Cincinnati, OH 45202.

For more information visit www.cincinnati-oh.gov/streetcar

A complaint may be filed directly with the Federal Transit Administration, Office of Civil Rights. Attention: Civil Rights Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave, SE Washington, DC 20590.

If more information is needed in another language dial customer service at 311

Si se necesita más información en otra lengua de contacto 311

Any person who believes that they, individually, or a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin as noted below may file a written complaint with The City of Cincinnati's Title VI Coordinator, 801 Plum St,

Suite 104, Cincinnati, Ohio, 45202. Complainants have the right to complain directly to the appropriate federal agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolutions. The Title VI Coordinator will notify The City's Director of Streetcar Operations of all Title VI related complaints as well as all resolutions.

appendix

Title VI Complaint forms are available in person or on the website at www.cincinnati-oh.gov/streetcar. See Appendix 1 for a copy of the form.

THE COMPLAINT PROCEDURE

Federal and state law require complaints be filed within 180 calendar days of the alleged incident. The complaint should include the following items:

- The complaint shall be in writing and signed by the Complainant(s). In cases where the Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the Complainant and, if necessary, assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
- The complaint shall include the following as applicable: date of the alleged act of discrimination; the date when the Complainants became aware of the alleged act of discrimination; the date on which that conduct was discontinued; and/or the latest instance of conduct.
- The complaint shall present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.

Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, need for additional information and begin investigating the merit of the complaint.

The Complainant will be provided with a written acknowledgement that The City of Cincinnati has either accepted or rejected the complaint.

A complaint must meet the following criteria for acceptance:

- The complaint must be filed within 180 days of the alleged occurrence.
- The allegation must involve a covered basis such as race, color or national origin.
- The allegation must involve a City of Cincinnati service of a Federal-aid recipient, sub-recipient, or contactor.

A complaint may be dismissed for the following reasons:

- The Complainant requests the withdrawal of the complaint.
- The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
- The Complainant cannot be located after three attempts.

Once the City of Cincinnati's Title VI Coordinator decides to accept the complaint for investigation, the Complainant will be notified in writing of such determination. The complaint

will receive a case number and will then be logged in a database identifying: Complainant's name, basis, alleged harm, and the race, color and national origin of the Complainant.

Within 90 calendar days of the acceptance of the complaint, the City of Cincinnati's Title VI Coordinator will prepare an investigative report. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

The investigative report and its findings may be reviewed by the City's Deputy Director of Streetcar Services, and in some cases by the City of Cincinnati's Legal Counsel. The report will be modified as needed.

The Title VI Coordinator will make a determination on the disposition of the complaint. Dispositions will be stated as follows:

- In the event the City of Cincinnati is in noncompliance with Title VI regulations, remedial actions will be listed.
- In the event City of Cincinnati is found to be in compliance, the reasons for this finding will be clearly described.

The notice of determination will be mailed to the Complainant. It will include information regarding appeal rights of Complainant and instructions for initiating such an appeal. Notices of appeals are as follows:

- The City of Cincinnati will reconsider this determination if new facts come to light.
- If Complainant is dissatisfied with the determination and/or resolution set forth by the City of Cincinnati, the same complaint may be submitted to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Office of Civil Rights, 200 W. Adams, Room 2410, Chicago, Illinois 60606, Telephone (312) 353-2789.

A copy of the complaint and the City of Cincinnati investigation report, compliance finding and final remedial action plan, if appropriate, will be issued to FTA within 120 days of the receipt of the complaint.

A summary of the complaint and its resolution will be provided during the Triennial Review.

Recordkeeping Requirement

The Title VI Coordinator will ensure that all records relating to the City of Cincinnati's Title VI Complaint Process are maintained and available for compliance review audits.

RECORD OF TITLE VI INVESTIGATIONS, COMPLAINTS OR LAWSUITS

Five Title VI complaints have been received since the 2019 update of the Title VI Program.

All five complaints were received via the City's Customer Service Request (CSR) system. All five complaints were found to be unsubstantiated as Title VI complaints. The following is a brief summary of each complaint and its resolution:

- Complaint about vehicles and trailers parked blocking a bike/walking path. This was miscategorized as a streetcar accessibility issue and subsequently transferred to the appropriate department
- Request for benches and/or shelters at a particular station. This station does not have the necessary right-of-way width to install benches or shelters and maintain ADA accessibility, and this is unsubstantiated as a Title VI complaint
- Complaint regarding a passenger that was separated from her child when the streetcar boarding doors closed between them. The passenger was contacted by staff for further information and investigation related to streetcar operations, but this is unsubstantiated as a Title VI complaint
- Complaint regarding passengers that were unable to disembark the streetcar due to a blockage on the alignment that had temporarily suspended operations. The passenger was contacted, and this is unsubstantiated as a Title VI complaint
- Complaint regarding alleged injuries to a passenger from becoming trapped in a closing streetcar boarding door. The complaint was investigated and found to be unsubstantiated

ACCESS TO SERVICES BY PERSONS WITH LIMITED ENGLISH PROFICIENCY

As prescribed by the Department of Transportation a four-factor analysis must be completed to determine the level of assistance required to provide Limited English Proficient (LEP) persons meaningful access to public transportation services. The four factors are listed below:

1. The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population
2. The Frequency with Which LEP Individuals Come into Contact with City of Cincinnati Programs, Activities, and Services
3. The Importance of City of Cincinnati Programs, Activities and Services to LEP Persons
4. Resources Available to City of Cincinnati and Costs

