



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, March 2, 2022

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

Cincinnati Accessibility Board of Advisors

1. [202200559](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Joshua Kayes to the Cincinnati Accessibility Board of Advisors for a term of two years, expiring December 31, 2023. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/Korean American)

Recommendation HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL

Sponsors: Mayor

2. [202200549](#) **RESOLUTION**, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, **RECOGNIZING** and expressing the support of the Mayor and Council of the City of Cincinnati to the nation of Ukraine in defense of its sovereignty and homeland, and **ENDORISING** aggressive sanctions against the Russian government and military for their continued threats to the peace and political independence of the Ukrainian state.

Recommendation PASS

Sponsors: Mayor

MS. KEARNEY

3. [202200530](#) **RESOLUTION**, submitted by Vice Mayor Kearney, from Andrew Garth, City Solicitor, **RECOGNIZING** and honoring Dr. Melba R. Moore for her exceptional leadership of the City of Cincinnati's Health Department, her management of and response to the COVID-19 pandemic, and her tireless commitment to improving the health of our citizens and our community.

Recommendation PASS

Sponsors: Kearney

MS. OWENS

4. [202200541](#) **RESOLUTION**, submitted by Councilmember Owens, from Andrew Garth, City Solicitor, **RECOGNIZING** and honoring Jill Meyer for her numerous contributions to the business community of Cincinnati, as part of the City of

Cincinnati's recognition of Women's History Month, during which the City celebrates women who are making history today while bringing national attention to Cincinnati and serving our community.

Recommendation PASS

Sponsors: Owens

MS. PARKS

5. [202200407](#) **RESOLUTION**, submitted by Councilmember Parks, from Andrew Garth, City Solicitor, **RECOGNIZING** and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to William Earl "Bootsy" Collins during Black History Month 2022 for his contributions to the music world, his advocacy, and his years of dedication to the City of Cincinnati through the Bootsy Collins Foundation.

Recommendation PASS

Sponsors: Parks

MR. JEFFREYS

6. [202200550](#) **RESOLUTION**, submitted by Councilmember Jeffreys, from Andrew Garth, City Solicitor, **EXPRESSING** the concern of the Mayor and City Council for delays in United States Postal Service ("USPS") mail delivery in several Cincinnati neighborhoods over the past several weeks; and further **EXPRESSING** the appreciation of the Mayor and City Council to our USPS mail carriers who are working long hours due to significant staffing shortages.

Recommendation PASS

Sponsors: Jeffreys

7. [202200547](#) **MOTION**, submitted by Councilmember Jeffreys, To gain a better understanding of how littering and illegal dumping violations are cited, **WE MOVE** that the Administration report back to Council within sixty days on: How many citations for littering and illegal dumping have been issued each year for each of the past five years and who has been issuing those citations (e.g. CPD, B&I, Health, etc.), with these citations being broken out by type: illegal dumping (on public and private property violations separately) or standard littering (i.e. someone throwing trash out of their car window). (BALANCE ON FILE IN CLERK'S OFFICE) (STATEMENT ATTACHED)

Recommendation HEALTHY NEIGHBORHOODS COMMITTEE

Sponsors: Jeffreys

MR. CRAMERDING

8. [202200548](#) **MOTION**, submitted by Councilmember Cramerding, We respectfully ask the City Manager to engage in mediation efforts between OTR Adopt, First Lutheran Church, and any relevant parties, to ensure the continued ministry of First Lutheran Church which has a historical presence in the neighborhood, and to preserve the bell tower. (STATEMENT ATTACHED)

Recommendation EQUITABLE GROWTH AND HOUSING COMMITTEE

Sponsors: Cramerding

CITY MANAGER

9. [202200516](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for DOLGEN MIDWEST LLC, DBA DOLLAR GENERAL STORE 23716, 3186 Harrison Avenue, Cincinnati, Ohio 45211. (#22348159015, C1, C2, NEW) [Objections: YES]
- Recommendation** FILE
- Sponsors:** City Manager
10. [202200517](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for W&C PARTNERSHIP LLC, DBA HOPSCOTCH CRAFT BEER & WHISKEY, 251 Calhoun Street, Cincinnati, Ohio 45219. (#9329525, D5, D6, TRANSFER) [Objections: NONE]
- Recommendation** FILE
- Sponsors:** City Manager
11. [202200518](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for MOCKTHEWORLD LLC, DBA MOCKBEE, 2260 Central Parkway, Cincinnati, Ohio 45214. (#6081179, D5, TRANSFER) [Objections: NONE]
- Recommendation** FILE
- Sponsors:** City Manager
12. [202200519](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for HAPPY HARRYS LLC, 22 W. Court Street, Cincinnati, Ohio 45202. (#3607272, D5, NEW) [Objections: NONE]
- Recommendation** FILE
- Sponsors:** City Manager
13. [202200520](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for CINCY CORK III LLC, 2707-2709 Erie Avenue, 1st Fl & Basement & Patios, Cincinnati, Ohio 45208. (#1489999, C1, D2, D6, TRANSFER) [Objections: NONE]
- Recommendation** FILE
- Sponsors:** City Manager
14. [202200521](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for NTW MANAGEMENT GROUP LLC, DBA ARTS OTR, 2141 Central Avenue, Cincinnati, Ohio 45214. (#6391151, D5, D6, TRANSFER) [Objections: YES]
- Recommendation** FILE
- Sponsors:** City Manager

15. [202200522](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for EASTERN HILLS INDOOR TENNIS CLUB INC, 669 Wilmer Avenue, Cincinnati, Ohio 45226. (#24085340005, D2, NEW) [Objections: NONE]
Recommendation FILE
Sponsors: City Manager
16. [202200524](#) **REPORT**, dated 3/2/2022 submitted by John P. Curp, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for UP CINCINNATI VINE LLC, 309 Vine Street, STE 201, Cincinnati, Ohio 45202. (#9133233, D5, D6, TRANSFER) [Objections: NONE]
Recommendation FILE
Sponsors: City Manager
17. [202200526](#) **RESOLUTION** submitted by John P. Curp, Interim City Manager, on 3/2/2022, **DECLARING** the necessity of assessing for the control of blight and disease of shade trees along the streets and the public right-of-way, and for planting, care, maintenance, trimming, and removing of shade trees in and along the streets within the City of Cincinnati's Urban Forestry Maintenance District for the year 2023.
Recommendation CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE
Sponsors: City Manager
18. [202200532](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 3/2/2022, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount not to exceed \$34,560 from the Murray & Agnes Seasongood Good Government Foundation for the purpose of administering an internship program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Citizens Summer Jobs Fund 308.
Recommendation BUDGET AND FINANCE COMMITTEE
Sponsors: City Manager
19. [202200533](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 3/2/2022, **AUTHORIZING** the City Manager to apply for a grant of up to \$10,000 from the Federal FY 2022 Certified Local Government Grant Program, which funds shall be used to reimburse certain costs associated with hosting the National Alliance for Preservation Commission's Biennial Conference Forum in Cincinnati, Ohio during July 2022.
Recommendation BUDGET AND FINANCE COMMITTEE
Sponsors: City Manager
20. [202200537](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 3/2/2022, **AUTHORIZING** the City Manager to accept a grant in an amount of \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing funding for various programming activities for Avondale youth and families; **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund No. 323, "Recreation Special Activities"; and further **AUTHORIZING** the transfer and appropriation of \$14,500 from the unappropriated surplus of Fund No. 323, "Recreation

Special Activities,” to Recreation’s non-personnel operating budget account no. 323x193x7300 and the transfer and appropriation of \$10,500 from the unappropriated surplus of Fund No. 323, “Recreation Special Activities,” to Recreation’s non-personnel operating budget accounts no. 323x197x7300.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

21. [202200538](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Andrew William Garth/City Solicitor.

Recommendation FILE

Sponsors: Clerk of Council

22. [202200539](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Cathy B. Bailey/Cincinnati Water Works/Director.

Recommendation FILE

Sponsors: Clerk of Council

BUDGET AND FINANCE COMMITTEE

23. [202200471](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the City Manager to apply for grant resources awarded by the Ohio Department of Transportation’s Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

Recommendation

PASS

Sponsors: City Manager

24. [202200472](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio’s \$3,000 purchasing limit without certification.

Recommendation

PASS EMERGENCY

Sponsors: City Manager

25. [202200475](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **ESTABLISHING** new capital improvement program project account no. 980x199x221915, “Oakley Recreation Center,” for the purpose of providing resources to acquire real estate or interest therein for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds and recreation centers,

including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide ADA access and life safety requirements; and AUTHORIZING the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, "Oakley Recreation Center."

Recommendation PASS

Sponsors: City Manager

26. [202200478](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the transfer and return to source, Emergency Shelter Grant Fund 445, of the sum of \$559,380.39 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer; and AUTHORIZING the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

Recommendation

PASS EMERGENCY

Sponsors: City Manager

27. [202200479](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the transfer and return to source Fund 411, "Home Investment Trust," of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts, according to the attached Schedule of Transfer; and AUTHORIZING the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, "Home Investment Trust," to various new and existing Home Investment Trust Fund 411 project accounts, according to the attached schedule of transfer, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development.

Recommendation PASS EMERGENCY

Sponsors: City Manager

28. [202200483](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the City Manager to enter into an agreement on behalf of the Greater Cincinnati Water Works with the Water Research Foundation for the purpose of co-funding, along with five other water utilities, a collaborative research project known as "Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs."

Recommendation PASS EMERGENCY**Sponsors:** City Manager

29. [202200484](#) **ORDINANCE** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the establishment of a new capital improvement program project account no. 980x233x222362, "Kirby Improvements PID 115448 SRTS Grant," for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; **AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to new capital improvement program project account no. 980x233x222362, "Kirby Improvements PID 115448 SRTS Grant," for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, "Kirby Improvements PID 115448 SRTS Grant."

Recommendation

PASS

Sponsors: City Manager

30. [202200486](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/24/2022, **AUTHORIZING** the City Manager to execute a Property Transfer and Development Agreement with the Board of County Commissioners of Hamilton County, Ohio, pursuant to which the City will vacate and convey a portion of the public right-of-way known as Logan Street in the Over-the-Rhine neighborhood of Cincinnati in connection with the construction of a public parking garage.

Recommendation PASS EMERGENCY**Sponsors:** City Manager

31. [202200494](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, **AUTHORIZING** the transfer and return to source Local Fiscal Recovery Fund 469 of the sum of \$5,150,000 from American Rescue Plan grant project account no. 469x101xARP050, "FY 2021 COVID Expenses," for the purpose of realigning sources with uses; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund," for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, "Housing Strategies," for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative

economic impacts of the COVID-19 pandemic; AUTHORIZING the transfer and appropriation of the sum of \$5,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund," for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; AUTHORIZING the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, "Housing Strategies," for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; AUTHORIZING the City Manager to execute any and all necessary agreements related to the Affordable Housing Trust Fund with Cincinnati Development Fund, Inc. or an affiliate; and DECLARING expenditures from American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund," and American Rescue Plan grant project account no. 469x101xARP201, "Housing Strategies," to be for a public purpose.

Recommendation PASS EMERGENCY

Sponsors: Mayor

SUPPLEMENTAL ITEMS

EQUITABLE GROWTH & HOUSINGS COMMITTEE

32. [202200272](#) **ORDINANCE (EMERGENCY)** submitted by John P. Curp, Interim City Manager, on 2/9/2022, **DESIGNATING** the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

Recommendation PASS EMERGENCY

Sponsors: City Manager

33. [202200480](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, **MODIFYING** a provision of Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," by **AMENDING** Section 209-5, "Composition of Board," for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

Recommendation PASS EMERGENCY

Sponsors: Mayor

34. [202200501](#) **MOTION**, submitted by Councilmember Jeffreys, **WE MOVE** that the Administration report to Council with any criteria that communities may want to consider when pursuing landmark designations. These criteria may include best practices and any other, tangentially related considerations that may be pertinent to the landmark designation process. (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Jeffreys

ANNOUNCEMENTS

Adjournment



202200559

Mayor Aftab Pureval

801 Plum Street, Suite 150
Cincinnati, Ohio 45202
Phone (513) 352-3250
Fax (513) 352-5201
Email: aftab.pureval@cincinnati-oh.gov

APPOINTMENT

I hereby appoint Joshua Kayes to the Cincinnati Accessibility Board of Advisors for a term of two years, expiring on December 31, 2023. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval

JOSHUA KAYES

To obtain a job that aligns with my extensive community experience focused primarily on DEAI. Specifically targeting areas of program implementation, networking, project management, training & mentoring, and consultation on diversity, equity, accessibility, and inclusion with expertise in community engagement.

EXPERIENCE

NOVEMBER 2021 – PRESENT

LEAD CUSTOMER SERVICE ANALYST, BENCHMARK DIGITAL LLC

- Project Manager for IT based projects for new and current subscribers to the SaaS platform implementing new applications, feature enhancements, and bug fixes
- Work with cross functional teams to meet project deadlines, deliverables, quality assurance, and ensuring the project meets it's full earn potential in a timely manner
- Work with companies across the globe to troubleshoot and implement adjustments and bug fixes to their platforms in a timely manner that meets professional standards for communication and time management
- Advise on process improvements and helping to establish new processes to streamline workflows into a concise, easy to follow format for workflows with a high utilization while reducing the margin for error
- Work with HR to establish companies first Diversity Based ERG

JULY 2021 – NOVEMBER 2021

TIME IMPLEMENTATION CONSULTANT, PAYCOR

- Key stakeholder for clients implementing time & attendance products
- Responsible for project kickoff, liaising with engineering and cross functional teams to meet project milestones and achieve go live status on strict timelines
- Implements key aspects of both the waterfall & agile methodologies to arrive at key deliverables

DECEMBER 2019 – JULY 2021

TIME SENIOR CUSTOMER ADVOCATE, PAYCOR

- Find root cause of customer technical issues
- Maintains strong customer loyalty through quick and efficient resolution of customer issues
- Implements customers to Time & Attendance platform using project management fundamentals to meet KPI's and timely delivery of project deliverables
- Trains coworkers in Time product platforms
- Second highest rated associate for number of cases closed while maintaining and exceeding company baseline requirements for performance

JANUARY 2019 – DECEMBER 2019

**SENIOR SPECIALIST OF END USER COMPUTING, SCHAWK/MATTHEW'S
INTERNATIONAL**

- Troubleshoot Hardware & Software Issues in MacOS, Windows, and Windows Server
- Troubleshoot SaaS platform issues including pre-production products such as Adobe, Esko, & AWS
- Deploy and manage fleet of devices from mobile, portable, and desktop computing
- Manage licensing and syncing of software
- Interview and maintain relationships with vendors to maintain operational integrity and establish project timelines to establish and integrate upgrades to our systems

MARCH 2013 – JANUARY 2019

GENIUS, APPLE INC.

- Troubleshoot Hardware & Software issues in MacOS
- Repair hardware issues
- Facilitate training for new hires and internal staff promotions
- Mentored cross functionally across all areas of the business
- Highest rated Technician for number of customers assisted while maintaining and exceeding company baseline requirements for performance
- Assisted a wide range of customers from consumer, small business, and large enterprise
- Work to troubleshoot in areas of OS, Networking, Malware, Security, MDM, Peripherals, and File Management

EDUCATION

JANUARY 2023 (EXPECTED COMPLETION)

B.S. NETWORK OPERATIONS & SECURITY, WESTERN GOVERNOR'S UNIVERSITY

AUGUST 2006

**A.S. COMPUTER APPLICATIONS, CINCINNATI STATE TECHNICAL & COMMUNITY
COLLEGE**

CERTIFICATIONS

APRIL 2021

CISCO CERTIFIED NETWORK ASSOCIATE: ROUTING & SWITCHING, CISCO

SEPTEMBER 2020

SECURITY+, COMPTIA

JUNE 2020

NETWORK+, COMPTIA

FEBRUARY 2020

A+, COMPTIA

**SEPTEMBER 2019
PROJECT+, COMPTIA**

**AUGUST 2019
CERTIFIED INTERNET WEBMASTER ASSOCIATE, CIW**

**MAY 2019
ITIL 4 FOUNDATION, AXELOS**

**FEBURARY 2014
APPLE CERTIFIED MACINTOSH TECHNICIAN, APPLE INC.**

COMMUNITY SERVICE WORK

**NOVEMBER 2021 - PRESENT
SPINA BIFIDA COALITION
ADVOCACY CO-CHAIR**

**SEPTEMBER 2021 – FEBRUARY 2022
ACTION TANK
CITY COUNCIL BOOTCAMP, COHORT #2**

**APRIL 2021 - PRESENT
NATIONAL ASSOCIATION OF ASIAN AMERICAN PROFESSIONALS
RELATIONS CHAIR**

**MARCH 2021 - PRESENT
LOVE MUST WIN, INC.
EXECUTIVE DIRECTOR**

**JANUARY 2021 - PRESENT
REVOLUTION DANCE THEATRE
COMMUNITY ENGAGEMENT COORDINATOR**

**OCTOBER 2020 – PRESENT
TREEHOUSE CINCINNATI
PRESIDENT**

**SEPTEMBER 2020 – MARCH 2021
LOVE MUST WIN, INC.
EXECUTIVE VICE PRESIDENT**

**FEBRUARY 2020 - PRESENT
HUMAN RIGHTS CAMPAIGN: GREATER CINCINNATI**

STEERING COMMITTEE CO-CHAIR

DECEMBER 2019 – NOVEMBER 2021

PRISM: PAYCOR LGBTQ+ ERG

COMMITTEE MEMBER

AUGUST 2019 - PRESENT

HUMAN RIGHTS CAMPAIGN: GREATER CINCINNATI

COMMUNITY ENGAGEMENT CO-CHAIR

FEBRUARY 2017 – FEBRUARY 2019

CINCINNATI YOUTH COLLABORATIVE

VOLUNTEER

COMMUNITY SERVICE HIGHLIGHTS

ACTION TANK

- Successfully created a multiple step action plan to work toward increasing accessibility within the City of Cincinnati through exercises centered around Policy Formation, Budgeting, Creative Writing, Collaboration, etc.
- Put into action what I learned from Action Tank by initiating meetings with Councilmembers to act on the following action items:
 - Creation of a Guidance Document that will be used by Cincinnati Businesses to increase accessibility
 - Work toward legal viability when it comes to accessibility with bars and establishments that offer beverages to be required to offer upon request containers with lids to help improve the experience of people with disabilities
 - This has the additional potential benefit of helping to decrease the prevalence of sexual and intimate partner violence within the community by increasing the difficulty of drugging individuals with the purposes of assaulting them
 - Liaising with Disability Advocacy Organizations and Disability Ally organizations to increase awareness of accessibility needs within the city
 - Work to help the city create an Accessibility Equality Index model to help assess the current posture of business accessibility and promote more accessibility within the city
 - Review the Building and Inspections Document: Accessibility Requirements for Existing Buildings and Structures to be aligned with the most recent revisions to the Ohio Building Code from which the document is modelled.

HUMAN RIGHTS CAMPAIGN

- Started a series of Virtual Town Halls ranging on topics of

intersectionality within the LGBTQIA+ community that included Black Lives Matter, Transgender/Non-Binary Community, People with Disabilities, Youth & Students, LGBTQIA+ Sexual Health, Faith & Spirituality

- Lead teams to create fundraising and community engagement events
- Fostered and established new community partnerships to reach a wider audience to support within the LGBTQIA+ community and the Greater Cincinnati Community
- Recognized Nationally by Human Rights Campaign for my strong leadership in the areas of Community Engagement & DEAI
- Spoke Nationally to Steering Committees across the country regarding accessibility of both in person and virtual events.
- Partnered with liaisons from national level to work on guidance documents for steering committees to use for virtual and in person events
- Co-Chair of the 2022 Greater Cincinnati HRC Dinner and Chair of the Auction Committee
- Chosen in July of 2021 to be part of HRC's BIPOC Leadership Summit which was a leadership training series for BIPOC leaders within communities which HRC has presence
- Panelist for Workplace Equality Committee Event Difficult Conversations in the Workplace that focused on overcoming difficult conversations surrounding LGBTQ+ Intersectional lived experience across a variety of Diversity Dimensions
- Moderated panel LGBTQ+ & Disability: Ableism, Advocacy, and Disability Exploitation which discussed the lived experience of folk with both visible and invisible disabilities focusing on topics such as ableism, activism, allyship, difficult conversations, ADA Compliance, Media Representation, and exploitation of people with disabilities

LOVE MUST WIN, INC.