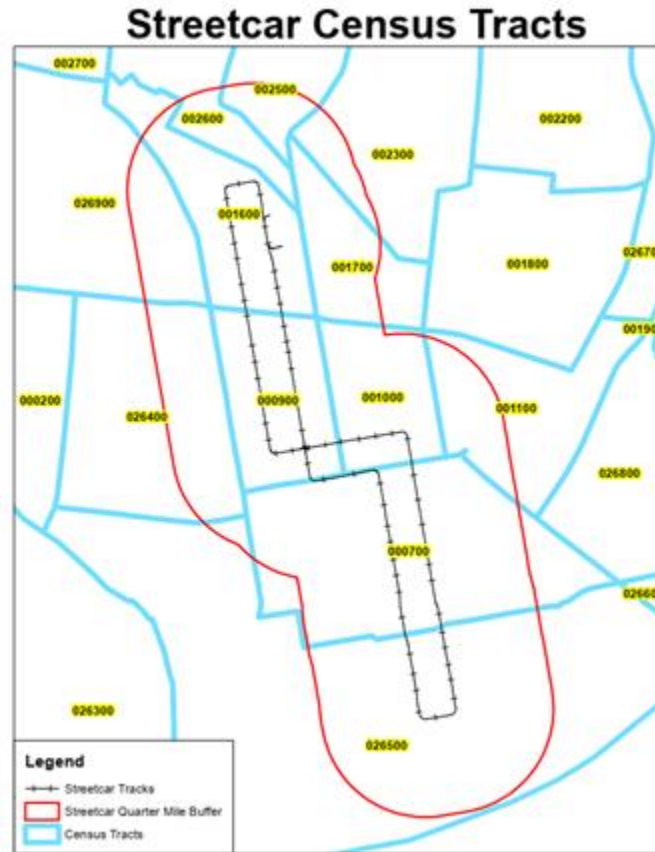
The following sections describe the analysis followed by the City of Cincinnati.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population

According to the 2020 American Community Survey data (U.S. Census Bureau), City of Cincinnati’s service area had an overall LEP population of 383 or 1.76% of the total population (5 years and older). The service area defined for this analysis includes any census tract wholly or partially within a quarter mile buffer from the streetcar route. Because of the ACS classifications for languages in certain categories Spanish was the only specific language identified in the LEP within the service area.

Language Spoken at Home- Population 5 and over (source: ACS 2020 5-year estimate)									
		Spanish-Speak English less than very well		Indo European-Speak English less than very well		Asian/Pacific Islander-Speak English less than very well		Other Languages-Speak English less than very well	
	Population								

Service Area	21,776	125	0.57%	39	0.18%	219	1.01%	0	0.00%
City of Cincinnati	281,075	3,911	1.39%	1,814	0.65%	971	0.35%	2,431	0.86%



Factor 2: The Frequency with Which LEP Individuals Come into Contact with City of Cincinnati Programs, Activities, and Services

The locations, programs, activities, and services where LEP persons could come in contact with the City of Cincinnati Streetcar include:

- On board the streetcar
- On the mobile app
- Route schedules, maps and other informational materials
- Web site (Google Translate)
- Facebook, Twitter, Instagram, and email
- 311 customer service via telephone or at 311cincy.com

According to the City of Cincinnati’s Title VI coordinator and the Chief Advocacy Officer with the Office of Aging and Accessibility, there have been no requests from LEP persons regarding Cincinnati Streetcar services.

Factor 3: The Importance of City of Cincinnati Streetcar Programs, Activities and Services to LEP Persons

One of the major areas where LEP persons might need assistance accessing the streetcar is trip planning and accessing service information. A limited ability to speak English could cause misidentification of the needed route or routes. Locating the proper stops at both ends of a trip and understanding the fare system are also important, though the system is currently fare-free and operates on a continuous loop.

The ability to speak English is slightly less critical after daily travel patterns are established, but it could become important in the event of unexpected situations like mechanical problems, or other emergencies.

The last area where LEP persons could possibly access information about the Cincinnati Streetcar is the public participation process. Public meetings are scheduled to collect public input if a major service change or fare change is proposed. An ability to speak and understand English is needed to participate in these public meetings, but there are alternative ways to submit comments and suggestions including comment cards and e-mail. An interpreter is used to translate these comments upon request.

Factor 4: Resources Available to The City of Cincinnati and Costs to provide LEP assistance

The streetcar website translates route and schedule information into Spanish and 63 other languages.

The public also has access to mobile applications including the Transit App that provide a map of the route and show the timetable. The applications can be set to communicate in the language that the mobile device is already set to.

The City of Cincinnati contracts with a language interpretation firm, for translation and interpretation services in multiple languages as needed.

The City of Cincinnati has partnered with the Cincinnati USA Regional Chamber to establish Cincinnati Compass, an organization which includes more than 60 regional partners to connect immigrants, refugees, and international talent to regional resources and opportunities. Cincinnati Compass cultivates a more welcoming environment by improving knowledge and attitudes towards newcomers and advancing economic and cultural inclusion to enhance the overall vibrancy and economic growth of the region. Cincinnati Compass will be a valuable tool to connect the Cincinnati Streetcar operations to the needs of LEP individuals.

LANGUAGE ASSISTANCE PLAN

Based on the four-factor analysis, Spanish was identified as the primary language that The City of Cincinnati may encounter during streetcar operations.

Below are a number of actions that The City of Cincinnati is currently taking to help improve access to streetcar information and services. These measures cover the five elements identified in the DOT LEP Guidance.

1. Identifying LEP Individuals who Need Language Assistance

The City of Cincinnati will provide the following assistance:

- The Customer Service Department at 311 is responsible for recording requests for assistance from LEP persons. Compile contact dates, primary language, type of assistance requested, and action taken by department. Our translation services contract provides translation services to those LEP persons calling in to 311. Note: People who are deaf, deafblind or hard of hearing may contact 311 using their preferred form of phone communication. 311 can also be contacted via SMS message or relay service, and 911 calls with callers that use TTY/TDD can also be accommodated.
- Work with public and private agencies that assist LEP persons. Interview staff to solicit information about the locations and needs of LEP persons they serve. This includes Cincinnati Compass and its affiliates.