- Working with my VP to rebrand existing programs in a way that isn't reinventing the wheel but instead is identifying ways our current resources can continue to meet and expand upon the ever-changing needs within the community
- Experience with creating new programs from the grassroots to serve underserved sections of the population
- Coordinating and collaborating across multiple programs to establish a strong and unified brand that is constantly working to meet the mission and vision of Love Must Win
- Successfully expanded our active board from 8 to 18 full engaged board members

NATIONAL ASSOCIATION OF ASIAN AMERICAN PROFESSIONALS

- Twice a Panelist for AdoptionSTAR on Race and Racism from the Transracial Adoptee perspective
- Panelist for Park Adoption Community Center on DEAI work from the Adoptee perspective

TREEHOUSE CINCINNATI

- **Goal is to establish Cincinnati's first official LGBTQIA+ center**
- **Working with key stakeholders to raise funds and support**
- **Working with finance and operational committees to incorporate and apply for 501c3 status to create a budget, by-laws and strategize around communications and 5-year plan toward sustainability and achieving key deliverables along the way to meeting our higher goal of a center**
- **Working to strategize around fundraising and grants to make certain we have a diverse and sustainable model of funding for the project going forward**
- **Coordinating efforts with Community Engagement Committee to create dynamic events for the community that not only provide service and support for the community but provide opportunities for community members to show support to the organization through volunteering and resources**

202200549

Date: March 1, 2022

To: Mayor Aftab Pureval
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Resolution – Ukraine Support**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING and expressing the support of the Mayor and Council of the City of Cincinnati to the nation of Ukraine in defense of its sovereignty and homeland, and **ENDORISING** aggressive sanctions against the Russian government and military for their continued threats to the peace and political independence of the Ukrainian state.

AWG/CFG/(lnk)
Attachment
3588939

11/20/08

11/20/08

11/20/08

11/20/08

11/20/08

11/20/08

11/20/08

11/20/08

RESOLUTION NO. _____ - 2022

RECOGNIZING and expressing the support of the Mayor and Council of the City of Cincinnati to the nation of Ukraine in defense of its sovereignty and homeland, and **ENDORSED** aggressive sanctions against the Russian government and military for their continued threats to the peace and political independence of the Ukrainian state.

WHEREAS, since September 11, 1989, the City of Cincinnati has enjoyed a special and unique relationship with the people of Ukraine as a sister city to Kharkiv, Ukraine's second most populous city and former capital; and

WHEREAS, the people of Ukraine have a right to self-government, independent of foreign action and influence, and free from threats of violence from neighboring political powers; and

WHEREAS, the people of Ukraine have elected a democratic government in free and fair elections, currently led by President Volodymyr Zelenskyy and Prime Minister Denys Shmyhal; and

WHEREAS, under the direction of Vladimir Putin, the Russian military has begun a violent invasion of Ukraine, leading to the loss of innocent life, the shelling of schools and residential neighborhoods, and the destruction of communities in many Ukrainian cities, including Kharkiv and the capital of Kyiv; and

WHEREAS, the people of Cincinnati stand for peace and against the aggressive invasion of Ukraine, and declare that a threat to the sovereign borders of Ukraine is a threat to all nations around the world; and

WHEREAS, the City of Cincinnati stands ready to accept refugees fleeing war and violence from Ukraine and any other place where communities are under attack; and

WHEREAS, the City of Cincinnati encourages all nations to stand in defense of the Ukrainian people and provide support necessary to ensure their ability to protect their homeland; and

WHEREAS, the City of Cincinnati supports continued aggressive sanctions, initiated by President Joe Biden and our allies, against those who wield power and influence over the actions of the Russian government and military; 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 and express their support to the nation of Ukraine in defense of its sovereignty and homeland and endorse aggressive sanctions against the Russian government and military for their continued threats to the peace and political independence of the Ukrainian state.

Section 2. That this resolution be spread upon the minutes of Council and copies be provided to the following:

Embassy of Ukraine
3350 M Street NW
Washington DC 20007

Senator Sherrod Brown
425 Walnut Street, Suite 2310
Cincinnati OH 45202

Senator Rob Portman
312 Walnut Street, Suite 3425
Cincinnati OH 45202

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Mayor Aftab Pureval

202200530

Date: February 24, 2022

To: Vice Mayor Jan-Michele Lemon Kearney
From: Andrew Garth, City Solicitor *AWG*
Subject: **Resolution – Dr. Melba R. Moore**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING and honoring Dr. Melba R. Moore for her exceptional leadership of the City of Cincinnati's Health Department, her management of and response to the COVID-19 pandemic, and her tireless commitment to improving the health of our citizens and our community.

AWG/LES/(lnk)
Attachment
358383

AWB

RESOLUTION NO. _____ - 2022

RECOGNIZING and honoring Dr. Melba R. Moore for her exceptional leadership of the City of Cincinnati's Health Department, her management of and response to the COVID-19 pandemic, and her tireless commitment to improving the health of our citizens and our community.

WHEREAS, as the current Health Commissioner for the City of Cincinnati, Dr. Melba Moore is a committed public health leader who has built and maintained a healthy and safe community; and

WHEREAS, Commissioner Moore earned a Bachelor of Arts in Psychology from Webster University, a Master of Science in Health Management from Lindenwood University, a Certificate of Completion from Harvard University - John F. Kennedy School of Government for State and Local Executives; and she is a Certified Public Health Administrator and holds a doctorate in Business Administration with a specialization in Healthcare Administration from Northcentral University; and

WHEREAS, Commissioner Moore served as the Coordinator of a Genetics Program from 1990 through 1996, as the Director/Commissioner of Health in the City of St. Louis, Missouri from 2001 to 2018, and as the Chief Executive Officer for the National Coalition for Stroke Prevention and Awareness with the Illinois Academy of Family Physicians, providing strategic leadership with more than thirty community health agencies and healthcare providers in developing and marketing programs on stroke prevention and awareness; and

WHEREAS, under Commissioner Moore's leadership, the Cincinnati Health Department accomplished numerous goals, such as implementing creative solutions designed to protect and serve all citizens more effectively, repurposing facilities and securing the necessary equipment and supplies to respond to the pandemic, and facilitating the public's understanding of the need to embrace critical public health interventions such as vaccine acceptance, masking, and physical distancing requirement; and

WHEREAS, under Commissioner Moore's leadership, the City of Cincinnati was able to obtain national accreditation from the Public Health Accreditation Board, demonstrating the Cincinnati Health Department's consistent and continued commitment to strengthening community partnerships to improve health, and enabling the Health Department to better serve the City of Cincinnati; and

WHEREAS, Commissioner Moore is the 2009 recipient of the American Medical Association's Dr. Nathan Davis Award for Outstanding Government Service, the 2017 recipient of the Equalizer Award in Health Education and Support from the Youth and Family Center, and the 2017 Healthcare Accomplishment Recognition Award in Healthcare Advocacy from the Healthcare Businesswomen's Association, St. Louis Chapter; and

WHEREAS, Commissioner Moore was selected in 2011 to attend the Community Health Leadership Executive Program at the Satcher Health Leadership Institute in Atlanta, Georgia, and was also elected by the Office on Minority Health to serve on Region VII's Health Equity Council, where she was later selected to serve as the co-chair with a body of experts from Iowa, Kansas, Missouri, and Nebraska driving a collaborative health equity agenda; and

WHEREAS, Commissioner Moore is an advocate for women, children, and vulnerable populations and lectures nationwide on health disparities; and

WHEREAS, Commissioner Moore was recently awarded the 2022 MLK Humanitarian Award from the University of Cincinnati College of Medicine and UC Health in recognition of her visionary and collaborative leadership during the COVID-19 pandemic, and was named "Humanitarian of Year" in 2020 by former Cincinnati Mayor John Cranley for her tireless efforts and transformational leadership during the global pandemic; and

WHEREAS, Commissioner Moore leads her life by serving others, and in her tireless commitment to improving the health of our citizens, the City of Cincinnati recognizes the powerful and positive impact she has had in our community; 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 Dr. Melba R. Moore for her many contributions to the City of Cincinnati and her tireless efforts to uplift our community and improve the health of the citizens of the City of Cincinnati.

Section 2. That this resolution be spread upon the minutes of Council and a copy be provided to Dr. Melba R. Moore by the Council Office of Vice Mayor Jan-Michele Lemon Kearney.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Vice Mayor Jan-Michele Lemon Kearney

Date: February 25, 2022

To: Councilmember Meeka Owens
From: Andrew Garth, City Solicitor *AWG*
Subject: **Resolution – Women’s History Month Jill Meyer**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING and honoring Jill Meyer for her numerous contributions to the business community of Cincinnati, as part of the City of Cincinnati’s recognition of Women’s History Month, during which the City celebrates women who are making history today while bringing national attention to Cincinnati and serving our community.

AWG/LES(ink)
Attachment
358735

RESOLUTION NO. _____ - 2022

RECOGNIZING and honoring Jill Meyer for her numerous contributions to the business community of Cincinnati, as part of the City of Cincinnati's recognition of Women's History Month, during which the City celebrates women who are making history today while bringing national attention to Cincinnati and serving our community.

WHEREAS, Jill Meyer is a Cincinnati native and a graduate of the College of Mount St. Joseph and the Salmon P. Chase College of Law, and was the first woman to serve as Member-in-Charge of Frost Brown Todd's Cincinnati office; and

WHEREAS, Ms. Meyer always has maintained an unshakeable faith in the potential of the Cincinnati region; and

WHEREAS, Ms. Meyer is the President and Chief Executive Officer of the Cincinnati USA Regional Chamber, one of the largest metro chambers in the nation, encompassing 4,000 member businesses; and

WHEREAS, Ms. Meyer has assisted regional businesses to thrive by supporting initiatives to attract talented individuals to the region, including the development of City infrastructure and the promotion of a vibrant arts and music culture in the community; and

WHEREAS, Ms. Meyer has made numerous contributions to the business community of Cincinnati as a board member of 3CDC, CincyTech, Cincinnati USA Convention & Visitors Bureau, and the City of Cincinnati Department of Economic Inclusion Advisory Board, and as the previous Director of the Hamilton County Transportation District; 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 Jill Meyer as a 2022 City of Cincinnati Women's History Month honoree, for her leadership in the business community of Cincinnati and dedication to making the City a better place for all citizens.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Ms. Meyer through the office of Councilmember Owens.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmember Meeka D. Owens

Date: February 10, 2022

To: Councilmember Victoria Parks
From: Andrew Garth, City Solicitor *AWG*
Subject: Resolution – William Earl “Bootsy” Collins

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to William Earl “Bootsy” Collins during Black History Month 2022 for his contributions to the music world, his advocacy, and his years of dedication to the City of Cincinnati through the Bootsy Collins Foundation.

AWG/CFG(lnk)
Attachment
357636

RESOLUTION NO. _____ - 2022

RECOGNIZING and expressing the appreciation of the Mayor and the Council of the City of Cincinnati to William Earl “Bootsy” Collins during Black History Month 2022 for his contributions to the music world, his advocacy, and his years of dedication to the City of Cincinnati through the Bootsy Collins Foundation.

WHEREAS, William Earl Collins, professionally known as “Bootsy,” is a leading figure in the world of music, particularly in the funk genre; and

WHEREAS, Bootsy has been active in music for over 50 years, beginning his career at the historic King Records building, still standing at 1540 Brewster Avenue, in the City of Cincinnati; and

WHEREAS, Bootsy applied his considerable influence in the City to help lead the revitalization of the King Records building; and

WHEREAS, he has been recognized as one of the greatest bass players of all time, and was inducted into the Rock and Roll Hall of Fame in 1997; and

WHEREAS, he has collaborated with a variety of musical superstars, including James Brown, Snoop Dogg, Keith Richards, Cyndi Lauper, Bruno Mars, and the Red Hot Chili Peppers; and

WHEREAS, Bootsy and his wife Patricia (“Patti”) Ann Collins have been leading members and spokespersons of the Oral Health Coalition, improving oral health care in Hamilton County, Ohio; and

WHEREAS, Bootsy and Patti Collins have established the Bootsy Collins Foundation to inspire, educate, and enrich the lives of individuals from all backgrounds; 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 William Earl “Bootsy” Collins during Black History Month 2022 for his contributions to the music world, his advocacy, and his years of dedication to the City of Cincinnati through the Bootsy Collins Foundation.

Section 2. That this resolution be spread upon the minutes of Council.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____

Clerk

Submitted by Councilmember Victoria Parks

Date: March 1, 2022

To: Councilmember Mark Jeffreys
From: Andrew Garth, City Solicitor *AWG*
Subject: **Resolution – United States Postal Service**

Transmitted herewith is a resolution captioned as follows:

EXPRESSING the concern of the Mayor and City Council for delays in United States Postal Service (“USPS”) mail delivery in several Cincinnati neighborhoods over the past several weeks; and further **EXPRESSING** the appreciation of the Mayor and City Council to our USPS mail carriers who are working long hours due to significant staffing shortages.

AWG/IMD/(lnk)
Attachment
358724

RESOLUTION NO. _____ - 2022

EXPRESSING the concern of the Mayor and City Council for delays in United States Postal Service (“USPS”) mail delivery in several Cincinnati neighborhoods over the past several weeks; and further **EXPRESSING** the appreciation of the Mayor and City Council to our USPS mail carriers who are working long hours due to significant staffing shortages.

WHEREAS, residents in multiple Cincinnati neighborhoods, including Clifton, College Hill, Northside, Corryville, and Downtown, have shared with Council that their United States Postal Service (“USPS”) mail delivery has been delayed for two to three weeks in some cases; and

WHEREAS, this delay has had an especially detrimental impact on some residents who receive their personal and business bills, medication, or other important documents in the mail through USPS; and

WHEREAS, many USPS mail carriers are working long hours into the night to alleviate the impact of USPS staffing shortages; now, therefore,

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

Section 1. That the Mayor and this Council ask the United States Postal Service (“USPS”) and our federal elected officials in the United States Senate and House of Representatives to intervene to address the staffing shortages impacting USPS mail delivery in the City of Cincinnati.

Section 2. That the Mayor and this Council express their appreciation to our USPS mail carriers for working long hours in order to meet the needs of our communities amidst unprecedented staffing shortages.

Section 3. That copies of this resolution be spread upon the minutes of Council and provided to Postmaster General Louis DeJoy, USPS Headquarters, 475 L’Enfant Plaza SW, Washington, DC 20260-0010; Senator Rob Portman, 448 Russell Senate Office Building, Washington, DC 20510; Senator Sherrod Brown, 503 Hart Senate Office Building, Washington,

DC 20510; Representative Steve Chabot, 2408 Rayburn House Office Building, Washington, DC 20515; and Representative Brad Wenstrup, 2419 Rayburn H.O.B., Washington, DC 20515.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmember Mark Jeffreys



Mark Jeffreys
Councilmember

March 1, 2022

MOTION

Littering & Illegal Dumping Enforcement

To gain a better understanding of how littering and illegal dumping violations are cited, WE MOVE that, the Administration report back to Council within sixty days on:

- How many citations for littering and illegal dumping have been issued each year for each of the past five years and who has been issuing those citations (e.g. CPD, B&I, Health, etc.), with these citations being broken out by type: illegal dumping (on public and private property violations separately) or standard littering (i.e. someone throwing trash out of their car window).
- The total monetary value of the littering and illegal dumping citations in each of the past five years by type of violation and how much of that total amount has been recovered by type.
- An assessment of what portion of the difference between the total fines issued and total revenue recovered is due to lower collections rather than the court system not enforcing the fine given by the citation authority.
- Cost of littering clean up by type for each of the past five years
- What fund the revenue from those citations is put into.
- How Cincinnati's dollar amount for fines associated with litter and illegal dumping citations compares to its peer cities. This should include information on whether or not other cities have a different penalty for repeat offenders.
- A recommendation on the amount of additional cameras and/or personnel that are needed to enforce illegal dumping and any risks/concerns associated with this action.

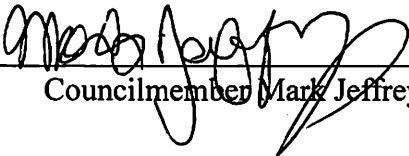
- A recommendation on whether Cincinnati should increase fines for repeat illegal dumping and littering offenders, and any risks/concerns associated with this action.
-

STATEMENT

Cincinnati has a significant litter and illegal dumping problem. An analysis by the Cincinnati Enquirer in late 2021 found that through mid-September 2021, there were 3,016 litter complaints, which would put Cincinnati on track to top or equal 2018, which was the highest number of annual complaints in the past 10 years. Department of Public Services (DPS) Director Jerry Wilkerson has testified to City Council that once litter is picked up then it comes right back within days, which often is the same for illegal dumping on which the city spent \$2 million to clean up in 2021. Keep Cincinnati Beautiful has separately testified that they will undertake a marketing campaign similar to “Don’t Trash the Nati” from years ago to help shift the mindset of our community on littering, and that there are 20 cameras at the ~200 illegal dumping sites across the city.

In testimony before City Council, we heard both from DPS and Buildings & Inspections that they are unclear how many fines are issued for citizen littering and were not clear where this revenue goes. We also heard that the court system often does not enforce fines so they are not often recovered, and because of that – especially for illegal dumping – that there is little incentive to stop the practice especially for repeat offenders.

Based on this data, City Council will be able to assess further action that may be needed to address this growing problem.


Councilmember Mark Jeffreys

GR Cal 3/1

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202200548

Jeff Cramerding
Councilmember

March 1, 2022

Motion

First Lutheran Church Bell Tower

We respectfully ask the City Manager to engage in mediation efforts between OTR Adopt, First Lutheran Church, and any relevant parties, to ensure the continued ministry of First Lutheran Church which has a historical presence in the neighborhood, and to preserve the bell tower.

BACKGROUND

The First Lutheran Church is a tremendous asset to Over-the-Rhine and the City of Cincinnati in its ministry, its focus on social justice, and as an architectural landmark. It would be a tremendous victory for the neighborhood and city if the tower could be preserved without inhibiting First Lutheran's critical work in the existing church.

Jeff Cramerding

NOV 20 1978

Date: March 2, 2022

To: Mayor and Members of City Council

202200516

From: John P. Curp, Interim City Manager

Subject: **Liquor License – New**

FINAL RECOMMENDATION REPORT

OBJECTIONS: Cincinnati Police Department, Westwood Civic Association

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: 22348159015
PERMIT TYPE: NEW
CLASS: C1 C2
NAME: DOLGEN MIDWEST LLC
DBA: DOLLAR GENERAL STORE 23716
3186 HARRISON AVE
CINCINNATI, OH 45211

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 13, 2022, Westwood Civic Association was notified of this application and do 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: March 8, 2022

Date: March 2, 2022

To: Mayor and Members of City Council

202200517

From: John P. Curp, Interim City Manager

Subject: **Liquor License – Transfer of Ownership**

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: 9329525
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: W&C PARTNERSHIP LLC
DBA: HOPSCOTCH CRAFT BEER & WHISKEY
251 CALHOUN ST SP 5105
CINCINNATI, OH 45219

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 13, 2022, CUF Neighborhood Association was notified of this application and do 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: March 8, 2022

Date: March 2, 2022

To: Mayor and Members of City Council

202200518

From: John P. Curp, Interim City Manager

Subject: **Liquor License – Transfer of Ownership**

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: 6081179
PERMIT TYPE: TRFO
CLASS: D5
NAME: MOCKTHEWORLD LLC
DBA: MOCKBEE
2260 CENTRAL PKWY
CINCINNATI, OH 45214

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 12, 2022, Over-The-Rhine Community Council was notified of this application and do 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: March 4, 2022

Date: March 2, 2022

To: Mayor and Members of City Council
From: John P. Curp, Interim City Manager
Subject: **Liquor License – New**

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: 3607272
PERMIT TYPE: NEW
CLASS: D5
NAME: HAPPY HARRYS LLC
DBA: NONE LISTED
22 W COURT ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 17, 2022, Downtown Residents Council was notified of this application and do 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: March 8, 2022

Date: March 2, 2022

To: Mayor and Members of City Council

202200520

From: John P. Curp, Interim City Manager

Subject: **Liquor License – Transfer (Exempt)**

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: 1489999
PERMIT TYPE: TREX
CLASS: C1 D2 D6
NAME: CINCY CORK III LLC
DBA: NONE LISTED
2707-2709 ERIE AVE
1ST FL & BSMT & PATIOS
CINCINNATI, OH 45208

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 13, 2022, Hyde Park Neighborhood Council was notified of this application and do 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: March 4, 2022

Date: March 2, 2022

To: Mayor and Members of City Council

202200521

From: John P. Curp, Interim City Manager

Subject: **Liquor License – Transfer of Ownership**

FINAL RECOMMENDATION REPORT

OBJECTIONS: Cincinnati Police Department

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: 6391151
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: NTW MANAGEMENT GROUP LLC
DBA: ARTS OTA
2141 CENTRAL AVE
CINCINNATI, OH 45214

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 13, 2022, West End Community Council was notified of this application and do 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: March 8, 2022

Date: March 2, 2022

To: Mayor and Members of City Council

202200522

From: John P. Curp, Interim City Manager

Subject: **Liquor License – New**

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: 24085340005
PERMIT TYPE: NEW
CLASS: D2
NAME: EASTERN HILLS INDOOR TENNIS CLUB INC
DBA: NONE LISTED
669 WILMER AVE
CINCINNATI, OH 45226

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 17, 2022, East End Area Council was notified of this application and do 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: March 8, 2022

Date: March 2, 2022

To: Mayor and Members of City Council

202200524

From: John P. Curp, Interim City Manager

Subject: **Liquor License – Transfer (Exempt)**

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: 9133233
PERMIT TYPE: TREX
CLASS: D5 D6
NAME: UP CINCINNATI VINE LLC
DBA: NONE LISTED
309 VINE ST STE 201
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 12, 2022, Downtown Residents Council was notified of this application and do 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: March 4, 2022

March 2, 2022

To: Mayor and Members of City Council 202200526
From: John P. Curp, Interim City Manager
Subject: Resolution – 2023 Urban Forestry Special Assessment

Attached is a resolution captioned:

DECLARING the necessity of assessing for the control of blight and disease of shade trees along the streets and the public right-of-way, and for planting, care, maintenance, trimming, and removing of shade trees in and along the streets within the City of Cincinnati's Urban Forestry Maintenance District for the year 2023.

The Board of Park Commissioners at their **December 16, 2021**, meeting recommended an assessment rate of \$0.31 per front foot to continue funding of street tree maintenance and planting services in 2023. It was determined that the existing rate of \$0.21 per front foot is insufficient to continue current service levels and various program activities and has resulted in budget deficits for the Urban Forestry program. As detailed in the supporting documentation, the increased rate is necessary to cover substantial additional costs of operations. For a majority of property owners, including those above and below the low- to moderate-income levels, the increase amounts to approximately \$5.00 per year (from \$10.50 to \$15.50). The Administration recommends the adoption of this resolution.

Attachment I – Assessment Resolution
Attachment 2 – Work Plan Narrative and Budget
Attachment 3 – Executive Summary of Budget Justification

cc: John Neyer, Interim Director of Parks
Robin O. Hunt, Supervisor of Urban Forestry
Andrew Garth, City Solicitor

Legislative Resolution

KKF
AWB

RESOLUTION NO. _____ - 2022

DECLARING the necessity of assessing for the control of blight and disease of shade trees along the streets and the public right-of-way, and for planting, care, maintenance, trimming, and removing of shade trees in and along the streets within the City of Cincinnati's Urban Forestry Maintenance District for the calendar year 2023.

WHEREAS, the City of Cincinnati created an Urban Forestry Maintenance District for the purpose of controlling the blight and disease of shade trees within the public right-of-way, and for the planting, care, and maintenance of shade trees as authorized by Ohio Revised Code Section 727.011, including without limitation the estimated cost of capital improvements, equipment, personnel, and maintenance to support the Urban Forestry Maintenance District; and

WHEREAS, the Board of Park Commissioners oversee the Urban Forestry Program to serve the needs of the Urban Forestry Maintenance District; and

WHEREAS, the Board of Park Commissioners, by motion on December 16, 2021, urged the continuation of the Urban Forestry Program in accordance with the plans, estimates, and schedules currently filed with the Clerk of Council; and

WHEREAS, the Board of Park Commissioners recommend levying an assessment of \$0.31 per front foot to fund the 2023 Urban Forestry Program, for total revenue of about \$3.3 Million per year, which is an increase from the current rate of \$0.21 per front foot (about \$2.4 Million total), which is to be assessed on the property tax rolls in calendar year 2023 and collected for use in the Urban Forestry Program's Fiscal Year 2024 budget; and

WHEREAS, the increase is necessary due to an increase of over 30 percent in operational costs over the past several years for emergency management and preventative maintenance contractual services, personnel, maintenance, equipment, and materials, that has resulted in budget shortfalls for Fiscal Years 2022 and 2023; and

WHEREAS, Park staff researched impacts to Cincinnati private property owners, finding that the majority of property owners, both above and below the low- to moderate-income status, would see an annual cost increase from \$10.50 to \$15.50 per year; and

WHEREAS, Park staff researched other Ohio municipalities that impose assessments for their urban forestry programs and found that Cincinnati has one of the lowest rates in the state, with a comparable program in the City of Toledo imposing an assessment of \$0.50 per front foot while serving a smaller population and less overall tree canopy coverage; now, therefore,

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

Section 1. That it is hereby declared necessary and conducive to public health, convenience, safety, and welfare to continue the Urban Forestry Program for the control of blight and disease of shade trees along the streets and the public right-of-way, and for the planting, care, maintenance, trimming, and removing of shade trees in and along the streets and the public right-of-way within the City of Cincinnati's Urban Forestry Maintenance District, including without limitation the estimated cost of capital improvements, equipment, personnel, and maintenance to support the Urban Forestry Maintenance District, which includes all territory within, and coextensive with, the City's boundaries, for the year 2023.

Section 2. That the plans and estimates of costs to fund the Urban Forestry Program, now on file with the Clerk of Council, are hereby approved.

Section 3. That the City of Cincinnati shall pay at least two percent of the total cost and expense of the Urban Forestry Program and assume the costs for intersections and uncollectible assessments against state and federally-owned property. The assessment shall be by the front foot method, at the rate of \$0.31 per front foot, upon all lots and lands bounding and abutting public right-of-way in the Urban Forestry Maintenance District.

Section 4. That the assessment shall be paid in cash to the City Treasurer within thirty days after the passage of the assessing ordinance. Assessments not paid in cash within that period shall be certified by the proper City of Cincinnati official to the Hamilton County Auditor for collection and shall be paid in one annual installment, at the same time and in the same manner as real property taxes due and payable in December 2023.

Section 5. That the City of Cincinnati does not intend to issue securities in anticipation of the levy or collection of the assessment.

Section 6. That the City Administration shall prepare, in accordance with the method of assessment set forth in Section 3 hereof, an estimate of the amount of the assessment against each lot or parcel to be assessed, and shall file it in the Office of the Clerk of Council.

Section 7. That notice of the passage of this resolution shall be given pursuant to Sections 727.13 and 727.14 of the Ohio Revised Code.

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

2023 Street Tree Program Recommended Budget Report

At \$0.31 per front foot, this assessment would provide an anticipated revenue amount of \$3.3 million. After review of historical assessment payments from the County Auditor, Park Board CFO determined that the Urban Forestry Assessment averages an annual delinquency rate of \$100,000. Given the increased cost of the emergency and preventative maintenance contractual services from FY22 and 23, the Urban Forestry Program is anticipating a cost overrun of \$274,000 in hazard tree abatement and preventative maintenance that must be borrowed forward from the 2023 assessment year. Therefore, equating to a FY24 operating budget of \$2,964,400. The work plan below provides high level details for anticipated expenditures for this budget.

Personnel – \$971,000

Salary and fringes for 50% Division Manager of Natural Resources, 50% Senior GIS Analyst, Urban Forestry Supervisor, four Urban Forestry Specialists, two Florists, one Administrative Technician, one seasonal Recreational Specialist for GIS and Street Tree Inventory, one seasonal Recreational Specialist dedicated to young tree maintenance.

Capital Equipment – \$53,000

Capital equipment – Pickup truck

Maintenance – \$1,728,000

Emergency - Continuation of the routine and emergency street tree maintenance

Preventive Pruning Cycle (PM) – Comprehensive street tree pruning for the Carthage, Hartwell, California, Mt. Washington, East End, Linwood, Columbia Tusculum, Mt. Lookout, Oakley, and Madisonville neighborhoods.

Stump Grinding - Continued routine and back log stump removal from FY22 and 23

Planting – \$164,000

Spot Planting - maintain citywide planting program to support development projects and to replace trees removed in all communities

Comprehensive Planting –targeted plantings in the highest need neighborhoods as determined by the 2020 Urban Tree Canopy Analysis

Young Tree Maintenance – water and fertilize two-year-old trees most susceptible to drought damage to increase survivability rates

Miscellaneous Non-Personnel – \$48,400

Municipal Garage repair and fuel costs, staff training/certification retention, CAGIS licenses, office and field supplies.

RECOMMENDED 2023 ASSESSMENT BUDGET FOR FY24
Urban Forestry Street Tree Program
Division of Natural Resource
Cincinnati Park Board

Assessment rate: \$0.31/ft

EXPENSES	Proposed 2023 Budget
Personnel	\$971,000.00
Capital Equipment	\$53,000.00
Contractual	
Emergency	\$575,000.00
Preventive	\$1,003,000.00
Stump Grinding	\$150,000.00
Planting	\$150,000.00
Young Tree Maintenance	\$14,000.00
Materials & Supplies	\$48,400.00
<i>Training + Travel</i>	<i>\$1,500.00</i>
<i>*Fleet (Repair + Fuel)</i>	<i>\$27,000.00</i>
<i>*Utilities</i>	<i>\$6,000.00</i>
<i>Advertisement</i>	<i>\$2,000.00</i>
<i>Office Supplies</i>	<i>\$3,000.00</i>
<i>Hort. + Small Power Equip</i>	<i>\$900.00</i>
<i>CAGIS Annual Licenses</i>	<i>\$8,000.00</i>
<hr style="width: 20%; margin-left: 0;"/>	
<i>(sum of above)</i>	<i>\$48,400.00</i>
TOTAL	\$2,964,400.00
REVENUE	
Fund 792 assessment	\$3,338,612.65
Anticipated Delinquencies	-\$100,000.00
Anticipated Cost Overrun	
FY 22	\$ (118,000.00)
FY 23	\$ (156,000.00)
	<hr style="width: 20%; margin-left: 0;"/> -\$274,000.00

Attachment 3: Executive Summary of UF Budget Justification

Cincinnati's Parks Urban Forestry Program (UFP) provides hazard abatement and routine maintenance for the City's approximately 80,000 street trees. The UFP is funded through an annual assessment, presently (FY '22 and '23) set at \$0.21/FF (front foot) and with budgeted expenditures of \$2.4 million. In June 2021, the City's critical emergency tree services (EM) contract was publicly bid resulting in more than a 30% increase. The UFP analyzed the three year average (2018 – 2021) to determine the number of pruning/removal units per size class, and hourly time and material costs of past work performed under the EM contract. Based on these averages, costs were anticipated to increase \$187,000 for FY '22, from \$388,000 per year to \$575,000 (32% increase). A review of the historic cost of the UFP's Preventive Maintenance Pruning and Removal (PM) contracts revealed similar cost increases. For example, the unit price to prune a tree in Westwood increased from \$45 in the 2014 cycle, to \$70 in 2021, a 36% increase.

Under the guidance of Parks Chief Financial Officer (CFO), the UFP procured an *IBIS Tree Trimming Services Industry Report* that revealed tree trimming costs nationwide have increased 36% over the past 10 years. The report explains that this is due to labor supply, corresponding wage increases, and increased demand for services. The increased costs the UFP noted for its EM and PM bids is consistent with the findings of this IBIS business sector report. The Parks CFO noted that market analysis should be used to guide historic assessment increases and had this been done over the past 10 years, the UFP should have been at \$0.31/ FF instead of the current rate of \$0.21/ FF. This would have permitted UFP operations to better respond to market increases. Staff researched other Ohio municipalities that use FF assessment to fund their urban forestry programs, finding that Cincinnati has one of the lowest rates in the state. Toledo, Ohio, the closest comparison city to Cincinnati, is currently assessing more than double the FF rate, at \$0.50/FF, while serving a smaller population, similar sized area, but with less canopy coverage, and the same number of street trees.

From the initial findings, the UFP determined that if it were to continue full operations as planned, there would be a projected deficit of \$290,000 in FY 22, and \$635,000 in FY 23 resulting in budgetary shortfalls that would continue to compound and impact the city into the future. In anticipation, several options were considered to address the consequences, both mid-term (within the current and next fiscal year), and long-term (beyond FY 23).

Mid-Term: Starting the third quarter of FY 22 and through FY 23, UFP will cease planting and stump grinding services, focusing solely on hazard tree abatement, emergency response and preventative maintenance. Based on historic workload averages, this will require the UFP to borrow forward to FY24 (assessment year 2023) in the amount of \$274,000.

FY 24: Staff considered and analyzed the following options to correct for shortfall long term:

- 1) Maintain current assessment rate at \$0.21 and decrease services
- 2) Development of in-house tree crews
- 3) Increase the UF Assessment to meet our expected budgetary program needs.

Option 1 represents the worst-case scenario. An assessment rate of \$0.21/FF would bring insufficient revenue to keep pace with the costs of the local tree industry and inflation overall. Substantial programmatic cuts to planting and stump grinding would be necessary to balance the UFP budget. In addition, work scheduled under the preventive tree maintenance cycles would have to be strategically assigned based upon available budget, further delaying much needed tree care in neighborhoods that are already two to three years behind schedule. This would place more burden on the EM contract thereby decreasing efficiencies and increasing costs.

Option 2 would allow the UFP to minimize reliance on contractual tree services, through the creation of new positions, followed by hiring and outfitting an in-house tree crew. The drawback to this option would be the high initial cost for equipment purchases, coupled with the increasingly long time required for city vehicle acquisition. Also, the current salaries offered for City tree climbing positions are not competitive with private industry, creating a shortage of qualified tree climbers. Parks is currently working to address the latter issue with Central HR. Option 2 would still require an assessment increase of at least \$0.30/FF to hire and outfit a crew.

The best-case scenario would be Option 3, providing an adequate assessment increase commensurate with industry costs. This would allow the UFP to continue services as they have historically functioned and explore a hybrid approach with Option 2, adding an in-house crew over time, while maintaining current management objectives for tree maintenance and planting. Forestry staff calculated the community impact of a \$.10 increase, within and above low and medium income (LMI) census tracts as designated by HUD. Running these models indicated that an increase of \$.10/FF from the current rate of \$0.21/ FF would have an equal impact on those above and below LMI. Meaning that the majority of property owners would go from paying **\$10.50 per year to \$15.50**.

The Urban Forestry Advisory Board (UFAB), tasked with guiding the UFP, is made up of City Manager appointed residents and departmental appointed city officials. Findings in this report were first presented to UFAB during their October meeting, in which the Board unanimously passed a motion to recommend the Board of Park Commissioners (CPB) set the determination of need for the Urban Forest assessment at \$0.31/FF. After supplying a detailed report of the current situation, staff presented findings and options to the CPB, during its December meeting. The CPB unanimously recommended that City Council increase the 2023 Forestry assessment to \$0.31/ FF, to allow the UFP to continue making strides in equitably increasing tree canopy coverage where it's needed most, get the pruning cycle back on schedule, work toward the incorporation of an in-house tree crew to reduce reliance on contractual services, and begin to build a 10% budgetary reserve to buffer against unforeseen, yet inevitable market fluctuations.

At this assessment rate, staff has developed a plan to minimize projected overruns for the next two fiscal years. FY22 and 23 funds will be focused on continued hazard tree abatement and progress to catch up on the preventive maintenance cycle, while conducting tree replacement and stump grinding as the budget allows. By doing so, staff has minimized the projected shortfall from \$925,000 to \$274,000. As noted, this deficit would be covered by borrowing forward to FY 24. This assessment rate for FY25 will allow us to work towards meeting the goals set by the CPB noted above.

March 2, 2022

To: Mayor and Members of City Council 202200532
From: John P. Curp, Interim City Manager
Subject: **Ordinance – HR: Seasingood Internship Program Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount not to exceed \$34,560 from the Murray & Agnes Seasingood Good Government Foundation for the purpose of administering an internship program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Citizens Summer Jobs Fund 308.

Approval of this Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount not to exceed \$34,560 from the Murray & Agnes Seasingood Good Government Foundation for the purpose of administering an internship program. Approval of this Ordinance further authorizes the Finance Director to deposit the grant funds into Citizens Summer Jobs Fund 308.

There is a grant available from the Murray & Agnes Seasingood Good Government Foundation that will allow for the administration of an internship program, for temporary placement of up to six interns in various departments such as, Human Resources, City Planning and Engagement, Greater Cincinnati Water Works, Office of Budget and Evaluation, and Community and Economic Development.

This grant does not require matching funds. There are no new FTEs associated with this grant.

In order to meet the April 15, 2022 submission deadline for this grant, the application may be submitted prior to the effective date of this Ordinance, although no grant funds will be accepted without City Council approval.

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 in an amount not to exceed \$34,560 from the Murray & Agnes Seasongood Good Government Foundation for the purpose of administering an internship program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Citizens Summer Jobs Fund 308.

WHEREAS, there is a grant available from the Murray & Agnes Seasongood Good Government Foundation that will allow for the administration of an internship program and for temporary placement of up to six interns in various departments, such as Human Resources, City Planning, Greater Cincinnati Water Works, Office of Budget and Evaluation, and Community and Economic Development; and

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

WHEREAS, in order to meet the April 15, 2022 submission deadline for this grant, the application may be submitted prior to the effective date of this ordinance, although no grant funds will be accepted without Council approval; 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 apply for, accept, and appropriate a grant in an amount not to exceed \$34,560 from the Murray & Agnes Seasongood Good Government Foundation for the purpose of administering an internship program.

Section 2. That the Director of Finance is hereby authorized to receive and deposit the grant funds into Citizens Summer Jobs Fund 308.

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 hereof.

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

March 2, 2022

To: Mayor and Members of City Council 202200533

From: John P. Curp, Interim City Manager

Subject: **Ordinance – Federal FY 2022 Certified Local Government Grant Program**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant of up to \$10,000 from the Federal FY 2022 Certified Local Government Grant Program, which funds shall be used to reimburse certain costs associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio during July 2022.

Approval of this Ordinance will authorize the City Manager to apply for a grant of up to \$10,000 from the Federal FY 2022 Certified Local Government Grant Program, which will be used to reimburse certain costs associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in July 2022.

The City of Cincinnati was selected to host the National Alliance for Preservation Commission’s Biennial Conference Forum, which will attract 800 to 1,000 participants from 44 states to the City from July 13-17, 2022. The City will co-host the conference with the State Historic Preservation Office, the Ohio History Connection, and the Cincinnati Preservation Association. The grant funds will support the conference by covering costs of facilitating conference sessions and bus tours, print materials for conference sessions, the conference program, and keynote speakers.

The City’s grant application will be enhanced by the City’s demonstrating its commitment to the Conference in the form of a conference sponsorship by the Department of Buildings and Inspections. No new FTEs or local match requirements are associated with this grant. The grant application was due February 18, 2022. Therefore, the Department of City Planning and Engagement will have applied for this grant prior to receiving approval from the City Council, but no grant funds will be accepted without approval of the City Council.

The use of Certified Local Government Program grant resources is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” as described on page 193 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment



City of Cincinnati

CFG

AWB

An Ordinance No. _____

- 2022

AUTHORIZING the City Manager to apply for a grant of up to \$10,000 from the Federal FY 2022 Certified Local Government Grant Program, which funds shall be used to reimburse certain costs associated with hosting the National Alliance for Preservation Commission's Biennial Conference Forum in Cincinnati, Ohio during July 2022.