2. Language Assistance Measures

The City of Cincinnati will take the following actions:

- Developing and distributing instructions to customer service and other staff members that are likely to encounter LEP persons on how to respond to oral and written requests for assistance or direct them to translation services.
- Maintaining multilingual capabilities within The City of Cincinnati's call-in information service to the extent possible.
- Utilizing the translation and interpreter services currently under contract, on an as needed basis. Currently, when an LEP person contacts the City of Cincinnati, the person is placed in a conference call with a translator. Over 40 languages are available for translation.
- Providing the streetcar route information on the website in Spanish and other languages including documents containing key information on how to access and use this service.
- The Cincinnati Streetcar website is accessible so that people with disabilities can perceive, understand, navigate, and interact with the content.
- Door open and "stop requested" buttons that may require interaction from the public have braille translation for the blind or visually impaired.
- Passenger information such as "next stop" on board streetcar vehicles is communicated via visual marquee and audio messages.

3. Staff Training

The City of Cincinnati is currently providing the following:

- Identifying streetcar employees that might come in contact with LEP persons.
- Including LEP assistance responsibilities into New Employee Orientation and other on-going training and re-training opportunities.

4. Outreach Techniques

The City of Cincinnati will continue to work with local agencies and organizations affiliated with Cincinnati Compass to meet the basic needs of LEP persons for oral and written information while new language assistance efforts and their costs are considered.

5. Monitoring and Updating the LEP Plan

The City of Cincinnati will take the following actions:

- Requesting continuous feedback from departments regarding contacts with the LEP population to identify changes in the frequency of contacts or language assistance requirements.
- Keeping an open channel of communication with major agencies that serve the LEP population to identify new needs and trends.
- Monitoring the relationship between existing and proposed transit services and the areas that contain LEP persons.

If important changes are detected through feedback from staff, outside agencies or from LEP persons, The City of Cincinnati will reevaluate the LEP effort and the city's budget availability to determine if the overall program needs to be modified.

Notifying Beneficiaries of Their Rights under Title VI

The City of Cincinnati's website notification is provided in both English and Spanish and includes the Title VI complaint form. The Title VI complaint notice posted onboard also instructs the public, in Spanish, how to request further information in Spanish.

SUB-RECIPIENT MONITORING

The City of Cincinnati does not have sub-recipients. Should the City of Cincinnati have sub-recipients in the future, a monitoring program will be established and this document will be updated.

PUBLIC PARTICIPATION PLAN

It is the policy of The City of Cincinnati to encourage the broadest possible public participation in major decisions that affect our service, our customers and our community.

Overall, the City of Cincinnati aims to engage the public in a manner that is accessible, collaborative, seeks diverse points of view, and is open to traditionally underserved populations.

The City of Cincinnati employs an aggressive public participation process for all major changes including but not limited to the following:

- Increase in fare (except temporary or promotional changes).
- Major service reductions. This is defined as a change that impacts 25 percent or more of the service hours or miles on any route.
- Change in disparate impact, disproportionate burden, or major change in policies.

The City of Cincinnati may also elect to hold public meetings or solicit public feedback on other proposed changes that affect service but do not meet the above criteria.

Solicitation of comments

The City of Cincinnati encourages the community to comment on proposed fare changes and major service changes in the following ways:

- At public meetings, announced through public meeting legal notices in the Cincinnati Enquirer and/or other news outlets such as Web or special interest publications as appropriate, fliers on affected routes, news releases/news coverage, and notice on The City of Cincinnati's web site. Public notification will occur not less than one week before the public meeting.
- Relevant communications (in any format or in-person) to City Council or the Mayor.
- Comments through The City of Cincinnati or streetcar websites and social media profiles.
- Requests through the "311Cincy" app or city customer service hotline (now 311).

In addition to these, other mechanisms such as receiving comments through a telephone hotline or onboard surveys may also be used, if necessary, to gain a more complete overview of the public's opinion on the proposed change.

Public meetings

For fare changes and major service changes, a facilitated public meeting will be held with the intent of gathering broad public input about proposed changes. When able, the public meeting may be broadcast on the city's Citicable channel.

The City of Cincinnati's public meetings for fare changes and major service changes will meet the following criteria:

- Streetcar staff will be available to explain the proposed changes and allow the public to ask questions.
- All public comments will be captured for the record.
- Meeting materials will be available in ADA-compliant formats, such as Braille and Spanish language translation, on request at least five business days in advance of the meeting.
- A sign language interpreter or Spanish language interpreter will be available at the public meeting, on request at least five business days in advance of the meeting.
- The City of Cincinnati will schedule the public meeting in an ADA-accessible location within the streetcar service area.

Consideration of public comments

All comments concerning fare increases and major service changes received through the public participation process will be reviewed and summarized by City of Cincinnati Streetcar staff. After consideration and consultation with other affected departments, Streetcar will share the public participation results and staff's recommendation with the City Manager, Mayor, and Council. The staff's recommendation will take into consideration the public comments and will itemize any changes that are being made based on public comments. The summary of comments and recommendations will be a matter of public record.

Process

The City of Cincinnati’s Streetcar staff will:

- Develop plans and make decisions concerning proposed changes
- Convene a public participation team to assist in soliciting public comments
- Determine the best format for the public meeting to elicit the broadest public participation.
- Maintain all documentation related to the public participation process
- Make all arrangements for the public meeting.
- Issue Web site notice of public meeting and establish mechanism to accept comments via the Website.
- Place public meeting legal notices in media outlets at least one week in advance of the public meeting.
- Issue a news release to all major media and special interest media at least one week in advance of the meeting.
- Prepare a fact sheet to be used with the public, employees and media concerning the proposed change.
- Create accessible format (i.e. Braille) or Spanish translation materials and/or retain interpreters, if requested at least five business days in advance.
- Arrange for the official record of the meeting including sign-in sheets.
- Review and summarize the comments
- Compile the public comments received through all venues, including the public record.
- Make changes to the fare change or major service change proposals based on public comments, if appropriate
- Communicate the results to the City Manager, Mayor, and Council for consideration.

SERVICE STANDARDS AND POLICIES

STREETCAR PERFORMANCE STANDARDS

1. Maximum Passenger load: is the ratio of passengers carried versus the total passenger capacity.

Streetcar Average Passenger Capacity			
Seated	Standing	Total	Max Load Factor
38	116	154	1.0

2. On-time performance: a streetcar is “on-time” within a window of one minute ahead of schedule to five minutes behind schedule. 85% of the city of Cincinnati’s streetcars will meet this standard.
3. Headway separation: is a measure that describes the time interval between vehicles operating in the same direction on a route.

Streetcar Headway Standards		
Day	Time	Frequency
Mon-Fri	11:00am-8:00pm	Every 12 min
Mon-Fri	All other times	Every 15 min
Sat	11:00am-6:30pm	Every 10 min
Sat	All other times	Every 15 min
Sun	11:00am-7:30pm	Every 12 min
Sun	All other times	Every 15 min

4. Service availability: The Cincinnati streetcar system is a 3.6-mile loop with 18 stations that connects Cincinnati's riverfront at The Banks, Downtown and Over-the-Rhine. The current hours of operation are:
- Monday Through Friday – 7:30am-11:30pm
 - Saturday – 8:30am-11:30pm
 - Sunday – 9:30am-9:30pm

STREETCAR SERVICE POLICIES

The City of Cincinnati has adopted service policies that guard against service design and operational practices that have disparate impacts. Service policies differ from service standards as they are not necessarily based on a quantitative threshold. They do, however, take Title VI requirements into consideration in that they are designed to buffer against any adverse impacts on minority and low-income riders. The primary system-wide service policies address vehicle assignment and passenger amenities.

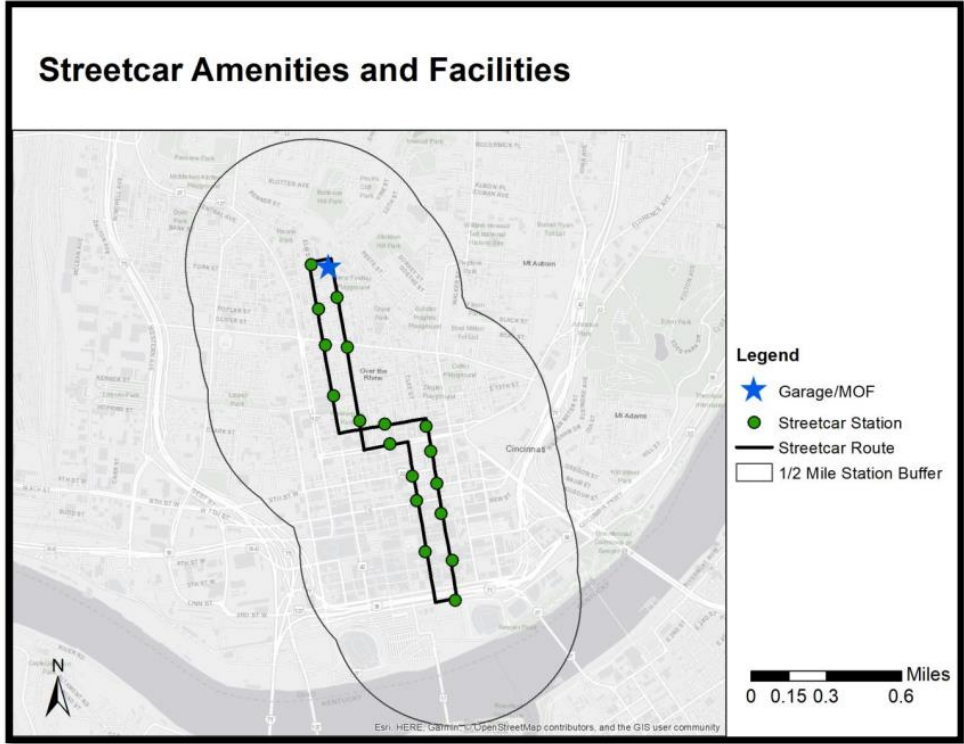
1. Vehicle Assignment

All five (5) Cincinnati Bell Connector light-rail vehicles are identical and equipped with the same Intelligent Transportation Systems (ITS) such as CAD/AVL, APC, and other technologies that improve the passengers' experience. These vehicles are assigned each day based on availability.

2. Transit Amenities

Most streetcar stations have benches and/or shelters, all have ADA accessible ramps/handrails, and real time information displays. The stations were built to a universal specification wherever possible. The only exceptions are two locations with limited space and two locations regulated by historic preservation requirements. In these areas, minor modifications were made to accommodate the installation of the station. These station amenities and designs were approved through the NEPA-EA/FONSI process.

The image below shows the Cincinnati Bell Connector (streetcar) route, amenities, maintenance & operations facility (MOF) as well as a ½ mile service area around each of the 18 stations.



NON-ELECTED COMMITTEE MEMBERSHIP

The City of Cincinnati does not have a board of governance, or any public advisory committees tasked with streetcar oversight or input.