WHEREAS, the City is a Certified Local Government, authorized to manage the local historical resources within the City, a function carried out through the Office of the Urban Conservator in the Department of City Planning and Engagement and the work of the Historic Conservation Board; and

WHEREAS, only Certified Local Governments with demonstrated historic preservation programs may apply for and receive funds from the Certified Local Government Program; and

WHEREAS, the City was selected to host the National Alliance for Preservation Commission's Biennial Conference Forum ("the Conference"), which will attract 800 to 1,000 participants from 44 states to the City from July 13-17, 2022; and

WHEREAS, the City will co-host the Conference with the State Historic Preservation Office, the Ohio History Connection, and the Cincinnati Preservation Association; and

WHEREAS, there is a Certified Local Government grant available that the City can use for the reimbursement of costs associated with hosting the Conference; and

WHEREAS, the grant funds will support the conference by covering costs of facilitating conference sessions and bus tours, print materials for conference sessions, the conference program, and keynote speakers; and

WHEREAS, the City's grant application will be enhanced by the City's demonstrating its commitment to the Conference by providing funding for the cost of the Conference in addition to the grant funding, and the Department of Buildings and Inspections will provide funds in an amount of up to \$10,000 in the form of a conference sponsorship to support the Conference; and

WHEREAS, no new FTEs or local match requirements are associated with this grant; and

WHEREAS, the grant application was due February 18, 2022, and therefore the Department of City Planning and Engagement will have applied for the grant prior to receiving approval from Council, but no grant funds will be accepted without approval of Council; and

WHEREAS, the use of Certified Local Government Program grant resources is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” as described on page 193 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for a grant of up to \$10,000 from the Federal FY 2022 Certified Local Government Grant Program, which funds shall be used to reimburse certain costs associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio during July 2022.

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

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

March 2, 2022

To: Mayor and Members of City Council 202200537
From: John P. Curp, Interim City Manager
Subject: Ordinance – Cincinnati Children’s Hospital Medical Center Grant for North Avondale Recreation Center Programming

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept a grant in an amount of \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing funding for various programming activities for Avondale youth and families; **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund No. 323, “Recreation Special Activities”; and further **AUTHORIZING** the transfer and appropriation of \$14,500 from the unappropriated surplus of Fund No. 323, “Recreation Special Activities,” to Recreation’s non-personnel operating budget account no. 323x193x7300 and the transfer and appropriation of \$10,500 from the unappropriated surplus of Fund No. 323, “Recreation Special Activities,” to Recreation’s non-personnel operating budget accounts no. 323x197x7300.

Approval of this Ordinance would authorize the City Manager to accept a grant in an amount of \$25,000 from the Cincinnati Recreation Foundation, on behalf of the Cincinnati Children’s Hospital Medical Center, to the Cincinnati Recreation Commission for the purpose of providing funding for various programming activities for Avondale youth and families.

The North Avondale Recreation Center will use these resources to provide various programming activities for Avondale youth and families in need, including swim lessons, social, educational, and summer programming, memberships, and trauma sensitive spaces programming. Acceptance of the grant requires no matching funds. There are no FTEs associated with the grant.

Acceptance of the grant funding is in accordance with the “[c]ollaborate” goal to “[u]nite our community” as described on pages 210-212 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 accept a grant in an amount of \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing funding for various programming activities for Avondale youth and families; **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund No. 323, “Recreation Special Activities”; and further **AUTHORIZING** the transfer and appropriation of \$14,500 from the unappropriated surplus of Fund No. 323, “Recreation Special Activities,” to Recreation’s non-personnel operating budget account no. 323x193x7300 and the transfer and appropriation of \$10,500 from the unappropriated surplus of Fund No. 323, “Recreation Special Activities,” to Recreation’s non-personnel operating budget account no. 323x197x7300.

WHEREAS, the Cincinnati Recreation Foundation received a grant in the amount of \$25,000 from Cincinnati Children’s Medical Center to fund various programming activities for youth and families in the City; and

WHEREAS, the Cincinnati Recreation Foundation is granting the funds to the Cincinnati Recreation Commission to provide funding support for various programming activities for youth and families in need, including swim lessons; social, educational, and summer programming; membership; and trauma sensitive spaces programming; and

WHEREAS, the grant funds will provide \$25,000 in resources for the North Avondale Recreation Center to provide these services; and

WHEREAS, acceptance of the grant requires no matching funds, and there are no FTEs associated with the grant; and

WHEREAS, acceptance of the grant funding is in accordance with the “[c]ollaborate” goal to “[u]nite our community” as described on pages 210-212 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 hereby authorized to accept a grant in the amount of \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing funding support for swim lessons; social, educational, and summer programming; memberships; and trauma sensitive spaces programming for Avondale youth and families in need.

Section 2. That the Director of Finance is hereby authorized to deposit the grant funds into Fund No. 323, "Recreation Special Activities" and is further authorized to transfer and appropriate \$14,500 from the unappropriated surplus of Fund No. 323, "Recreation Special Activities," to Recreation's non-personnel operating budget account no. 323x193x7300 and to transfer and appropriate \$10,500 from the unappropriated surplus of Fund No. 323, "Recreation Special Activities," to Recreation's non-personnel operating budget account no. 323x197x7300.

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

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

February 24, 2022

To: Mayor and Members of Council 202200471
From: John P. Curp, Interim City Manager
Subject: Ordinance – DOTE: Safe Routes to School Grant Application

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for grant resources awarded by the Ohio Department of Transportation’s Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

This Ordinance authorizes the City Manager to apply for grant resources awarded by the Ohio Department of Transportation (ODOT)’s Safe Routes to School (SRTS) program in the amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

The grant does not require matching funds as long as the project costs are less than or equal to the grant amount. In an effort to ensure the project costs stay below the \$400,000 amount, preliminary engineering and design tasks will be completed using existing and future Department of Transportation and Engineering (DOTE) capital improvement program project account resources. No new FTEs are required.

The application deadline is March 4, 2022, and the application may be submitted prior to the effective date of this Ordinance. Grant resources will not be accepted without authorization from the City Council.

The implementation of various safety improvements within two miles of schools is in accordance with the “Connect” goal to “develop an efficient multi-modal transportation system that supports neighborhood livability,” as well as the strategies to “expand options for non-automotive travel” and to “plan, 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 grant resources awarded by the Ohio Department of Transportation’s Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

WHEREAS, various safety improvements within the City of Cincinnati would provide a safe and secure route within two miles of schools for local students; and

WHEREAS, a grant is available from the Ohio Department of Transportation through the Safe Routes to School grant program in an amount of up to \$400,000; and

WHEREAS, the grant does not require matching funds so long as the project costs are less than or equal to the total grant amount; and

WHEREAS, in an effort to ensure that the project costs stay below the \$400,000 grant cap, preliminary engineering and design tasks will be completed using existing and future Department of Transportation and Engineering capital improvement program project account resources; and

WHEREAS, in order to meet the March 4, 2022 submission deadline for this grant, the application may be submitted prior to the effective date of this Ordinance, although no grant funds will be accepted without Council approval; and

WHEREAS, no additional FTEs are necessary for this grant; and

WHEREAS, implementation of various safety improvements within two miles of schools is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as the strategies to “[e]xpand options for non-automotive travel” and 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 to apply for grant resources from the Ohio Department of Transportation’s Safe Routes to School program in an amount of up to \$400,000 for the purpose of constructing sidewalks on Westwood Northern Boulevard between McHenry Avenue and Baltimore Avenue.

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

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

February 24, 2022

To: Mayor and Members of City Council

202200472

From: John P. Curp, Interim City Manager

Subject: Emergency Ordinance – ECC: Moral Obligation Payment to US Bank

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio’s \$3,000 purchasing limit without certification.

This Emergency Ordinance authorizes the payment of \$3,285 from the Emergency Communications Center (ECC)’s General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio’s \$3,000 purchasing limit without certification.

The Emergency Communications Center purchased emergency medical dispatch training and certification for new hires in the City’s 9-1-1 Call Center from Priority Dispatch Corporation. A purchase card (“P-card”) was used to purchase the training and certification, but the total charge exceeded the State of Ohio’s purchasing limit of \$3,000 without certification, resulting in a moral obligation. Accounting staff within the Emergency Communications Center have been advised regarding the issue that resulted in this oversight and have taken steps to ensure it is not repeated.

The reason for the emergency is the immediate need to make payment on the impacted purchase card.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

AKS

- 2022

AUTHORIZING the payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification that was billed to a purchase card resulting in charges that exceeded the State of Ohio's \$3,000 purchasing limit without certification.

WHEREAS, the State of Ohio requires any purchase over \$3,000 to be certified; and

WHEREAS, the Emergency Communications Center purchased emergency medical dispatch training and certification for new hires in the City's 9-1-1 Call Center from Priority Dispatch Corporation; and

WHEREAS, a purchase card (P-card) was used to purchase the training and certification, but the total charge exceeded the State of Ohio's purchasing limit of \$3,000; and

WHEREAS, accounting staff within the Emergency Communications Center have been advised regarding the issue that resulted in this oversight, and steps have been taken to ensure that this issue is not repeated; and

WHEREAS, sufficient funds are available from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 to pay for the services provided by the vendor; and

WHEREAS, Council desires to provide payment for such services in an amount totaling \$3,285; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$3,285 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7215 as a moral obligation to US Bank for training and certification provided to the City of Cincinnati.

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 on the impacted purchase card.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

February 24, 2022

To: Mayor and Members of City Council **202200475**

From: John P. Curp, Interim City Manager

Subject: Ordinance – CRC: Funding for Oakley Recreation Center

Attached is an Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x199x221915, “Oakley Recreation Center,” for the purpose of providing resources to acquire real estate or interest therein for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide ADA access and life safety requirements; and **AUTHORIZING** the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, “Oakley Recreation Center.”

Approval of this Ordinance authorizes the establishment of new capital improvement program project account no. 980x199x221915, “Oakley Recreation Center,” for the purpose of providing resources to acquire real estate or interest therein for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide Americans with Disabilities Act (ADA) access and life safety requirements. Approval of this Ordinance will also authorize the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, “Oakley Recreation Center.”

On June 22, 2016, the City Council passed Ordinance No. 0202-2016, which authorized financing not to exceed \$2,000,000 of parks and recreation bonds for the

Oakley Recreation Center project, and Ordinance No. 0165-2016, which authorized the transfer and appropriation of \$2,000,000 from the unappropriated surplus of Park and Recreation Bond Fund 860 to the capital improvement project account “Oakley Recreation Center.” Since the project was not ready to proceed at that time, debt was never issued for the project.

On March 6, 2019, the City Council passed Ordinance No. 0076-2019, which authorized an amendment to Ordinance No. 0165-2016, and ordained that when the Oakley Recreation Center project was ready to proceed, the City Council shall consider passage of an appropriation to the recreation center capital improvement program project to be generated with the debt issuance authority granted in Ordinance No. 0202-2016. Since the project is now ready to proceed, the debt can now be issued for the project and an appropriation is necessary in order to authorize the expenditure of resources.

The Oakley Recreation Center project is in accordance with the “Live” goal to “Build a robust public life” and strategy to “Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on pages 149 - 152 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment



City of Cincinnati

KKF

An Ordinance No. _____

- 2022

ESTABLISHING new capital improvement program project account no. 980x199x221915, “Oakley Recreation Center,” for the purpose of providing resources to acquire real estate or an interest therein for parks, parkways, playgrounds, and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds, and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide ADA access and life safety requirements; and **AUTHORIZING** the transfer and appropriation of \$2,000,000 from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x199x221915, “Oakley Recreation Center.”

WHEREAS, the Oakley Recreation Center is part of the Recreation Master Plan, designed to meet the current demands and programming needs of the public; and

WHEREAS, the new recreation center is designed to be larger than the existing center and will include a gymnasium and rooms for specific activities, and will meet current building codes, provide Americans with Disabilities Act (ADA) access, and meet life safety requirements; and

WHEREAS, on June 22, 2016, Council passed Ordinance No. 0202-2016, which authorized financing not to exceed \$2,000,000 of parks and recreation bonds for the Oakley Recreation Center project, and Ordinance No. 0165-2016, which authorized the transfer and appropriation of \$2,000,000 from the unappropriated surplus of Park and Recreation Bond Fund 860 to the capital improvement project account “Oakley Recreation Center”; and

WHEREAS, since the project was not ready to proceed at that time, debt was never issued for the project; and

WHEREAS, on March 6, 2019, Council passed Ordinance No. 0076-2019, which authorized an amendment to Ordinance No. 0165-2016, and ordained that when the Oakley Recreation Center project is ready to proceed Council shall consider passage of an appropriation to the recreation center project to be generated with the debt issuance authority granted in Ordinance No. 0202-2016; and

WHEREAS, since the project is now ready to proceed, debt can now be issued for the project; and

WHEREAS, the Oakley Recreation Center project is in accordance with the “Live” goal to “[b]uild a robust public life” and strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people,” as described on pages 149 - 152 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to establish new capital improvement program project account no. 980x199x221915, "Oakley Recreation Center," for the purpose of providing resources to acquire real estate or an interest therein, for parks, parkways, playgrounds, and recreation centers, improving and equipping such real estate, rehabilitating existing parks, parkways, playgrounds, and recreation centers, including the design and construction of a recreation center in the Oakley neighborhood as part of the Recreation Master Plan designed to meet the current demands and programming needs of the public, said recreation center to be larger than the existing center and include a gymnasium, rooms for specific activities, to comply with current building codes, and to provide ADA access and life safety requirements.

Section 2. That the sum of \$2,000,000 is hereby transferred and appropriated from the unappropriated surplus of the Park and Recreation Improvement Bond Fund 860 to the newly established capital improvement program project account no. 980x199x221915, "Oakley Recreation Center."

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

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

February 24, 2022

To: Mayor and Members of City Council **202200478**
From: John P. Curp, Interim City Manager
**Subject: Emergency Ordinance – 2022 Emergency Solutions Grant (ESG)
Program Reconciliation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source, Emergency Shelter Grant Fund 445, of the sum of \$559,380.39 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

As indicated in Section 1 of the attached Schedule of Transfer, approval of this Emergency Ordinance authorizes the transfer and return to source, Emergency Shelter Grant Fund 445, the sum of \$559.380.39 from various Emergency Shelter Grant project accounts.

As indicated in Section 2 of the attached Schedule of Transfer, this Emergency Ordinance also authorizes the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

The Emergency Solutions Grant Program (ESG) provides annual grants to local communities for projects that engage persons living on the street, improve the number and quality of shelters, help operate shelters, provide essential services to shelter residents, rapidly re-house persons experiencing homelessness, and prevent people from experiencing homelessness.

The United States Department of Housing and Urban Development (HUD) awarded the initial grant allocation of \$1,013,616 for the ESG program on February 14, 2020,

which City Council accepted and appropriated through Ordinance Nos. 0020-2020 and 0107-2020.

HUD later awarded two additional tranches of stimulus funding (ESG-CV) to address the impacts of COVID-19. The first tranche totaled \$3,495,228 and was accepted and appropriated by the City Council through Ordinance Nos. 0107-2020 and 0121-2020. The second tranche of stimulus funding totaled \$4,156,549 and was accepted and appropriated by the City Council through Ordinance No. 0240-2020.

HUD requires the ESG-CV resources to be spent by September 30, 2022. A portion of the stimulus resources needs to be reallocated from administrative project accounts to other ESG-CV project accounts to complete emergency shelter renovations for increased safety related to COVID-19.

The ESG 2020 Program is in accordance with the “Live” strategy to “support and stabilize our neighborhoods,” as described on pages 160 - 163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to fund vital City programs with Emergency Solutions Grant resources according to the United States Department of Housing and Urban Development’s established timeline.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

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- 2022

AUTHORIZING the transfer and return to source, Emergency Shelter Grant Fund 445, of the sum of \$559,380.39 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$559,380.39 from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of appropriating Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

WHEREAS, the Emergency Solutions Grants Program (“ESG”) provides annual grants to local communities for projects that engage persons living on the street, improve the number and quality of shelters, help operate shelters, provide essential services to shelter residents, rapidly re-house persons experiencing homelessness, and prevent persons from experiencing homelessness; and

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) awarded the initial grant allocation of \$1,013,616 for the ESG program (ALN 14.231) via Award E-20-MC-39-0003 on February 14, 2020, which Council accepted and appropriated through Ordinance Nos. 0020-2020 and 0107-2020; and

WHEREAS, HUD later awarded two additional tranches of stimulus funding to address the impacts of the COVID-19 pandemic; and

WHEREAS, the first tranche of stimulus funding (“ESG-CV”) totaled \$3,495,228 (ALN 14.231) via Award E-20-MW-39-0003 and was accepted and appropriated by Council through Ordinance Nos. 0107-2020 and 0121-2020; and

WHEREAS, the second tranche of stimulus funding totaled \$4,156,549, also via Award E-20-MW-39-0003, and was accepted and appropriated by Council through Ordinance No. 0240-2020;

WHEREAS, HUD requires the ESG-CV funding to be fully spent by September 30, 2022; and

WHEREAS, a portion of the stimulus resources needs to be reallocated from administrative project accounts to other ESG-CV project accounts to complete emergency shelter renovations for increased safety related to COVID-19; and

WHEREAS, the ESG 2020 Program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the sum of \$559,380.39 is hereby transferred and returned to source Emergency Shelter Grant Fund 445 from various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer.

Section 2. That the sum of \$559,380.39 is hereby transferred and appropriated from the unappropriated surplus of Emergency Shelter Grant Fund 445 to various Emergency Shelter Grant project accounts, in accordance with the attached Schedule of Transfer, for the purpose of transferring Emergency Shelter Grant administrative resources to Emergency Shelter Grant project accounts to completely fund emergency shelter renovations for increased safety related to COVID-19.

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

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 fund vital City programs with Emergency Solutions Grant resources according to the United States Department of Housing and Urban Development’s established timeline.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

TRANSFER SCHEDULE

DECREASE OF EXISTING EMERGENCY SOLUTIONS GRANT - CV APPROPRIATION SCHEDULE

Section 1

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Decreased	Revised Authorization
ESG-CV	445	162	4452020	ESG Stimulus Admin '20	\$349,522.00	\$349,522.00	\$0.00
ESG-CV	445	162	4452018	ESG Stimulus CV2 Admin '20	\$415,654.00	\$209,858.39	\$205,795.61
TOTAL					\$765,176.00	\$559,380.39	\$205,795.61

INCREASE OF EXISTING EMERGENCY SOLUTIONS GRANT - CV APPROPRIATION SCHEDULE

Section 2

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Increased	Revised Authorization
ESG-CV	445	162	4452017	ESG Stimulus '20	\$3,145,706.00	\$349,522.00	\$3,495,228.00
ESG-CV	445	162	4452029	ESG Stimulus CV2 '20	\$3,740,895.00	\$209,858.39	\$3,950,753.39
TOTAL					\$6,886,601.00	\$559,380.39	\$7,445,981.39

February 24, 2022

To: Mayor and Members of City Council 202200479
From: John P. Curp, Interim City Manager
Subject: **Emergency Ordinance – HOME-ARP Reconciliation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source Fund 411, “Home Investment Trust,” of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts, according to the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, “Home Investment Trust,” to various new and existing Home Investment Trust Fund 411 project accounts, according to the attached schedule of transfer, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development.

This Emergency Ordinance authorizes the transfer and return to source Fund 411, “Home Investment Trust,” of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts. This Emergency Ordinance also authorizes the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, “Home Investment Trust,” to various new and existing Home Investment Trust Fund 411 project accounts for the purpose of appropriating resources to projects approved by the United States Department of Housing and Urban Development (HUD).

The City received an initial entitlement grant award of \$2,737,925 from the HUD HOME Investment Partnership Program (HOME), which the City Council authorized in Ordinance No. 0132-2021 on February 25, 2021. HUD later awarded \$9,923,076 in additional HOME grant resources as part of the American Rescue Plan (ARP), which the City accepted and appropriated to the Home Investment Trust Fund 411 project, “HOME – American Rescue Plan,” as authorized by the City Council in Ordinance No. 0153-2021 on May 5, 2021.