BOARD OF DIRECTORS

The City of Cincinnati Streetcar operations are governed by the Cincinnati City Council in cooperation with the Mayor of the City of Cincinnati. Their ordinances, appropriations and policies are implemented by the City Manager’s office. (See Appendix 2)

TITLE VI EQUITY ANALYSIS

The City of Cincinnati has not constructed any new facilities since the original construction of station stops and maintenance facilities in 2015-2016, at which point the City complied with all Title VI standards.

Appendix 1
Title VI complaint form

Civil Rights and ADA Complaint Form



Title VI of the Civil Rights Act of 1964 states “No person in the United States shall, on the grounds of race, color or national origin, be excluded from, participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The American with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities similar to the Civil Rights Act of 1964. The ADA is a clear national mandate for the elimination of discrimination against individuals with disabilities.

The Environmental Justice component of Title VI guarantees fair treatment for all people. The City of Cincinnati is required to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations. The City of Cincinnati is also required to take reasonable steps to ensure that Limited English Proficiency (LEP) person have meaningful access to the programs, services, and information The City of Cincinnati provides.

If you feel that you have been discriminated against, a formal complaint may be filed with The City of Cincinnati Office of Aging and Accessibility within **180 days** after the date of the alleged discrimination. Should you require assistance in completing this form, please let us know. Once completed, return a signed copy via mail or hand delivery to: City of Cincinnati Office of Aging and Accessibility, 801 Plum Street, Suite 104, Cincinnati, OH 45202 (513-352-5361)

Complaints of discrimination may also be filed online with the City of Cincinnati at <https://www.cincinnati-oh.gov/cityofcincinnati/equity-in-cincinnati/discrimination-complaint-investigation/>

These procedures do not deny you the right to file formal complaints with other state or federal agencies, or to seek private counsel. Intimidation or retaliation of any kind is prohibited by law. However, pursuant to the City of Cincinnati Municipal Code section 914-15, the City may not take action on any act or charge of discrimination that is currently or was previously the subject of any state or federal civil, criminal, or administrative proceeding.

Any person who believes themselves or any specific class of persons to be subjected to discrimination by a public transit provider may also file a written complaint with the Federal Transit Administration (FTA), Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590. Complaints can also be filed online at <https://ftawebprod.fta.dot.gov/OCF/OnlineComplaintForm/CreateOnlineComplaintForm>

Note: To protect your rights, your complaint must be filed within **180** days of the occurrence. Failure to file within **180** days may result in dismissal of the complaint.

Complainant's Name (name of the individual reporting the complaint):

Address: _____

City, State, Zip Code:

Daytime Telephone #:

Person discriminated against (if someone other than Complainant)

Name: _____

Address: _____

City, State, Zip Code:

Daytime Telephone #:

Upon what premise is your discrimination complaint based? (check all that apply)

Race/Color

Disability

National

Origin

Religion

Gender

Not applicable

Other (describe):

Date of alleged discrimination or alleged violation:

Describe the alleged discrimination or alleged violation. Explain what occurred and who you believe was responsible. (For additional space, attach additional sheets of paper or use back of the form)

Where did the incident take place? Please provide location, time, etc.?

Witnesses? Please provide their contact information.

Name: _____

Address: _____

City, State, Zip Code:

Daytime Telephone #:

How can this complaint be resolved (how can the problem be corrected)?

Did you file this complaint with another federal, state, or local agency or with a federal or state court? (check the appropriate space) Yes No

If your answer is yes, check each agency with which a complaint was filed:

Federal Agency

Federal Court

State Agency

State Court

Local Agency

Other

Please provide contact information for the agency you also filed the complaint with:

Date Filed: _____

If you need any special accommodation for communication regarding this complaint, please specify which alternative format you require.

- Braille
- Large Print (specify the font size)

- Sign Language Interpreter (specify language)
- Language Interpreter (specific language)
- Other

Sign the complaint in the space below. Attach any documents you believe supports your complaint.

Complainant's Signature:

Date:

Appendix 2
Ordinance #342-2019

EMERGENCY

City of Cincinnati

KKF/B *BBM*

An Ordinance No. 342 - 2019

AUTHORIZING the appropriation of \$100,000 from the unappropriated surplus of Streetcar Operations Fund 455 to the Department of Transportation and Engineering's personnel operating budget account no. 455x231x7100, for the purpose of creating the new position of "Chief Safety Officer of Streetcar Services"; **AUTHORIZING** the appropriation of \$171,000 from the unappropriated surplus of Streetcar Operations Fund 455 to Department of Transportation and Engineering's non-personnel operating budget account no. 455x231x7200, for the purpose of funding Federal Transit Authority training expenses and retention of a transition consultant; **AUTHORIZING** the appropriation of \$35,000 from the unappropriated surplus of Streetcar Operations Fund 455 to the Law Department's personnel operating budget account no. 455x111x7100, for the purpose of funding an Assistant City Solicitor for transit operations position; **AUTHORIZING** the appropriation of \$230,000 from the unappropriated surplus of Streetcar Operations Fund 455 to the Law Department's non-personnel operating budget account no. 455x111x7200, for the purpose of funding outside legal counsel related to the streetcar; and further **AUTHORIZING** the City Manager to do all things necessary to transition management of the Cincinnati Streetcar from the Southwest Ohio Regional Transit Authority to the City.

WHEREAS, City Council desires that the City Manager commence actions necessary to transition the day-to-day management of the Cincinnati streetcar system ("Streetcar") from the Southwest Ohio Regional Transit Authority ("SORTA") to the City (the "Transition"); and

WHEREAS, City Council recognizes that the City Administration will need the assistance of outside transit and legal experts to identify, understand, and address the complex regulatory, operational, financial, and legal requirements for the proposed Transition; and

WHEREAS, City Council requests that the Administration, as part of its analysis, prepare a report to City Council evaluating the option of a not-for-profit organization similar to the Kansas City Streetcar Authority to manage, operate, and maintain the City's streetcar system; and

WHEREAS, the City Administration has developed a detailed preliminary estimate of the one-time costs necessary to guide the City's planning and implementation of the Transition, which estimate includes legal costs, Federal Transit Administration ("FTA") training expenses, and retention of a transition consultant; and

WHEREAS, implementing the Transition will also require the City to hire a new full-time employee to fill the position of Chief Safety Officer of Streetcar Services in order to satisfy legal and regulatory requirements applicable to the City before it can take over direct management of the Streetcar; and

WHEREAS, separately from the operational costs, the Transition will require capital-eligible expenditures of up to \$17,000, which will be provided by resources currently available within capital improvement program project account no. 980x233x03678, "Cincinnati Streetcar System"; and

WHEREAS, City Council intends for this ordinance to authorize the City Administration to take all steps necessary to begin the Transition, but the Transition itself shall be contingent on subsequent City Council approval of appropriations and contract amendments, as applicable, FTA concurrence, and SORTA approval; now, therefore,

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

Section 1. That the sum of \$100,000 is hereby appropriated from the unappropriated surplus of Streetcar Operations Fund 455 to the Department of Transportation and Engineering's personnel operating budget account no. 455x231x7100, for the purpose of creating the new position of "Chief Safety Officer of Streetcar Services."

Section 2. That the sum of \$171,000 is hereby appropriated from the unappropriated surplus of Streetcar Operations Fund 455 to the Department of Transportation and Engineering's non-personnel operating budget account no. 455x231x7200, for the purpose of funding Federal Transit Authority ("FTA") training expenses and retention of a transition consultant.

Section 3. That the sum of \$35,000 is hereby appropriated from the unappropriated surplus of Streetcar Operations Fund 455 to the Law Department's personnel operating budget account no. 455x111x7100, for the purpose of funding an Assistant City Solicitor for transit operations position.

Section 4. That the sum of \$230,000 is hereby appropriated from the unappropriated surplus of Streetcar Operations Fund 455 to the Law Department's non-personnel operating budget account no. 455x111x7200, for the purpose of funding outside legal counsel related to the streetcar.

Section 5. That the City Manager is hereby authorized to do all things necessary to transition the management of the Cincinnati Streetcar from the Southwest Ohio Regional Transit Authority ("SORTA") to the City on or around January 1, 2020 (the "Transition"), subject to required FTA, SORTA, and City Council approvals.

Section 6. That Council authorizes the creation of one full-time position of Chief Safety Officer of Streetcar Services in the Department of Transportation and Engineering and, upon City assumption of streetcar operations, one full-time position of Assistant City Solicitor for transit operations.

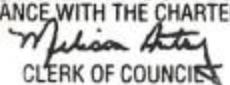
Section 7. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 6 herein.

Section 8. That this ordinance shall be an emergency measure necessary for the preservation of 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 promptly initiate and fund Transition work in order that the City may prepare to assume direct management and operation of the Streetcar system from SORTA at the earliest opportunity.

Passed: September 19, 2019

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 342-2019
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10-1-2019

CLERK OF COUNCIL

January 10, 2024

To: Mayor and Members of City Council 202400064
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – ETS: Moral Obligation Payment to Kronos (US) Inc.**

Attached is an Emergency Ordinance captioned:

AUTHORIZING a payment of \$151,493.47 from General Fund Enterprise Software and License Non-Departmental non-personnel operating budget account no. 050x952x0000x7418 as a moral obligation to Kronos (US) Inc. for the maintenance and support of TeleStaff from July 27, 2020 through July 26, 2021.

Approval of this Emergency Ordinance authorizes the payment of \$151,493.47 to Kronos (US) Inc. as a moral obligation for maintenance and support of TeleStaff from July 27, 2020 through July 26, 2021. TeleStaff is a timekeeping solution in use by various City Departments with specialized time reporting needs but is centrally invoiced to the Enterprise Technology Solutions (ETS) Department for citywide payment.

Existing funding to make this payment is available in General Fund Enterprise Software and License Non-Departmental non-personnel operating budget account no. 050x952x0000x7418.

Kronos (US) Inc. recently contacted ETS to provide notice that the City had not been properly invoiced in prior years for TeleStaff charges. The City and Kronos (US) Inc. have agreed that \$151,493.47 is the appropriate amount due for maintenance and support services provided from July 27, 2020 through July 26, 2021.

The reason for the emergency is the immediate need to pay Kronos for the maintenance and support of Telestaff during the period of July 27, 2020 through July 26, 2021.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

IMD

- 2024

AUTHORIZING a payment of \$151,493.47 from General Fund Enterprise Software and License Non-Departmental non-personnel operating budget account no. 050x952x0000x7418 as a moral obligation to Kronos (US) Inc. for the maintenance and support of TeleStaff from July 27, 2020 through July 26, 2021.