On May 19, 2021, Council approved Ordinance No. 0166-2021, which returned to source the sum of \$9,900,000 from Home Investment Trust Fund 411 project, “HOME – American Rescue Plan,” and appropriated \$9,900,000 from the unappropriated surplus of Home Investment Trust Fund 411 to newly established projects, including \$3,000,000 to “Bethany House Services,” and \$500,000 to “HARBOR.”

To align use of HOME resources previously approved for the HARBOR program to eligible uses and to categorize the resources previously appropriated by the Bethany House project in a manner that the City will report the use of such resources to HUD, based on guidance received by HUD, the City Council desires to transfer the HOME resources in accordance with the attached schedule of transfer.

The \$23,076 previously appropriated to the “HOME – American Rescue Plan” project, but unallocated to a specific project will be appropriated for “HOME – ARP Administration.” The \$3,000,000 previously appropriated to the “Bethany House Services” project will continue to serve the Bethany House in the new “Non-congregate Shelter Development” project. The \$500,000 previously appropriated to the “HARBOR” project will instead be appropriated to the existing “Affordable Housing Trust Fund” project. Funding for the HARBOR program will be replaced with other Community Development Block Grant (CDBG) resources.

The HOME and ARP grant programs are in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160 - 163 of Plan Cincinnati (2012).

The reason for the emergency is so the resources referenced herein may be deployed at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

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- 2022

AUTHORIZING the transfer and return to source Fund 411, “Home Investment Trust,” of the sum of \$3,523,076 from various Home Investment Trust Fund 411 project accounts, according to the attached Schedule of Transfer; and **AUTHORIZING** the transfer and appropriation of the sum of \$3,523,076 from the unappropriated surplus of Fund 411, “Home Investment Trust,” to various new and existing Home Investment Trust Fund 411 project accounts, according to the attached schedule of transfer, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development.

WHEREAS, the City received an initial entitlement grant award of \$2,737,925 from the United States Department of Housing and Urban Development (“HUD”) HOME Investment Partnerships Program (“HOME”) through Award No. M-21-MC-39-0213 (ALN 14.239) on February 25, 2021, which Council accepted and appropriated through Ordinance No. 0132-2021; and

WHEREAS, HUD later awarded \$9,923,076 through Award No. M-21-MP-39-0213 in additional HOME grant resources pursuant to the American Rescue Plan (“ARP”) Act, which Council accepted and appropriated to Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME – American Rescue Plan,” on May 5, 2021, through Ordinance No. 0153-2021; and

WHEREAS, on May 19, 2021, Council approved Ordinance No. 0166-2021, which returned to source the sum of \$9,900,000 from Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME – American Rescue Plan,” and appropriated the sum of \$9,900,000 from the unappropriated surplus of Home Investment Trust Fund 411 to newly established project accounts, including \$3,000,000 to project account no. 411x162x4112135, “Bethany House Services,” and \$500,000 to project account no. 411x162x4112137, “HARBOR”; and

WHEREAS, to (i) align the use of HOME resources previously appropriated for the HARBOR program to eligible uses, and (ii) categorize the resources previously appropriated for the Bethany House project in the manner that the City will report the use of such resources to HUD, Council desires to transfer the HOME resources in accordance with the attached Schedule of Transfer; and

WHEREAS, the HOME and ARP grant programs are in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the sum of \$3,523,076 is hereby transferred and returned to source Fund 411, "Home Investment Trust," from various existing Home Investment Trust Fund 411 project accounts, according to the Schedule of Transfer attached hereto.

Section 2. That the sum of \$3,523,076 is hereby transferred and appropriated from the unappropriated surplus of Fund 411, "Home Investment Trust," to various new and existing Home Investment Trust Fund 411 project accounts, according to the Schedule of Transfer attached hereto, for the purpose of appropriating resources to projects consistent with guidance issued by the United States Department of Housing and Urban Development ("HUD").

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

Section 4. That the City Manager is hereby authorized to submit, modify, or amend any and all necessary documents required to be sent to HUD to carry out the provisions of the HOME Investment Partnerships Program and the American Rescue Plan grants referenced in this ordinance, including filing of the 2021 Annual Action Plan Amendment.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is so the resources referenced herein may be deployed at the earliest possible time.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

RECONCILIATION SCHEDULE

DECREASE OF EXISTING HOME INVESTMENT PARTNERSHIPS PROGRAM - ARP APPROPRIATION SCHEDULE

Section 1

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Decreased	Revised Authorization
HOME	411	162	4112131	HOME-American Rescue Plan	\$23,076.00	\$23,076.00	\$0.00
HOME	411	162	4112135	Bethany House Services	\$3,000,000.00	\$3,000,000.00	\$0.00
HOME	411	162	4112137	HARBOR	\$500,000.00	\$500,000.00	\$0.00
TOTAL					\$3,523,076.00	\$3,523,076.00	\$0.00

INCREASE OF HOME INVESTMENT PARTNERSHIPS PROGRAM - ARP APPROPRIATION SCHEDULE

Section 2

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Increased	Revised Authorization
HOME	411	162	4112130	HOME-ARP Administration	\$0.00	\$23,076.00	\$23,076.00
HOME	411	162	4112132	Non-congregate Shelter Development	\$0.00	\$3,000,000.00	\$3,000,000.00
HOME	411	162	4112136	Affordable Housing Trust Fund	\$6,400,000.00	\$500,000.00	\$6,900,000.00
TOTAL					\$6,400,000.00	\$3,523,076.00	\$9,923,076.00

February 24, 2022

To: Mayor and Members of City Council

From: John P. Curp, Interim City Manager **202200483**

Subject: **Emergency Ordinance – Water Research Foundation Agreement**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to enter into an agreement on behalf of the Greater Cincinnati Water Works with the Water Research Foundation for the purpose of co-funding, along with five other water utilities, a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs.”

This Emergency Ordinance authorizes the City Manager to enter into an agreement with the Water Research Foundation (WRF) to provide co-funding, along with five other water utilities, to support a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs”.

The United States Environmental Protection Agency recently updated the standards in the Lead and Copper Rule to require water utilities such as the City of Cincinnati’s Greater Cincinnati Water Works (GCWW) to develop a plan for replacement of a minimum of 3.5% of all lead service lines (LSLs) each year. In order to properly plan for the systematic removal of lead lines, it is essential to be able to determine whether a property has a lead water service line. GCWW currently relies on historic records, excavation of the pipe, and checking inside the building to identify the underground service line material, which in some cases may not identify lead pipe in a portion of the service line that is not visible at the excavation site.

WRF is willing to contribute \$100,000 from its Tailored Collaboration Program to co-fund a collaborative research project led by Cornwell Engineering Group known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs” that aims to conduct proof of concept testing on three innovative, no-dig detection platforms for underground water service line material and compare them to traditional means of material identification. The completion of the research will allow GCWW and the water industry to identify the best method to locate lead service lines for removal, ideally without digging or entering the home.

The *Letter of Agreement for Co-Funding* between the City and WRF attached as Exhibit A hereto outlines the responsibilities and rights of WRF and the City in connection with the collaborative research project. GCWW is willing to contribute \$16,000 in funding and up to \$12,000 in in-kind on-site testing participation for the project, which will be matched by similar co-funding and in-kind participation from DC Water, Aquarion Water, Pittsburgh Water and Sewer Authority (PSWA), American Water, and Aqua America (Pennsylvania). GCWW's contribution can be made from their existing FY 2022 appropriation. The co-funding contribution from utilities of \$100,000, combined with WRF co-funding adds up to a total of \$200,000 plus additional on-site research services for the project.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Verna Arnette, GCWW Deputy Director

EMERGENCY

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- 2022

AUTHORIZING the City Manager to enter into an agreement on behalf of the Greater Cincinnati Water Works with the Water Research Foundation for the purpose of co-funding, along with five other water utilities, a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs.”

WHEREAS, the United States Environmental Protection Agency recently updated the standards in the Lead and Copper rule to require water utilities such as the City of Cincinnati’s Greater Cincinnati Water Works (“GCWW”) to develop a plan for replacement of a minimum of 3.5 percent of all lead water service lines each year; and

WHEREAS, in order to properly plan for removal of lead lines, it is vital to be able to determine whether a property has a lead water service line; and

WHEREAS, GCWW currently relies on historic records, excavation of the pipe, and checking inside the building to identify the underground service line material, which in some cases may not identify lead pipe in a portion of the service line that is not visible at the excavation site; and

WHEREAS, the Water Research Foundation (“WRF”) is willing to contribute \$100,000 from its Tailored Collaboration Program to co-fund a collaborative research project led by Cornwell Engineering Group known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs” that aims to conduct proof of concept testing on three innovative, no-dig detection platforms for underground water service line material and compare them to traditional means of material identification; and

WHEREAS, GCWW is willing to contribute \$16,000 in funding and up to \$12,000 in in-kind on-site testing participation for the project, which contribution will be matched by similar co-funding and in-kind participation from DC Water, Aquarion Water, Pittsburgh Water and Sewer Authority, American Water, and Aqua America (Pennsylvania), for a total utility funding contribution of \$100,000, so the overall project funding from all sources will total \$200,000 plus additional on-site research services; and

WHEREAS, the completion of the research will allow GCWW and the water industry to identify the best method to locate lead service lines for removal, ideally without digging or entering the home; and

WHEREAS, the *Letter of Agreement for Co-Funding* between the City and WRF attached as Exhibit A hereto outlines the responsibilities and rights of WRF and the City in connection with the collaborative research project; 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 *Letter of Agreement for Co-Funding* with the Water Research Foundation (“WRF”) in a form substantially similar to Exhibit A hereto, and any other necessary and appropriate documents for the purpose of co-funding a collaborative research project known as “Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs” involving Cornwell Engineering, the Greater Cincinnati Water Works, and other collaborating water utilities.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the *Letter of Agreement for Co-Funding* and 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 enter into the *Letter of Agreement for Co-Funding* in order to secure the co-funding from WRF and other utilities and to avoid delay of this important research necessary to identify technologies to facilitate removal of lead as a risk to drinking water.

Passed: _____, 2022

Mayor Aftab Pureval

Attest: _____
Clerk



6666 W. Quincy Ave.
Denver, CO 80235-3098

1199 N. Fairfax St., Ste. 900
Alexandria, VA 22314-1445

February 1, 2022

<p>John Curp City Manager City of Cincinnati 801 Plum Street Cincinnati, OH 45202</p>	<p>Verna Arnette Deputy Director Greater Cincinnati Water Works 4747 Spring Grove Avenue Cincinnati, OH 45232</p>
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Re: Letter of Agreement for Co-Funding by the City of Cincinnati’s Greater Cincinnati Water Works for The Water Research Foundation Project #5152 titled, **“Identifying Service Line Materials without Excavation Distinguishing LSLs from Non-LSLs.”**

Dear Ms. Arnette:

This Letter of Agreement (“LOA”) is entered between **The Water Research Foundation** (“WRF”) a Colorado non-profit corporation, whose principal place of business is located at 6666 W. Quincy Ave., Denver, Colorado 80235 and the **City of Cincinnati** on behalf of its **Greater Cincinnati Water Works** (“GCWW” or “Co-Funder”), whose address for the purposes of this LOA is 4747 Spring Grove Avenue, Cincinnati, Ohio 45232, in furtherance of their common interest to support research on behalf of the water community.

Project #5152 (the “Project” as described in the Attachments) is a co-funded research project being funded by WRF, GCWW and other co-funding water utilities. The work for the Project has been awarded to **Cornwell Engineering**, the chosen awardee (hereafter “Sub-recipient”). WRF and the Sub-recipient will enter into and execute a separate contract a called Project Funding Agreement (hereafter “PFA”). The Sub-recipient will perform the tasks and activities outlined in the PFA to meet the Project objectives. Upon request, a copy of the executed PFA can be provided.

GCWW Duties. GCWW will provide Sixteen Thousand US dollars (\$16,000.00) to WRF in support of WRF’s Project #5152. GCWW will also provide in-kind services for this project as described in the Attachments of an estimated value of \$12,000. Funding from GCWW will be paid in full to WRF upon full execution of this LOA and upon invoicing GCWW as provided below under Contacts. If a purchase order number is required for payment of an invoice, please provide.

WRF Duties. Upon execution of this LOA, WRF will invoice GCWW for the funding that is to be paid in full. WRF will enter into similar LOAs with the other co-funding utilities for their contribution to the Project. WRF will provide One Hundred Thousand US dollars (\$100,000) in co-funding toward the

Project to match the \$100,000 total to be provided by GCWW and other co-funding utilities, for a total Project funding amount of \$200,000.

Sub-recipient costs will be recognized proportionally as costs are incurred. In the event Sub-recipient's costs incurred are less than the total funding received from WRF, the funding will be returned on a proportional basis to the Co-Funder.

WRF will reasonably monitor the Project with consideration to **GCWW's** input and needs for this Project. A Project Advisory Committee (PAC) has been formed for Project #5152 that consists of independent volunteers selected by WRF and Co-funder to provide technical review, assistance, and/or expertise related to the Project. The number of volunteers to serve on the PAC will be determined by WRF. WRF and the PAC will make mutually agreed management decisions regarding this Project. In the event of any disagreement, however, WRF shall have final decision-making authority regarding the Project.

Copyright. If the Project is satisfactorily completed in WRF's sole discretion, WRF may publish the results of the Project. WRF will own all U.S. and world-wide copyright in the reports created as a result of the research deliverables for the Project as defined in the PFA. WRF will provide an electronic PDF of any Final Report published to **GCWW** for placement on **GCWW's** website for internal use and for public viewing. **GCWW** agrees that they will not make any other use of the WRF's copyrighted materials without WRF's prior written permission. Approval for use of such materials for educational, noncommercial purposes, however, will not be unreasonably withheld. Further, any requests **GCWW** receives for a printed copy of any printed Final Report should be forwarded to WRF to fulfill the order.

Nonexclusive license. WRF grants **GCWW**, a non-exclusive, non-transferrable, royalty free, nonterminable, without any requirement of accounting, the right to use Intellectual Property developed through this research Project.

Acknowledgement. WRF and **GCWW** will be recognized as a Co-funder of the Project in the Final Report publication.

Amendments. This Agreement may not be modified or amended, nor may any term or provision be waived or discharged, including this Paragraph, except in writing, signed by all parties.

Project Termination. In the event the Project is not progressing as required by the PFA, WRF may terminate that Project and, in such event, will reimburse **GCWW** for the portion of their contribution allocated to the Project which has not already been distributed or earmarked by WRF but not yet invoiced by the Sub-recipient.

Liability/Construction/Headings. In no event, shall any judgment/order against WRF and/or **GCWW** exceed the amount of funds provided by WRF (for claims against WRF) or **GCWW** (for claims against **GCWW**) relating in any manner to this Agreement. Further, this Agreement shall not be construed against the drafter; headings are for convenience only.

Dispute Resolution/Mediation. In the event, any co-funder has a disagreement with another co-funder, each agrees to submit such dispute to a mediator chosen by both parties, with each party shall be responsible for their own costs of mediation.

Independent Contractors. The parties are independent contractors to each other. Nothing in this Agreement shall be construed to create an agency, partnership, joint venture, employment, or franchise relationship between the parties. No party shall have any right or authority to assume or create any obligation, commitment or responsibility for or on behalf of the others except as the other may expressly authorize in writing.

Contacts. Co-funder contacts for this Project are:

Organization	Contact	Contribution
Greater Cincinnati Water Works (GCWW)	Verna Arnette Deputy Director Phone: 513.591.6898 Email: verna.arnette@cincinnati-oh.gov Jeff Swertfeger Water Quality Superintendent Phone: 513.624.5068 Email: Jeff.Swertfeger@gcww.cincinnati-oh.gov John Ridder Supervising Accountant Phone: 513.591.5065 Email: john.ridder@cincinnati-oh.gov	\$16,000.00 USD \$12,000.00 in-kind

<p>The Water Research Foundation (WRF)</p>	<p>Jonathan Cuppett Research Program Manager Phone: 303.347.6122 Email: jcuppett@WaterRF.org</p> <p>Valerie Roundy Project Coordinator Phone: 303.347.6124 Email: vroundy@WaterRF.org</p> <p>Christine Conville Contracts Manager Phone: 303.734.3424 Email: cconville@WaterRF.org</p> <p>Connie Schonlau Contracts Assistant Phone: 303.347.6211 Email: cschonlau@WaterRF.org</p>	<p>\$100,000</p>
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This Agreement may be executed on separate originals or copies and shall be valid as if all parties had executed the same document. Facsimile or electronic signatures shall be valid as written signatures.

Rest of Page Intentionally Left Blank



Project 5152

IN WITNESS, WHEREOF, the parties have caused this LOA to be signed and dated as shown below.

The Water Research Foundation

By: Peter C. Grevatt, PhD
Title: Chief Executive Officer

Date: _____

City of Cincinnati

By: _____
John P. Curp, Interim City Manager
Date: _____

Recommended by GCWW:

Verna Arnette, Deputy Director

Approved by City Purchasing:

Bobbi Hageman, Chief Procurement Officer

Approved by Department of Economic
Inclusion:

Edgar DeVeyra, Interim Director

Approved as to form by:

Assistant City Solicitor

CERTIFICATION OF FUNDS:

Date: _____

Funding: _____

Amount: _____

Karen Alder, Finance Director

ATTACHMENT A
(Commitment Letter)



September 10, 2021

Richard Brown
Cornwell Engineering Group
712 Gum Rock Ct
Newport News, VA 23606

RE: Water Research Foundation (WRF) Tailored Collaboration Proposal
Identifying Service Line Materials without Excavation: Distinguishing LSLs from non-LSLs

Dear Mr. Brown,

The Greater Cincinnati Water Works (GCWW) is pleased to participate as a member of the research team submitting the tailored collaboration proposal listed above. Our water system has currently identified almost 40,000 complete or partial lead service lines (LSLs) and around 700 unknown or unidentified service lines. Consequently, we are very interested in working with the research team to develop suitable methods for identification of service line material and determine the advantages and disadvantages of each approach. We feel this research will not only benefit our system and our customers, but water systems throughout the US.

The project objectives as we understand them are to compare different methods to identify service line material composition (e.g., at minimum lead versus non-lead, and perhaps breaking down non-lead into copper, galvanized, plastic, etc.) by as many of the following means as possible:

1. Water system records (e.g., tap cards)
2. Profile sampling (collected before any other activities at the study location)
3. Potholing (i.e., local excavation at curb stop or meter) plus inspection of pipe entering house
4. Up to two non-destructive identification technologies, such as acoustic or stress wave propagation techniques
5. Excavation and visual inspection of the entire service line, when possible.

We will participate in all of these tasks, except items 3 (potholing) and 5 (excavation). However, we will gather information about lines in which we are otherwise partially uncovering to replace.

We anticipate participation in these tasks will involve our water system contributing staff time, equipment, materials, analytical services, and contractors hired by the water system to perform the following:

- Review water system records, identify candidate study locations, recruit customers at these locations to volunteer for the study, and coordinate activities with customers during the study (i.e., allowing access to site, working within the project schedule, collecting samples, etc.)
- Work with the project team and vendors from item 4 above to schedule work at study locations, and provide support as needed
- Collect and analyze water samples as defined in item 2 above

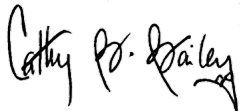


- Conduct site work as needed (surveying, service line replacement, etc.)
- After completion of activities at each study location:
 - Provide water filters certified for lead removal (pitcher), replacement filters, and instructions for filter use and maintenance to customers who have lead service lines who participate in the project
 - Provide instructions and training support (as needed) for customer who have lead service lines to conduct whole-house, high velocity flushing (HVF) as outlined in Brown et al. (2021 - WRF 4713) and AWWA Standard C810-17 (or latest version when updated)
- Review and comment on the project Final Report.

GCWW will provide a direct cash contribution to the Foundation (WRF) in the amount of \$16,000 to cover costs of the research team. In addition, GCWW anticipates total in-kind/cost-share contribution towards this project \$12,000 to cover analytical costs, labor, expenses, and materials. We will work with the research team to conduct the above described study efforts at 10 to 16 locations in our system.