WHEREAS, TeleStaff is a timekeeping software solution offered by Kronos (US) Inc. (“Kronos”), which is currently used by various City departments that require specialized time reporting and which is invoiced to the City’s Enterprise Technology Solutions department (“ETS”); and

WHEREAS, Kronos recently contacted ETS to provide notice that the City had not been properly invoiced in prior years for TeleStaff and that Kronos wanted to retroactively bill the City for these services; and

WHEREAS, prior to ETS receiving this notice, Kronos had issued just one invoice in 2020 for \$145,666.80, and although the City paid this invoice in April 2020, Kronos refunded the amount a few months later without explanation; and

WHEREAS, although Kronos did not issue subsequent invoices to ETS, other City departments continued to use TeleStaff and were unaware of the missing invoices because the payments were budgeted through ETS; and

WHEREAS, Kronos recently submitted an invoice to ETS for \$151,493.47 for the maintenance and support of TeleStaff during the period of July 27, 2020 through July 26, 2021, and ETS agrees that this is the appropriate amount due for this time period; and

WHEREAS, there are sufficient funds in General Fund Enterprise Software and License Non-Departmental non-personnel operating budget account no. 050x952x0000x7418 to cover this moral obligation; and

WHEREAS, Council desires to provide a payment of \$151,493.47 to Kronos for the maintenance and support of TeleStaff during the period of July 27, 2020 through July 26, 2021; 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 pay \$151,493.47 from General Fund Enterprise Software and License Non-Departmental non-personnel operating budget account

no. 050x952x0000x7418 as a moral obligation to Kronos (US) Inc. (“Kronos”) for the maintenance and support of TeleStaff during the period of July 27, 2020 through July 26, 2021.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay Kronos for the maintenance and support of Telestaff during the period of July 27, 2020 through July 26, 2021.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

January 10, 2024

To: Mayor and Members of City Council

202400086

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Amend TIF Ordinance for Freestore Foodbank, Inc. property acquisition.

Attached is an Emergency Ordinance captioned:

AMENDING Ordinance No. 289-2018, to remove certain real property located at 3401 Rosenthal Way in Riverside neighborhood of Cincinnati from the tax increment financing (TIF) exemption area created by that ordinance.

BACKGROUND/CURRENT CONDITIONS

The City entered into a certain Project Incentive Agreement dated January 18, 2019, with 3191 River Road, LLC and Southside Redevelopment, LLC, pertaining to the multi-purpose development located at 3191 River Road in the Riverside neighborhood of Cincinnati.

Council passed Ordinance No. 289-2018 on September 19, 2018, to exempt certain real property, including 3401 Rosenthal Way, from real property taxation pursuant to Section 5709.41 of the Ohio Revised Code (TIF Area). The City and Southside Redevelopment entered into a Service Agreement dated January 18, 2019, which requires owners of the parcels constituting the TIF Area to make service payments in lieu of taxes.

Southside Redevelopment, LLC conveyed a portion of the Development Site, the vacant parcel located at 3401 Rosenthal Way, to FG-GBH, LLC, an affiliate of Freestore Foodbank, Inc.

In order for Freestore Foodbank, Inc to file for a separate real property tax exemption for the Property (3401 Rosenthal Way), Council has determined to amend the TIF Ordinance to remove the Property from the TIF Area and authorize the City Manager to execute a release of the Service Agreement.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

EMERGENCY

EVK

- 2024

AMENDING Ordinance No. 289-2018, to remove certain real property located at 3401 Rosenthal Way in the Riverside neighborhood of Cincinnati from the tax increment financing (TIF) exemption area created by that ordinance.

WHEREAS, the City, 3191 River Road LLC, an Ohio limited liability company, and Southside Redevelopment, LLC, an Ohio limited liability company (“Remainder Developer”) are parties to a certain Project Incentive Agreement dated January 18, 2019, pertaining to the multi-phase development located in the Riverside neighborhood of Cincinnati (the “Development Site”); and

WHEREAS, Remainder Developer conveyed a portion of the Development Site, being a vacant parcel located at 3401 Rosenthal Way, as more particularly described on Attachment A hereto (the “Property”), to FG-GBH LLC, an Ohio limited liability company and affiliate of Freestore Foodbank, Inc. (“FG-GBH”), to be used as a community resource and distribution center, including classroom space for free workforce training (the “Project”); and

WHEREAS, on September 19, 2018, Council passed Ordinance No. 289-2018 (the “TIF Ordinance”), to exempt certain real property, including, without limitation, the Property, from real property taxation pursuant to Section 5709.41 of the Revised Code (the “TIF Area”); and

WHEREAS, the City and Remainder Developer entered into a Service Agreement dated January 18, 2019 (the “Service Agreement”), which requires owners of the parcels constituting the Remainder Property (as defined in the Service Agreement) to make service payments in lieu of taxes pursuant to Section 5709.41 of the Revised Code; and

WHEREAS, FG-GBH desires to obtain a real property tax exemption for the Property based on its intent to exclusively use the Property for charitable purposes, and has; therefore, asked the City to remove the Property from the TIF Area; and

WHEREAS, in order to enable FG-GBH to file for a separate real property tax exemption for the Property, Council has determined to amend the TIF Ordinance to remove the Property from the TIF Area, and authorize the City Manager to execute a release of the Service Agreement; now, therefore,

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

Section 1. That Ordinance No. 289-2018, passed on September 19, 2018 (the “TIF Ordinance”), is hereby amended to remove certain real property located at 3401 Rosenthal Way,

as more particularly described on Attachment A hereto (the “Property”), from the property tax exemption area created thereby.

Section 2. That the TIF Ordinance, except as amended herein, shall remain in full force and effect.

Section 3. That the proper City officials are hereby authorized to take all necessary and appropriate actions to fulfill the provisions of this ordinance, including, without limitation, releasing that certain Service Agreement dated January 18, 2019 as it relates to the Property and, in such officials’ discretion, the parcel immediately adjacent thereto.

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 to enable FG-GBH LLC to file for a separate real property tax exemption for the Property at the earliest possible time and not incur additional costs.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A

Address: 3401 Rosenthal Way, Cincinnati, Ohio 45204

Auditor's Parcel No.: 156-0055-0084-00

SITUATE IN SECTIONS 4 & 34, TOWN 4, FRACTIONAL RANGE 1, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET 3/8" IRON PIN AND CAP (#7862) AT THE NORTHWEST CORNER OF LOT 44 OF H.Y. GRAHAM'S SUBDIVISION AS RECORDED IN PLAT BOOK 6, PAGE 117 OF THE HAMILTON COUNTY, OHIO RECORDS AND BEING IN THE SOUTHERLY RIGHT OF WAY OF U.S. 50 - RIVER ROAD; THENCE LEAVING THE WESTERLY LINE OF SAID LOT 44, ALONG THE SOUTHERLY RIGHT OF WAY OF SAID U.S. 50 - RIVER ROAD THE FOLLOWING THREE COURSES AND DISTANCES, SOUTH 71°28'05" WEST, 297.06 FEET TO A POINT; THENCE SOUTH 87°40'54" WEST, 400.31 FEET TO A POINT AND SOUTH 78°20'19" WEST, 525.52 FEET TO THE NORTHWEST CORNER OF THE PROPERTY AS CONVEYED TO ALLEGRA CINCINNATI, LLC IN OFFICIAL RECORD 14313, PAGE 637 OF THE HAMILTON COUNTY, OHIO RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE LEAVING THE SOUTHERLY RIGHT OF WAY OF U.S. 50 - RIVER ROAD, ALONG THE WESTERLY LINE OF SAID ALLEGRA CINCINNATI, TRACT, SOUTH 18°25'20" EAST, 866.21 FEET TO A SET 3/8" IRON PIN AND CAP (#7862) IN THE NORTHERLY CENTRAL RAILROAD COMPANY OF INDIANA RIGHT OF WAY; THENCE LEAVING THE WESTERLY LINE OF SAID ALLEGRA CINCINNATI, TRACT, ALONG SAID CENTRAL RAILROAD RIGHT OF WAY THE FOLLOWING TWO COURSES AND DISTANCE, SOUTH 76°31'34" WEST, 924.63 FEET TO A POINT AND SOUTH 76°23'50" WEST, 489.97 FEET TO A POINT; THENCE LEAVING SAID CENTRAL RAILROAD RIGHT OF WAY, ALONG A TIE LINE, NORTH 13°36'10" WEST, 98.13 FEET TO A SET 3/8" IRON PIN AND CAP (#7862) AT THE SOUTHWEST CORNER OF THE PROPERTY AS CONVEYED TO CITY OF CINCINNATI IN OFFICIAL RECORD 8086, PAGE 1145 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG SAID CITY OF CINCINNATI TRACT THE FOLLOWING THREE COURSES AND DISTANCES, NORTH 47°17'29" EAST, 120.21 FEET TO A SET 3/8" IRON PIN AND CAP (#7862); THENCE SOUTH 14°28'29" EAST, 56.58 FEET TO A SET 3/8" IRON PIN AND CAP (#7862) AND SOUTH 75°22'13" WEST, 105.91 FEET TO A SET 3/8" IRON PIN AND CAP (#7862); THENCE LEAVING SAID CITY OF CINCINNATI TRACT, ALONG A TIE LINE, SOUTH 13°36'10" EAST, 98.13

FEET TO A POINT IN THE NORTHERLY CENTRAL RAILROAD COMPANY OF INDIANA RIGHT OF WAY; THENCE ALONG SAID NORTHERLY CENTRAL RAILROAD COMPANY RIGHT OF WAY, SOUTH 76°23'50" WEST, 484.33 FEET TO A SET 3/4" IRON PIN AND CAP (#7862) AT THE INTERSECTION OF SAID NORTHERLY CENTRAL RAILROAD RIGHT OF WAY WITH THE SOUTHERLY RIGHT OF WAY OF U.S. 50 – RIVER ROAD; THENCE LEAVING SAID NORTHERLY CENTRAL RAILROAD RIGHT OF WAY, ALONG THE SOUTHERLY RIGHT OF WAY OF U.S. 50 – RIVER ROAD THE FOLLOWING FIFTEEN COURSES AND DISTANCES, NORTH 49°52'59" EAST, 233.13 FEET TO A POINT; THENCE NORTH 54°23'49" EAST, 95.29 FEET TO A POINT; THENCE NORTH 50°37'03" EAST, 117.01 FEET TO A POINT; THENCE NORTH 47°48'23" EAST, 137.99 FEET TO A POINT; THENCE NORTH 34°57'05" EAST, 15.52 FEET TO A POINT; THENCE NORTH 49°52'59" EAST, 173.32 FEET TO A POINT; THENCE NORTH 26°29'49" EAST, 202.98 FEET TO A POINT; THENCE NORTH 31°15'38" EAST, 30.10 FEET TO A POINT; THENCE NORTH 28°25'58" EAST, 251.64 FEET TO A POINT; THENCE NORTH 21°50'56" EAST, 32.33 FEET TO A POINT; THENCE ALONG A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 619.00 FEET, A DISTANCE OF 311.23, THE CHORD OF SAID CURVE BEARS, NORTH 52°18'12" EAST, 307.96 FEET TO A POINT; THENCE ALONG A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 840.74 FEET, A DISTANCE OF 116.76, THE CHORD OF SAID CURVE BEARS, NORTH 72°00'31" EAST, 116.67 FEET TO A POINT; THENCE NORTH 78°20'19" EAST, 10.70 FEET TO A POINT; THENCE NORTH 11°39'41" WEST, 5.77 FEET TO A POINT; THENCE NORTH 78°20'19" EAST, 388.59 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 23.0501 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE RELATIVE TO NAD-83, OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE BASED ON GPS OBSERVATIONS OF CITY OF CINCINNATI AND HAMILTON COUNTY, OHIO GEODETIC CONTROL MONUMENTS.