We look forward to participating in this important project. If you have any questions regarding our involvement in the project, please contact Jeff Swertfeger at (513) 624-5608.

Sincerely,



Cathy B. Bailey
Executive Director,
Greater Cincinnati Water Works

ATTACHMENT B

(Project Summary)

RESEARCH OBJECTIVE

Lead service line replacements (LSLRs) are a pressing need for drinking water utilities to safeguard consumer health. However, lead service lines (LSLs) cannot be removed until their locations are identified. Unfortunately, no rapid, user-friendly and cost-effective technologies are commercially available to accurately identify LSLs, without excavation (and consequent potential disturbance of pipe protective scales). This tailored collaboration project will test three innovative and non-invasive detection platforms (acoustic monitoring, x-ray diffraction/fluorescence and stress wave propagation/attenuation) to perform buried service line characterization in blind trials using a pipe farm testing facility followed by extensive field testing in collaboration with six large geographically dispersed water utilities.

The specific test objectives will be to:

- Conduct blind trials with multiple rapid, non-invasive detection technology platforms to assess accuracy of service line characterization
- Assess performance of promising technologies (up to three) in extensive field application studies with SLs from up to 6 geographically dispersed utilities
- Examine impact of technology deployment on changes in baseline water quality
- Compare performance of test technologies to each other and to conventional physical inspection methods (e.g., potholing, profile water sampling, excavation, etc.) to validate performance
- Provide recommendations to the water industry, regulators, and WRF on approaches that can expedite LSL inventory development

BACKGROUND/UNDERSTANDING OF THE PROBLEM

Presently “15 to 22 million Americans nationally are served drinking water by lead lines” according to Cornwell et al. (2016). Given the recent attention from the public health community related to the potential impacts from lead in drinking water, it is understandable that USEPA is promoting Lead Service Line Replacements (LSLRs). Many drinking water systems are struggling to accurately develop inventories that can be used to both educate consumers and efficiently deploy a LSL replacement strategy. The traditional indirect methods (e.g., institutional knowledge, water quality data, information captured from tap cards, date of service line installation, records of recent repairs, etc.) presently available to utilities tend to be unreliable. The revisions to the LCR require identification of all unknown service lines to the greatest extent possible. Most utilities have limited records and therefore need industry accepted identification tools. This complex and challenging situation is unlikely to be solved through indirect methods. While direct methods (e.g., potholing or full excavation) can identify service line pipe materials, these approaches are time consuming and costly. Furthermore, vibrations from these activities may indirectly do harm to pipe protective scales and potentially expose customers to contaminants.

In WRF 4693, literature reviews and industry practices were explored to search for detection technologies that are fast, portable, economical, user-friendly, minimally invasive, and sufficiently sensitive to identify lead pipes buried in soils of various types (Bukhari et al. 2020).

That study concluded that there was a significant absence of convenient and/or cost-effective methodologies while utilities urgently needed practical solutions that could accurately identify buried LSLs.

Recognizing this urgent need (for rapid tools to improve the speed, efficiency, and reduce the costs of finding LSLs) was the impetus for this tailored collaboration. This tailored collaboration will examine three promising technology platforms in both blind trials and field studies. Having such tools will allow utilities to focus their efforts on premises that actually have LSLs which can then be replaced. Another need for this project is to provide utilities with multiple tools to use., Some tools can be used in conjunction with other tools, while some tools perhaps may be more suitable for certain situations over others. Therefore, this project will look not only at these alternative technological tools, but also develop a collection of tools for water systems to pick and choose. This menu will provide utilities options depending on budget, speed/urgency, and difficulty in finding the LSLs using conventional tools.

TECHNICAL APPROACH

Evaluation of the proposed technologies will be conducted in two distinct phases. In the first phase, performance of all three technologies will be tested in parallel in blind trials. This phase will use a pipe farm which has pipes of known composition (lead, copper, galvanized steel, brass and/or other materials) buried at depths of 4-5 feet. The pipe farm will have various interconnections (e.g., lead and galvanized) and be overlaid with materials including soil, sand, clay, gravel, or a combination of the four. The pipe farm testing will provide comparative testing of the different technologies and serve for prioritization of technologies for field testing. It will also provide the opportunity for participants to refine and calibrate their methodologies before these technologies advance to the extensive field during the 2nd Phase of the test plan.

In the 2nd phase, testing will evaluate material composition of at least 50 service lines from up to six participating water systems (DC Water, Aquarion, Pittsburgh Water and Sewer, Greater Cincinnati, American Water, Aqua). Comparisons of the three innovative detection technologies (acoustic monitoring, x-ray diffraction/fluorescence and stress wave propagation/attenuation) will be made relative to traditional methods, which include:

- Water system record reviews (i.e., tap cards, historic records, plans, tax records, etc.)
- Sequential Profile sampling (collected before any other activities at the study location) using techniques from Lytle, Deshommès, and others)
- Potholing (i.e., local excavation at curbstop or meter) plus inspection of pipe entering house
- Excavation

Based on these evaluations, it is anticipated that the research team will be able to capture data for each property to define the specific material (i.e., “material count”) and by the length of that specific pipe (i.e., “ft. of each material”). The ability to differentiate lead from non-lead materials and the ability to characterize non-lead materials successfully will be key success criteria for each technology.

ORIGINALITY AND INNOVATION OF THE RESEARCH

Recent and extensive literature reviews by our team as well as outreach to various industry partners and technology developers have indicated an urgent need for better tools to identify

lead pipes buried in soils of various types. Tools need to be faster, portable, economical, user-friendly, minimally invasive, and sufficiently sensitive. . Additionally, it isn't adequate just to identify lead service lines, but it is also necessary for non-lead service lines to be characterized. This requires a unique strategy in which a signal can be transmitted from a device, penetrate through the soil profile, reflect off the buried pipe, and then be retrieved and analyzed to generate a unique fingerprint for the material under interrogation. In this proposed research, three different technology platforms will be tested to evaluate their performance. By examining acoustic waves, XRF and stress waves individually, it is anticipated that the performance of these technology platforms will be tested in a controlled environment (pipe farm) and in expanded field analyses in geographically dispersed water systems. Both will be performed under blind conditions to the technology providers. As the field testing will be corroborated through a variety of validation methods ranging from historic records to excavation, the robustness of each technology for accurately determining presence of specific materials will be ascertained.

To the best of the authors' knowledge, no previous attempts have been made to conduct such comprehensive tests for user-friendly/non-invasive options to identify the material of water service lines. While NDE approaches (for instance Ground Penetrating Radar) exist to identify the location of buried pipelines, no effective tools exist to characterize the material of underground service lines.

ANTICIPATED RESULTS AND BENEFITS

Based on the data generated from this study, we anticipate identifying one or more user-friendly service line characterization technology platforms that can yield practical solutions for service line inventory development. The data from both phases of the study will specifically help:

- Vendors to refine their detection methodologies to improve sensitivity/specificity of materials analyses (if needed).
- The field comparisons will identify existing technology limitations (if any) and help define additional criteria to be considered for the technologies to be deemed successful.
- As six large utility partners will be participating in the project, the field studies will provide an opportunity to directly capture feedback from water utility practitioners on the useability and likely adoption rate (or possible impediments) of each technology.
- Importantly, data generated in this study will inform the water industry, regulators, consultants, academics, and technology manufacturers whether rapid, user-friendly and cost-effective service line characterization tools are viable.

STATEMENT OF QUALIFICATIONS

Members of the research team from Cornwell, DC Water, and American Water have cooperated on various lead projects before, including several WRF studies (4713, 4639, etc.) and can produce useful interpretation of results and guidance to WRF subscribers and other water systems. The project team will seek advice from the following technical advisors: Dr. Charles Haas, Drexel University, Elizabeth Holst, Cleveland Water Alliance and Dr. David Cornwell, Cornwell Engineering.

February 24, 2022

To: Mayor and Members of Council

From: John P. Curp, Interim City Manager **202200484**

Subject: Ordinance – DOTE: Accept and Appropriate Safe Routes to School Grant – Kirby Avenue

Attached is an Ordinance captioned:

AUTHORIZING the establishment of a new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; **AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

This Ordinance authorizes the establishment of a new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood. This Ordinance also authorizes the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School (SRTS) program (ALN 20.205), as administered by the Ohio Department of Transportation (ODOT), to new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.” Finally, this Ordinance authorizes the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

On March 17, 2021, the City Council passed Ordinance No. 0077-2021, which authorized the City Manager to apply for grant resources awarded by the Ohio Department of Transportation from the Safe Routes to School program in the amount of up to \$400,000 for the purpose of implementing various safety improvements within two miles of schools within the City of Cincinnati. The Department of Transportation and Engineering (DOTE) was awarded up to \$400,000 for the Kirby Improvements PID 115448 SRTS Grant project. City Council authorization is required to accept and appropriate the grant.

No local match is required for this grant. However, DOTE will be required to provide existing capital resources for engineering and right-of-way tasks of design, surveying, materials testing, appraisals, property negotiations, right-of-way certifications, and project administration. No new FTEs are required.

The Kirby Improvements PID 115448 SRTS Grant project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as well as the strategies to “[e]xpand options for non-automotive travel” and 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 establishment of a new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; **AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and further **AUTHORIZING** the Director of Finance to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

WHEREAS, on March 17, 2021, City Council passed Ordinance No. 0077-2021, which authorized the City Manager to apply for grant resources awarded by the Ohio Department of Transportation from the Safe Routes to School program in an amount of up to \$400,000 for the purpose of implementing various safety improvements within two miles of schools within the City of Cincinnati; and

WHEREAS, the Department of Transportation and Engineering was awarded a Safe Routes to School Grant, which provides a maximum of \$400,000 for eligible costs for construction of a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood; and

WHEREAS, no local match is required for this grant; however, DOTE will be required to provide existing capital resources for engineering and right-of-way tasks of design, surveying, materials testing, appraisals, property negotiations, right-of-way certifications, and project administration; and

WHEREAS, no additional FTEs are associated with this project; and

WHEREAS, the Kirby Improvements PID 115448 SRTS Grant project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as the strategies to “[e]xpand options for non-automotive travel,” and 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 new capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” is hereby established for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood.

Section 2. That the City Manager is hereby authorized to accept and appropriate a grant in the amount of up to \$400,000 from the federal Safe Routes to School program (ALN 20.205), as administered by the Ohio Department of Transportation, to the newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant,” for the purpose of constructing a sidewalk on Kirby Avenue from the Sun Valley Apartments to West North Bend Road in the Mt. Airy neighborhood and also constructing up to four flashing beacons in the area of Woodward High School in the Roselawn neighborhood.

Section 3. That the Director of Finance is hereby authorized to deposit the grant funds into newly established capital improvement program project account no. 980x233x222362, “Kirby Improvements PID 115448 SRTS Grant.”

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

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

February 24, 2022

To: Mayor and Members of City Council

From: John P. Curp, Interim City Manager **202200486**

Subject: **EMERGENCY ORDINANCE – PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a *Property Transfer and Development Agreement* with the Board of County Commissioners of Hamilton County, Ohio, pursuant to which the City will vacate and convey a portion of the public right-of-way known as Logan Street in the Over-the-Rhine neighborhood of Cincinnati in connection with the construction of a public parking garage.

BACKGROUND/CURRENT CONDITIONS

The Board of County Commissioners of Hamilton County, Ohio is acting on behalf of Hamilton County, Ohio (the “County”). The County has or intends to obtain site control over approximately 0.915 acres of property in the Over-the-Rhine neighborhood of Cincinnati located between Central Parkway on the west, Campbell Street on the east, and Elder Street on the south (the “Project Site”), and in close proximity to Findlay Market.

The Project Site is currently bifurcated by a portion of Logan Street (the “City ROW”). The County desires to acquire the City ROW for consolidation with the remainder of the Project Site.

DEVELOPER INFORMATION

The Board of County Commissioners of Hamilton County develops and maintains public parking adjacent to the sports and event venues within the City of Cincinnati.

PROJECT DESCRIPTION

The County intends to undertake a project on the Project Site consisting of the design and construction of a new public parking garage with approximately 515 parking spaces, at an estimated total project cost of approximately \$19,200,000.

In addition to the construction of the parking garage, the County intends to (i) construct a street that will be open to the general public, (ii) rehabilitate the public streets adjacent to or adjoining the Project Site following completion of the garage construction, and (iii)

complete a Traffic Impact Study and implement any further Department of Transportation and Engineering (“DOT E”) recommendations or requirements in response thereto, at an estimated total project cost of approximately \$1,052,000.

The proposed vacation and transfer of the City ROW was approved by the City Planning Commission on September 17, 2021.

City Planning and the County conducted a public engagement meeting with Over-the-Rhine stakeholders on September 8, 2021. A written summary of the engagement session can be found on City Planning’s website.

PROPOSED INCENTIVE

DCED is recommending the sale of the City ROW for \$1.00. The approximate Fair Market Value (“FMV”) of the City ROW was determined by appraisal to be \$56,350.

DCED is recommending a \$1.00 sale because the City will receive economic and non-economic benefits exceeding the determined FMV in connection with the project, including:

- The benefit of the infrastructure improvements, including the new street connecting Logan Street to Central Parkway, which the County intends to dedicate for use by the general public.
- Additional parking in support of the City-owned Findlay Market House and surrounding businesses and residents.

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the councilmember(s).

- Assistant City Manager: Billy Weber (Ext. 3318)
- DCED Director: Markiea Carter (Ext. 1953)
- Project Attorney: Samantha Brandenburg (Ext. 4704)

The anticipated council timeline is as follows:

- February 24, 2022: Introduction to City Council
- February 28, 2022: Budget and Finance
- March 2, 2022: City Council for Final Approval

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Attachment: A. Property location and rendering

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

Attachment A: Location & Rendering



Property Location



Project Rendering

EMERGENCY
City of Cincinnati

ZDS

An Ordinance No. _____

- 2022

AWB

AUTHORIZING the City Manager to execute a *Property Transfer and Development Agreement* with the Board of County Commissioners of Hamilton County, Ohio, pursuant to which the City will vacate and convey a portion of the public right-of-way known as Logan Street in the Over-the-Rhine neighborhood of Cincinnati in connection with the construction of a public parking garage.

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio (the "County") owns certain real property consisting of approximately 0.915 acres of real property in the Over-the-Rhine neighborhood of Cincinnati, which property is currently bifurcated by a portion of the public right-of-way known as Logan Street (the "City ROW"), as more particularly described and depicted in the *Property Transfer and Development Agreement* (the "Agreement") attached to this ordinance as Attachment A (the "Property"), which is under the management and control of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, the County desires to purchase the City ROW from the City to consolidate with the County's adjoining real property (collectively, the "Project Site"), and thereafter construct a public parking garage consisting of approximately 515 parking spaces, at an estimated total project cost of \$19,200,000 (the "Garage Project") on the consolidated Project Site; and

WHEREAS, as a material inducement to the City to vacate and convey the City ROW to the County, the County has agreed to, among other things, construct a street that will be dedicated as right-of-way for use by the general public, as more particularly described in the Agreement (the public street and associated public sidewalks and/or other public improvements (including, without limitation, any infrastructure required in support of the Garage Project and surrounding area by Greater Cincinnati Water Works ("GCWW"), Stormwater Management Utility ("SMU"), the Metropolitan Sewer District of Greater Cincinnati ("MSD"), or any other public utility) being referred to collectively herein as the "Infrastructure Project"; and together with the Garage Project, the "Project"); and

WHEREAS, the City's Real Estate Services Division has determined, by appraisal, that the fair market value of the City ROW is approximately \$56,350; however, to facilitate the Project and promote its economic feasibility, the City is willing to vacate the City ROW as public right-of-way and convey it to the County for less than fair market value; namely, for \$1.00, because the City will receive economic and non-economic benefits that equal or exceed the fair market value of the City ROW because (i) the Project will create employment opportunities and stimulate economic growth and development of other property in the area; (ii) the Garage Project will provide additional public parking for the Over-the-Rhine neighborhood, including in support of the City-owned Findlay Market House and surrounding businesses and residents; and (iii) the City

will receive the benefit of the Infrastructure Project, including the new street connecting Logan Street and Central Parkway; and

WHEREAS, the County has delivered to the City an Attorney's Certificate of Title certifying that the County is the owner of all of the property that abuts the City ROW; and

WHEREAS, if applicable, all necessary abutters will have consented to the City's vacation and sale of the City ROW to the County by executing and delivering Quitclaim Deeds prior to the City Manager vacating and conveying the City ROW to the County; 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, pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets if it has determined that the City ROW is not needed for municipal purposes and that the sale will not be detrimental to the general interest; and

WHEREAS, the City Manager, being the officer having the custody and control of the City ROW, and upon verification from DOTE, MSD, GCWW, and SMU, has determined that the City ROW is not needed for transportation or other municipal purposes, that there is good cause for vacating the City ROW as public right-of-way, and that such vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Section 723.041 of the Ohio Revised Code, any affected public utility, including, without limitation, MSD, GCWW, SMU, Duke Energy, and Cincinnati Bell, shall be deemed to have permanent easements in the City ROW for their existing utility facilities, if any; and

WHEREAS, the City has determined that it is in the best interest of the City to eliminate competitive bidding in connection with the sale of the City ROW because the City desires to vacate and convey the City ROW to the County to facilitate the Project; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's sale of the City ROW at its meeting on September 17, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Property Transfer and Development Agreement*, in substantially the form attached to this ordinance as Attachment A (the

“Agreement”), pursuant to which the City will vacate and convey to the Board of County Commissioners of Hamilton County, Ohio (the “County”) a portion of the public right-of-way known as Logan Street north of Elder Street in the Over-the-Rhine neighborhood of Cincinnati (the “City ROW”), for the County to (a) consolidate with adjoining property the County owns (together with the City ROW, the “Project Site”), and (b) construct a public parking garage consisting of approximately 515 parking spaces at the consolidated Project Site, at an estimated total project cost of approximately \$19,200,000 (the “Project”).

Section 2. That the fair market value of the City ROW, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$56,350; however, the City is agreeable to conveying the City ROW to the County for less than fair market value; namely, for \$1.00, because the City will receive economic and non-economic benefits that equal or exceed the fair market value of the City ROW because (a) the Project will create employment opportunities and stimulate economic growth and development of other property in the area; (b) the Project will provide additional public parking for the Over-the-Rhine neighborhood, including in support of the City-owned Findlay Market House and surrounding businesses and residents; and (c) the County has agreed to construct a new street and corresponding public infrastructure improvements to create access between Logan Street and Central Parkway.

Section 3. That the City ROW is not needed for transportation or other municipal purposes, and that the vacation and sale of the City ROW (subject to the creation of utility easements for existing utilities, if any, as provided for under Section 723.041, Ohio Revised Code) will not be detrimental to the general interest.

Section 4. That eliminating competitive bidding in connection with the City’s sale of the City Row is in the best interest of the City because the County owns and controls the adjoining

property, and consolidation of the City ROW with the remainder of the Project Site is necessary for the County to undertake the Project.

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

Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement, including, without limitation, executing any and all ancillary agreements, amendments, deeds, plats, terminations, releases, and other documents.

Section 7. 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 expedite the parties’ execution of the Agreement, so that the County can move forward with the Project without delay, enabling the City ROW to be put to its highest and best use, for the economic benefit of the City, at the earliest possible time.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Contract No. _____

PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT

between the

CITY OF CINCINNATI

and

BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO

Project Name: Findlay Market County Parking Garage

(sale/vacation of portion of Logan Street for consolidation with County property
for construction of public parking garage in vicinity of Findlay Market)

Dated: _____, 2022

PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT

This Property Transfer and Development Agreement (this "**Agreement**") 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, Ohio 45202 (the "**City**"), and the **BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO**, acting for and on behalf of Hamilton County, Ohio, a political subdivision of the State of Ohio, the address of which for purposes of this Agreement is County Administration Building, 138 E. Court Street, Room 603, Cincinnati, Ohio 45202 (the "**County**").

Recitals:

A. The County has or intends to obtain site control over approximately 0.915 acres of real property in the Over-the-Rhine neighborhood of Cincinnati located between Central Parkway on the west, Campbell Street on the east, and Elder Street on the south, as the same is shown on Exhibit A (Site Plan) hereto (the "**Project Site**").

B. The Project Site is currently bifurcated by a portion of Logan Street north of Elder Street, as more particularly described on Exhibit B (Legal Description – City ROW) and depicted on Exhibit C (Survey Plat – City ROW) hereto (the "**City ROW**"), which is under the management and control of the City's Department of Transportation and Engineering ("**DOT**").

C. The County desires to acquire the City ROW for consolidation with the remainder of the Project Site, upon which consolidated Project Site the County intends to undertake a redevelopment project consisting of the design and construction of a public parking garage consisting of approximately 515 parking spaces, as more particularly described on Exhibit D (Statement of Work) hereto, at an estimated total project cost of approximately \$19,200,000, as more particularly described on Exhibit E (Budget) hereto (the "**Garage Project**").

D. In addition to and in support of the Garage Project, the County intends to (i) construct a street that will be open to the general public, which is depicted on Exhibit A as "Logan Access Street", in accordance with plans and specifications that will be reviewed and approved by DOT, (ii) rehabilitate the public streets adjacent to or adjoining the Project Site following completion of the Garage Project, and (iii) complete a Traffic Impact Study and implement any further DOT recommendations or requirements in response thereto, all as more particularly described on Exhibit D hereto, at an estimated total project cost of approximately \$1,052,000, as more particularly described on Exhibit E hereto (the public street and associated public sidewalks and/or other public improvements (including, without limitation, any infrastructure required in support of the Garage Project and the surrounding area by Greater Cincinnati Water Works, Stormwater Management Utility, the Metropolitan Sewer District of Greater Cincinnati, or any other public utility) being referred to collectively herein as the "**Infrastructure Improvements**" or the "**Infrastructure Project**", as applicable; the Infrastructure Project and the Garage Project are referred to collectively herein as the "**Project**").

E. The County currently anticipates that it will (i) commence on-site construction of the Garage Project no later than April 1, 2022 (the "**Garage Project Commencement Date**"); and (ii) complete construction of (a) the Infrastructure Project no later than July 1, 2023 (the "**Infrastructure Project Completion Date**"), and (b) the Garage Project no later than July 1, 2023 (the "**Garage Project Completion Date**").

F. The City's Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the City ROW is \$56,350; however, the City is willing to sell the City ROW for less than fair market value, namely, for \$1.00, because the City will receive economic and non-economic benefits exceeding such fair market value in connection with the Project, including (i) the benefit of the Infrastructure Improvements, including the new street connecting Logan Street to Central Parkway, which the County intends to dedicate for use by the general public, (ii) additional parking in support of the City-

owned Findlay Market House and surrounding businesses and residents, and (iii) urban redevelopment of Over-the-Rhine.

G. Pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets if it has determined that the property is not needed for municipal purposes.

H. 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 of Ohio, 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.

I. The City has determined that (i) in consultation with the City's Department of Community and Economic Development ("DCED") and DOTE, the City ROW is not needed for transportation or other municipal purposes; and (ii) it is in the best interest of the City to eliminate competitive bidding in connection with the City's sale of the City ROW because the City ROW is necessary in order for the County to undertake the Garage Project.

J. In connection with City Council's passage of the ordinance authorizing the vacation and sale of the City ROW to the County, the County provided the City with (i) an Attorney's Certificate of Title from [_____], an Ohio licensed attorney, certifying that the City, the County, and [_____] are the owners of all of the property that abuts the City ROW, and (ii) the written consent of all necessary abutting property owners.

K. The City, upon recommendation of DCED, believes that the Project 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 and for this reason the City desires to facilitate the Project by entering into this Agreement.

L. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation and transfer of the City ROW at its meeting on September 17, 2021.

M. Execution of this Agreement was authorized by Ordinance No. ____-2022, passed by City Council on December _____, 2022.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Purchase Price.** Subject to the terms and conditions set forth herein, the City hereby agrees to vacate and transfer the City ROW to the County, and the County hereby agrees to acquire the City ROW from the City, for a purchase price of \$1.00 (the "Purchase Price"). The County acknowledges that it is familiar with the condition of the City ROW and, at the Closing (as defined below), the City shall convey the City ROW to the County in "as is" condition. The City makes no representations or warranties to the County with respect to the condition of the City ROW and, from and after the Closing, the City shall have no liability of any kind to the County for any defects, adverse environmental condition, or any other matters affecting the City ROW.

2. **Closing and Conditions to Closing.**

(A) **Conditions.** The Closing on the City's sale of the City ROW to the County shall not occur unless each of the following conditions has been satisfied, including any and all other conditions as may be identified in the City's Coordinated Report #CR26-2021, including those conditions outlined in Section 11 below (collectively, the "Conditions"); *provided, however*, that if the City, in its sole and absolute discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Deed (as defined below) or handle such Conditions post-Closing. The County shall perform all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

- (i) *Due Diligence Investigations*: County's approval of its due diligence inspections with respect to the City ROW, including, without limitation, title, survey, and environmental assessments of the City ROW;
- (ii) *Budget*: The County shall have provided to the City a detailed and updated budget for the Project;
- (iii) *Construction Schedule*: The County shall provide to the City a detailed construction timeline showing anticipated construction commencement and completion dates for the Project, including significant milestones;
- (iv) *Sale Plats and Legal Descriptions*: The parties' approval of all required sale plats, surveys, and new legal descriptions (including residual descriptions, if any) as needed to legally create the City ROW on the tax maps of the Hamilton County Auditor;
- (v) *Dedication Plat*: The County shall have filed a Dedication Plat, approved by the City, with the Hamilton County Recorder's Office, thereby dedicating to public right-of-way forever, the Infrastructure Improvements; and
- (vi) *Other Information*: Such other information and documents pertaining to the County or the Project as the City may reasonably require.

(B) Copies of Due Diligence Items to be Provided to City. Without limitation of the County's other obligations under this Agreement, prior to the Closing, and as such due diligence items are obtained by the County, the County, at no cost to the City, shall provide DCED with copies of the inspection, engineering, and environmental reports, title reports, surveys, and other materials prepared by third party professionals obtained by the County prior to the Closing that pertain to the Project.

(C) Right to Terminate. If prior to the Closing, either party determines, after exercising reasonable good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period of time, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all of the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred as of March 1, 2022, the City, in its sole and absolute discretion, may terminate this Agreement and all rights and obligations of the parties hereunder by giving written notice thereof to the County.

(D) Closing Date. The closing on the City's sale of the City ROW to the County (the "Closing") shall take place on approximately [____], 202[], or on such earlier or later date upon which the parties may mutually agree.

(E) Closing Costs and Closing Documents. At the Closing, (i) the County shall pay the Purchase Price in full, and (ii) the City shall convey all of its right, title, and interest in and to the City ROW to the County by Quitclaim Deed substantially in the form of Exhibit F (Form of Quitclaim Deed) hereto (the "**City's Deed**"). The County shall pay all conveyance fees, recording fees, title exam fees, title insurance premiums, settlement fees, and any and all other closing costs associated with the Closing, such that the City shall not be required to come up with any funds for the Closing. There shall be no proration of real estate taxes and assessments at the Closing, and from and after the Closing, the County and its successors-in-title shall pay all real estate taxes and assessments thereafter becoming due on the City ROW. At the Closing, the parties shall execute a closing statement and any and all other customary closing documents that are necessary for the Closing (except that the City shall not be required to execute a title affidavit or the like). Pursuant to Section 301-20 of the Cincinnati Municipal Code, at the Closing, the County shall pay to the City any and all unpaid related and unrelated fines, penalties, judgments, water or other utility charges, and any and all other outstanding amounts owed by the County or any of its affiliated entities. The provisions of this Agreement shall survive the City's execution and delivery of the City's Deed and shall not be deemed to have been merged therein.

(F) Maintenance of Property Between Closing and Prior to Construction. Between the Closing and the County's commencement of on-site construction on the City ROW, the County, at no expense to the City, shall maintain the City ROW in presentable condition, including keeping the site reasonably free of debris and other unsightly materials.

(G) Environmental Remediation. As a material inducement to the City to enter into this Agreement, the County does hereby agree that, with respect to any environmental condition on or otherwise affecting the Project Site, including, without limitation, the City ROW and the property on which the Infrastructure Improvements will be located, that exists at or prior to the time of the City's execution of this Agreement (herein, a "**Pre-existing Environmental Condition**"), and regardless of whether or not such Pre-existing Environmental Condition is described in any environmental assessment or any other environmental report that may have been previously furnished by the County to the City or otherwise obtained by the City, the County shall, at no expense to the City, promptly take all steps necessary to remediate such Pre-existing Environmental Condition, within a reasonable time after discovery, to the satisfaction of the City's Office of Environment and Sustainability ("**OES**"). The County's remediation obligation under this paragraph shall survive the completion of the Project.

3. Construction Commencement and Completion; Reconveyance of Property to City upon Failure to Timely Commence Construction.

(A) Construction Commencement & Completion.

(i) Infrastructure Project. Following Closing, the County shall (a) (1) apply for and receive the required street opening and utility construction permits from DOTE, the public utilities, and other relevant agencies and departments for construction of the Infrastructure Project, and (2) promptly thereafter commence construction of the Infrastructure Project in accordance with City-approved plans and specifications; and (b) complete construction, in accordance with City-approved plans and specifications and all other City approvals, of the Infrastructure Project (as evidenced by DOTE's written approval to open the street associated therewith to public traffic) no later than the Infrastructure Project Completion Date.

(ii) Garage Project. Following Closing, the County shall (a) (1) apply for and receive the required building permits from the City's Department of Buildings and Inspections ("**B&I**") for construction of the Garage Project, and (2) commence on-site construction of the Garage Project in accordance with City-approved plans and specifications ("**Construction Commencement**") no later than the Garage Project Commencement Date; and (b) complete construction, in accordance with City-approved plans and specifications and all other City approvals, of the Garage Project (as evidenced by a certificate of occupancy for the garage) no later than the Garage Project Completion Date.

(B) Reacquisition Option for Failure to Timely Commence Construction of Garage Project. If Construction Commencement has not occurred on or before the Garage Project Commencement Date, then, at any time thereafter, the City shall have the option to reacquire the City ROW for the Purchase Price by limited warranty deed, free and clear of all liens and encumbrances except those, if any, that were in existence as of the date and time of the Closing (the "**Reacquisition Option**"), exercisable by giving written notice thereof to the County at any time after the Garage Project Commencement Date, but prior to the date of Construction Commencement.

(C) Reacquisition Option Closing. If the City elects to exercise the Reacquisition Option, the reconveyance of the City ROW to the City pursuant to the Reacquisition Option shall take place on the date specified in the City's notice of election. On the date of reconveyance: (i) the County shall reconvey the City ROW (including any and all improvements located thereon) to the City or its designee in the same condition as presently exists, reasonable wear and tear and damage by the elements excepted (and under no circumstances shall the City be required to pay for the value of any improvements made by the County to the City ROW); (ii) County shall pay all customary closing costs associated with such reconveyance (e.g., conveyance fees, transfer tax, recording fees) such that the City shall not be required to come up with any funds at the closing for the re-conveyance; and (iii) real estate taxes and assessments shall be prorated as of the date of the reconveyance. The provisions of paragraphs (B)-(C) hereof shall be reflected in the City's Deed.

(D) Plans and Specifications. The County shall design and construct the Project in accordance with City-approved plans and specifications that are consistent with Exhibit D, including, without limitation, the County's proposed site plan for driveway locations, parking, stormwater detention, public access

easement(s), and other ancillary improvements. Once the City has approved the County's plans and specifications, the County shall not make any material changes thereto without the City's prior written consent.

(E) Dedication and Acceptance of Infrastructure Improvements. The parties acknowledge that, upon completion, the County intends to dedicate the Infrastructure Improvements for public use, and intends for the City to accept the Infrastructure Improvements (subject to all approvals as required by DOTE, OES, and City Planning Commission, and subject to the passage by Cincinnati City Council of an ordinance to accept the dedication). The County shall prepare all survey plats, legal descriptions, and other documents as may be required by the City and the Hamilton County Auditor and Recorder in connection with such dedication and acceptance, all at no cost to the City. The County acknowledges that, (i) if the County does not construct the Infrastructure Improvements in accordance with DOTE requirements, the City may refuse to accept the dedication of the Infrastructure Improvements, and (ii) the City makes no guarantee that City Planning Commission will approve the dedication or that Cincinnati City Council will pass an ordinance to accept the dedication.

(F) Contractors and Subcontractors. The County shall not solicit bids from any contractors or subcontractors who are identified as being debarred by the federal or state government or who are identified as being debarred on the City's Vendor's Performance list.

(G) Applicable Laws. The County shall obtain, pay for, and maintain all necessary street-opening permits, building permits and other permits, licenses, and other governmental approvals and shall comply with all applicable federal, state, and local laws, codes, ordinances and other governmental requirements applicable to the Project, including, without limitation, those set forth on Exhibit G (Additional Requirements) hereto. The City makes no representations or other assurances to the County that the County will be able to obtain whatever variances, permits, or other approvals from B&I, DOTE, other City departments, City Planning Commission, or City Council that may be required in connection with the Project.

(H) Inspection of Work. During construction of the Project and the related improvements, the City, its employees and agents shall have the right at all reasonable times to inspect the progress of construction to determine whether the County is complying with its obligations under this Agreement. If the City determines that the work is not substantially in accordance with the City-approved plans and specifications or other requirements of this Agreement, is not in compliance with all applicable laws, or is not performed in a good and workmanlike manner, the City shall have the right, in its reasonable judgment and after giving the County reasonable prior written notice thereof, to stop such work and order its replacement at the County's expense.

(I) Reporting During Construction. Upon the City's request throughout construction, the County shall provide the City with reports describing the status of the Project, including, without limitation, information about whether the Project is on budget and on schedule and containing such additional pertinent information thereto as the City may from time to time reasonably request. The County shall submit a final report to the City upon completion of the Project.

(J) Fees and Expenses. The County acknowledges and agrees that it is subject to any and all standard City fees and permit costs applicable to the Project.

4. Insurance.

(A) Insurance. Throughout construction, the County shall maintain, or cause to be maintained, the following insurance: (i) Commercial General Liability insurance of at least \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, naming the City as an additional insured, (ii) builder's risk insurance in the amount of 100% of the value of the improvements to be constructed, (iii) worker's compensation insurance in such amount as required by law, (iv) all insurance as may be required by the County's construction lenders, and (v) such other insurance as may be reasonably required by the City's Division of Risk Management. The County's insurance policies shall (a) be written in standard form by companies of recognized responsibility and credit reasonably acceptable to the City, that are authorized to

do business in Ohio, and that have an A.M. Best rating of A VII or better, and (b) provide that they may not be canceled or modified without at least 30 days prior written notice to the City.

(B) **Waiver of Subrogation.** The County hereby waives all claims and rights of recovery, and on behalf of the County's insurers, rights of subrogation, against the City, its employees, agents, contractors, and subcontractors with respect to any and all damage to or loss of property that is covered or that would ordinarily be covered by the insurance required under this Agreement to be maintained by the County, even if such loss or damage arises from the negligence of the City, its employees, agents, contractors, or subcontractors; it being the agreement of the parties that the County shall at all times protect against such loss or damage by maintaining adequate insurance. The County shall cause its property insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

5. **Casualty; Eminent Domain.** If the Project or the Project Site is damaged or destroyed by fire or other casualty during construction, or if any portion of the Project Site is taken by exercise of eminent domain (federal, state, or local), the County shall repair and restore the affected property, as expeditiously as possible, and to the extent practicable, to substantially the same condition in which it was in immediately prior to such occurrence. For the avoidance of doubt, the City currently has no plans to take the property by eminent domain. To the extent the City's participation is required, the City and the County shall jointly participate in filing claims and taking such other actions pertaining to the payment of proceeds resulting from such occurrence. If the proceeds are insufficient to fully repair and restore the affected property, the City shall not be required to make up the deficiency. The County shall handle all construction in accordance with the applicable requirements set forth herein, including, without limitation, obtaining the City's approval of the plans and specifications if they deviate from the original City-approved plans. The County shall not be relieved of any obligations, financial or otherwise, under this Agreement during any period in which the improvements are being repaired or restored.

6. **Default; Remedies.**

(A) **Default.** The occurrence of any of the following shall be an "event of default" under this Agreement:

(i) the failure of the County to perform or observe any obligation, duty, or responsibility under this Agreement or any other agreement to which the County and the City are parties, and failure by the County to correct such failure within 30 days after the County's receipt of written notice thereof from the City (the "Cure Period"); *provided, however*, that if the nature of the default is such that it cannot reasonably be cured during the Cure Period, the County shall not be in default under this Agreement so long as the County commences to cure the default within the Cure Period and thereafter diligently completes such cure within a reasonable period of time (but not exceeding 90 days) after the County's receipt of the City's initial notice of default. Notwithstanding the foregoing, if the County's failure to perform or observe any obligation, duty, or responsibility under this Agreement creates a dangerous condition or otherwise constitutes an emergency as determined by the City, an event of default shall be deemed to have occurred if the County fails to take corrective action immediately upon discovering such dangerous condition or emergency; or

(ii) the dissolution of the County, the filing of any bankruptcy or insolvency proceedings by or against the County, the making by the County of an assignment for the benefit of creditors, the appointment of a receiver (temporary or permanent) for the County, or the attachment of, levy upon, or seizure by legal process of any of the property of the County; or

(iii) any representation, warranty, or certification of the County made in connection with this Agreement or any other related agreements or documents shall prove to have been false or materially misleading when made.

(B) **Remedies.** Upon the occurrence of an event of default under this Agreement, the City shall be entitled to: (i) terminate this Agreement by giving the County written notice thereof, (ii) take such actions in the way of "self-help" as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of the County, and (iii) exercise any and all other rights and

remedies under this Agreement or otherwise available at law or in equity. The County shall be liable for all costs and damages, including, without limitation, attorneys' fees, suffered or incurred by the City as a result of a default of the County under this Agreement or the City's enforcement or termination of this Agreement. The failure of the City 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. **Notices.** All notices given by the parties hereunder shall be deemed given if personally delivered, or delivered by UPS, Federal Express or other recognized courier service, or mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:

City of Cincinnati
Dept of Community & Economic Development
805 Central Avenue, Suite 700
Cincinnati, Ohio 45202

To the County:

Board of County Commissioners
of Hamilton County
135 E. Court Street, Room 603
Cincinnati, Ohio 45202

If the County sends a notice to the City alleging that the City is in default under this Agreement, the County shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, Ohio 45202.

If the City sends a notice to the County alleging that the County is in default under this Agreement, the City shall simultaneously send a copy of such notice by U.S. certified mail to: Hamilton County Prosecuting Attorney, 230 E. Ninth Street, Suite 4000, Cincinnati, Ohio 45202.

8. **Representations, Warranties, and Covenants.**

(A) The County makes the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) The County is duly organized and validly existing under the laws of the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) The County has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed, and delivered by the County and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of the County.

(iii) The County's execution, delivery, and performance of this Agreement and the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or the County's organizational documents, or any mortgage, contract, agreement, or other undertaking to which the County is a party or which purports to be binding upon the County or upon any of its assets, nor is the County in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of the County, threatened against or affecting the County, at law or in equity or before or by any governmental authority that, if determined adversely, would impair the financial condition of the County or its ability to perform its obligations with respect to the matters contemplated herein.

(v) The County shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute, or governmental proceedings or investigation affecting the County that could reasonably be expected to materially and adversely affect its completion of the Project.

(vi) The statements made in the documentation provided by the County to the City that are descriptive of the County or the Project have been reviewed by the County and to the best of the knowledge of the Board of County Commissioners do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) The Board of County Commissioners is unaware of any outstanding fines, penalties, judgments, water, or other utility charges or other amounts owed to the City by the County.

(B) The City makes the following representations, warranties, and covenants:

(i) The City is duly organized and validly existing under the laws of the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) The City has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed, and delivered by the City and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of the City.

(iii) The City's execution, delivery, and performance of this Agreement and the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or the City's organizational documents, or any mortgage, contract, agreement, or other undertaking to which the City is a party or which purports to be binding upon the City or upon any of its assets, nor is the City in violation or default of any of the foregoing.

9. Reporting Requirements.

(A) **Submission of Records and Reports; Records Retention.** The County shall collect, maintain, and furnish to the City upon the City's request such accounting, financial, business, administrative, operational and other reports, records, statements and information as may be requested by the City pertaining to the County, the Project, or this Agreement, including, without limitation, financial statements, information pertinent to the determination of finances of the Project, and such reports and information as may be required for compliance with programs and projects relating to the Project as may be funded by the City, Hamilton County, or the State of Ohio (collectively, "**Records and Reports**"). All Records and Reports compiled by the County and furnished to the City shall be in such form as the City reasonably may from time to time require. The County shall retain all Records and Reports for a period of 3 years after the completion of the Project.

(B) **City's Right to Inspect and Audit.** During construction of the Project and for a period of 3 years thereafter, the County shall permit the City and its designees and auditors to have reasonable access to and to inspect and audit the County's Records and Reports. In the event any such inspection or audit discloses a material discrepancy with information previously provided by the County to the City, the County shall reimburse the City for its out-of-pocket costs associated with such inspection or audit.

10. General Provisions.

(A) **Assignment.** The County shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which shall not be unreasonably withheld, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

(B) **Entire Agreement.** This Agreement (including the exhibits hereto) 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.

(C) Amendments and Waivers. This Agreement may be amended, waived, or otherwise modified only by a written amendment signed by both parties.

(D) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and the County agrees that venue in such court is proper. The County hereby waives trial by jury with respect to any and all disputes arising under this Agreement.

(E) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(F) Captions. The captions of the various sections and paragraphs of this Agreement 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 Agreement.

(G) Severability. If any part of this Agreement is held by a court of law to be void, illegal, or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(H) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

(I) No Brokers. The County represents to the City that it has not dealt with a real estate broker, salesperson, or other person who might claim entitlement to a fee or other compensation from either party as a result of the parties' execution of this Agreement.

(J) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder's Office.

(K) Time. Time is of the essence with respect to the performance by the County of its obligations under this Agreement.

(L) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement 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 officer, agent, employee, or attorney of the City in other than his or her official capacity.

(M) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in the County or in the Project, and the County shall take appropriate steps to assure compliance.

(N) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(O) Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Coordinated Report Conditions. The County shall abide by the additional conditions identified in Coordinated Report #, including, without limitation, the following:

(A) DOTE. The County must complete a Traffic Impact Study (“TIS”) and implement any recommendations of the TIS and any DOTE requirements related thereto, including to create public access to exit the remainder of Logan Street. Adjacent streets must be finished with a curb, sidewalk, and/or drive approach, each to be approved by DOTE. A street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right of way. All improvements in the public right of way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Two sets of plan drawings must be attached to the permit application for review by DOTE.

(B) MSD. An Excavation Fill permit approval and/or bond from the Metropolitan Sewer District of Greater Cincinnati (“MSD”) may be necessary for any construction, construction traffic, earthwork, or other construction activity related to the Project. Additional MSD requirements may be established by the permit (such as verification and usage of existing or abandoned building services to the combined sewer through dye testing, pre- and post-construction CCTV-ing, etc.) depending on the final Project plans and specifications. Information will be needed from the Project to ensure no new loads are exerted on public sewers.

(C) GCWW. The County shall perform all work described in Preliminary Application CIN 332 to the satisfaction of Greater Cincinnati Water Works (“GCWW”), including the relocation of existing GCWW infrastructure located under the City ROW.

(D) Duke Energy. Duke Energy has an OH Primary, a standard pressure gas main, and overhead and underground facilities to which access must be maintained at all times.

(E) Cincinnati Bell. Cincinnati Bell has existing underground telephone facilities that must remain in place, in service, and accessible. Any damage done to the facilities, or any work done to relocate the facilities as a result of the Project, shall be handled entirely at the County’s expense.

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

- Exhibit A – Site Plan
- Exhibit B – Legal Description – City ROW
- Exhibit C – Survey Plat – City ROW
- Exhibit D – Statement of Work
- Exhibit E – Budget
- Exhibit F – Form of Quitclaim Deed
- Exhibit G – Additional Requirements

[signature pages follow]

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

BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

[City signatures on the following page]

CITY OF CINCINNATI

By: _____
John P. Curp, Interim City Manager

Date: _____, 2022

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A
to Property Transfer and Development Agreement

Site Plan

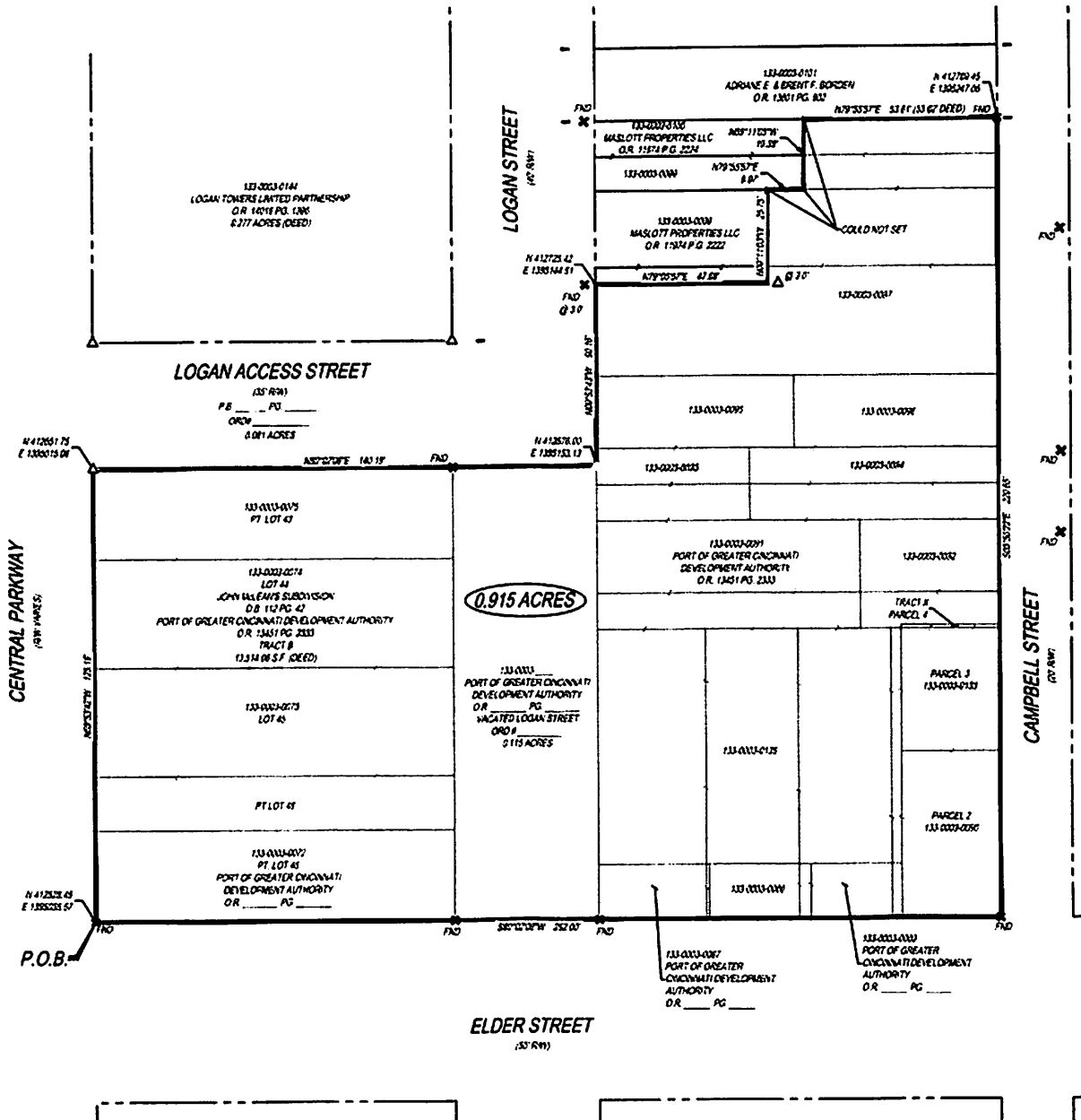


Exhibit B
to Property Transfer and Development Agreement

Legal Description – City ROW

Situated in Section 13, Town 3, Fractional Range 2, BTM, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Logan Street, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the north right of way line of Elder Street with the west right of way line of Logan Street;

Thence with said west right of way line, N09°53'43"W a distance of 125.16 feet to a cross notch set;

Thence, N80°02'08"E a distance of 40.00 feet to a 5/8" iron pin set in the east right of way line of Logan Street;

Thence along said east right of way line, S09°53'43"E a distance of 125.16 feet to a cross notch found at the intersection of said east right of way line with the aforementioned north right of way line of Elder Street;

Thence, S80°02'08"W a distance of 40.00 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System (VRS)(NAD 83)

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers".

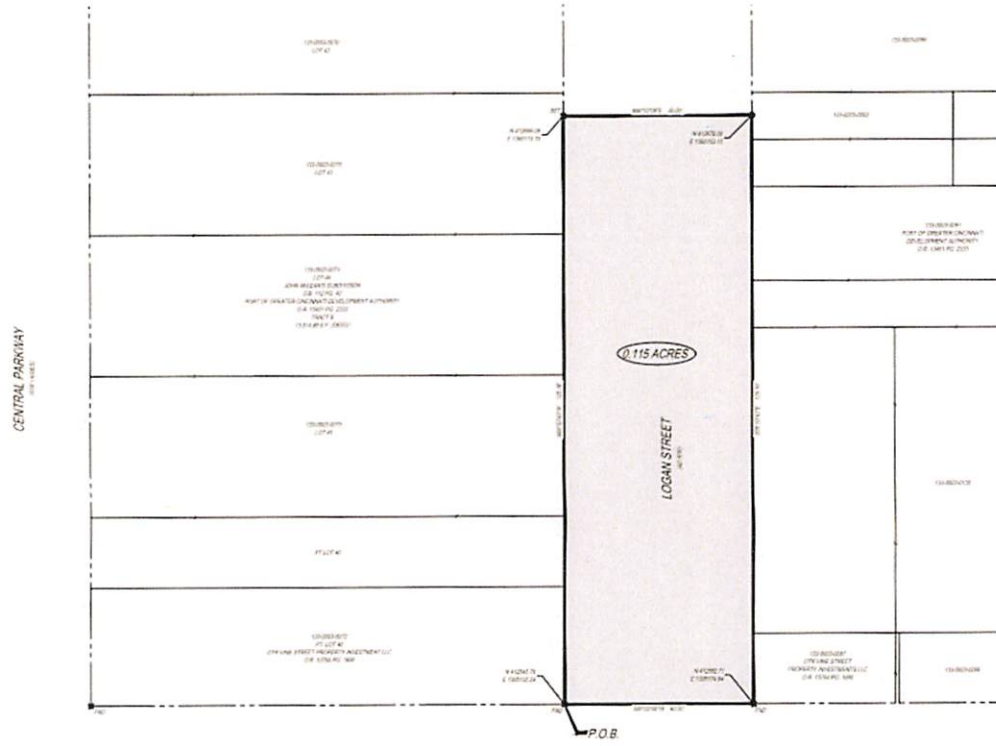
Exhibit C
to Property Transfer and Development Agreement
Survey Plat – City ROW

SEE ATTACHED

INSPIRED PEOPLE CREATIVE DESIGN TRANSFORMING COMMUNITIES

LEGEND

- SET BACK PERMIT
- DECKED ACCESS
- ACCESS POINT
- AREA TO BE SHAVED



CLOSURE 0.115 ACRES

NORTH 40°15'00" EAST 10000001 FT
 10000001 LOT
 COURSE N67°00'00" E LENGTH 400 FT
 NORTH 40°15'00" EAST 10000002 FT

SUBJECT TO LOT
 COURSE N67°00'00" E LENGTH 400 FT
 NORTH 40°15'00" EAST 10000003 FT

SUBJECT TO LOT
 COURSE S67°00'00" E LENGTH 400 FT
 NORTH 40°15'00" EAST 10000004 FT

SECTION 10 LOT 10 AREA 0.115 ACRES
 BEING 0.115 ACRES BEING PART OF THE
 PROJECTED 1/2 ACRES EAST 1/2 LOT 10
 SECTION 10 TOWNSHIP 10 N RANGE 10 E

NOTES

1. SOURCE OCCUPANTS AS NOTED
2. OCCUPANTS IN GENERAL ARE SUBJECT
3. DEMONSTRATION OF WORK IN PROGRESS IS AN OBLIGATION OF THE CONTRACTOR
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF ELGIN SPECIFICATIONS
5. ADDITIONAL NOTES ARE BASED ON THE FIELD NOTES AND RECORDS OF THE SURVEYOR

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT OF SURVEY WAS PREPARED UNDER MY
 SUPERVISION AND IN ACCORDANCE WITH THE CITY OF ELGIN SPECIFICATIONS AND ALL
 APPLICABLE LAWS AND REGULATIONS. ALL NECESSARY RECORDS
 HAVE BEEN FILED IN THE CITY OF ELGIN.

DATE: 10/15/2024
 SURVEYOR: [Signature]

PLANNING COMMISSION APPROVAL
 FILED APPROVED BY THE CITY OF ELGIN PLANNING COMMISSION ON THE _____ DAY OF _____ 2024

DIRECTOR OF PLANNING
 DIRECTOR, DEPARTMENT OF CITY PLANNING



THE KLEINGERS GROUP

LAND SURVEYING & ENGINEERING
 1000 W. WASHINGTON ST., SUITE 100
 ELGIN, IL 60120
 (630) 709-1000



CITY OF ELGIN
 100 W. WASHINGTON ST.
 ELGIN, IL 60120

SURVEY PLAT FOR A PORTION OF LOGAN STREET 0.115 ACRES

SECTION 10, TOWNSHIP 10 N, RANGE 10 E 1/2 SW
 WILCOX TOWNSHIP
 CITY OF ELGIN
 HAMILTON COUNTY, ILLINOIS

DATE: 10/15/2024

FINDLAY GARAGE

1 OF 1

Exhibit D
to Property Transfer and Development Agreement

Statement of Work

Following the Closing on the City's sale of the City ROW to the County, the County will complete construction of the following public improvements and a 515-space structured parking garage.

- I. Demolition: Demolition of existing surface parking lots, roadway, sidewalks, lighting, and signage located within the Project Site.

- II. Site Preparation:
 - a. Prepare the Project Site for installation of infrastructure and vertical development, including, without limitation, shoring, soil stabilization, and grading activities.
 - b. General conditions, including jobsite fencing, road and sidewalk closing fees, and surveying.

- III. Public Infrastructure Improvements:
 - a. To prepare the Project Site for vertical development, the County will first construct a new public street, being approximately 35' wide and designed to Department of Transportation & Engineering standards, that will connect Central Parkway to the existing Logan Street.
 - b. Abandon a portion of the City-owned right-of-way known as Logan Street, including the relocation of utilities, water, sewer, gas, and electric to the new public street to be constructed between Central Parkway and Logan Street.
 - c. Streetscape, sidewalk, and signage improvements in the adjacent public rights of way, including, without limitation, granite curbs and concrete sidewalks to match the south side of Elder Street, post top street lighting, signage, and tree wells.
Upon completion of the Garage Project, the County shall complete the rehabilitation of the public streets adjoining or adjacent to the Project Site, or otherwise impacted by the Project, all per DOTE requirements.

- IV. Public Parking Garage:
 - a. Construct an above-grade, 6.5 story public parking garage located along the north side of Elder Street, east of Central Parkway (the "**Garage**"). The Garage will have a capacity of approximately 515 spaces, a footprint of 30,256 square feet, and a total building area of 194,500 square feet. There will be one vehicular entry/exit along the north side of the Garage.
 - b. The Garage will also include approximately 15,000 square feet of retail space and accompanying support space on the ground level. The retail space will be designed as a "white box" level of finish, including major HVAC and electrical utility runs only, slab on grade, and exterior walls of the space.
 - c. Architectural finishes are incorporated into the perimeter façade to break down the scale of the Garage and relate to the surrounding Over-the-Rhine historical buildings. A 4-story mural will be incorporated into the section of the south façade above the vacated section of Logan Street.

Exhibit E
to Property Transfer and Development Agreement

Budget

1. **PRELIMINARY BUDGET**

Uses		Total
Infrastructure Project		1,052,000.00
Utility Relocation	1,000,000.00	
Logan Access Street	52,000.00	
Garage Project		19,200,000.00
Land Acquisition	2,200,000.00	
Deep Foundations	1,000,000.00	
Core & Shell	16,000,000.00	
Soft Costs		2,500,000.00
Total		\$22,752,000.00

2. **SOURCES OF FUNDS**

Sources		Total
County Parking Fund Revenues		\$22,752,000.00

Exhibit F
to Property Transfer and Development Agreement
Form of Quitclaim Deed

SEE ATTACHED

----- space above for recorder -----

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "City"), having an address of 801 Plum Street, Cincinnati, Ohio 45202, for valuable consideration paid, hereby grants and conveys to the **BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO**, acting for and on behalf of Hamilton County, Ohio, a political subdivision of the State of Ohio, the address of which is 138 E. Court Street, Room 603, County Administration Building, Cincinnati, Ohio 45202 ("**Grantee**"), all of the City's right, title, and interest in and to the real property described on Exhibit A (*Legal Description*) hereto and depicted on Exhibit B (*Survey Plat*) hereto (the "**Property**").

Property Address: None. Vacated public right-of-way.

Auditor's Parcel Nos.: None. Vacated public right-of-way.

Pursuant to Ohio Revised Code Section 723 and Ordinance No. ____-2022, passed by Cincinnati City Council on _____, 2022, the portion of right-of-way described on Exhibit A and depicted on Exhibit B are hereby vacated as public right-of-way by the City.

(A) Creation of Utility Easements. This conveyance is subject to Ohio Revised Code §723.041 so that any affected public utility shall have a permanent easement in such vacated portion of the public right-of-way for the purpose of operating, maintaining, repairing, reconstructing, and removing any existing utility facilities and for purposes of access to said facilities. Following the relocation of any utilities in such vacated portion of the public right-of-way to the satisfaction of the affected public utility, upon Grantee's request, the affected public utility will execute and deliver to Grantee a recordable release, for recording in the Hamilton County Recorder's Office, at Grantee's cost.

[subject to possible creation of utility easements in favor of Cincinnati Bell and/or Duke Energy for their existing facilities if no existing easements are in place]

(B) *Re-conveyance to City upon Failure to Timely Commence Construction*: The City and Grantee are parties to a *Property Transfer and Development Agreement* dated _____, 20____ (the "**Agreement**"), pursuant to which Grantee is required to redevelop the Property. If Grantee does not commence construction at the Property on or before the Garage Project Commencement Date (as defined in the Agreement) in accordance with the Agreement, Grantee shall re-convey the Property to the City as described in the Agreement. At such time as the City no longer has the right to reacquire the Property under the Agreement, the City, at Grantee's request, shall execute and deliver to Grantee a release of such rights for recording in the Hamilton County, Ohio Recorder's Office. Until such time as the Property has been reconveyed to the City or the City has released or waived its rights to reacquire the Property thereunder, Grantee shall not sell or otherwise transfer title to the Property or any portion thereof without the prior written consent of the City.

This conveyance was authorized by Ordinance No. ____-2022, passed by Cincinnati City Council on _____, 2022.

Executed on _____, 20__.

CITY OF CINCINNATI

By: _____

Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereby.

Notary Public
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, Ohio 45202

Exhibit A
to Quitclaim Deed

Legal Description

Situated in Section 13, Town 3, Fractional Range 2, BTM, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Logan Street, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the north right of way line of Elder Street with the west right of way line of Logan Street;

Thence with said west right of way line, N09°53'43"W a distance of 125.16 feet to a cross notch set;

Thence, N80°02'08"E a distance of 40.00 feet to a 5/8" iron pin set in the east right of way line of Logan Street;

Thence along said east right of way line, S09°53'43"E a distance of 125.16 feet to a cross notch found at the intersection of said east right of way line with the aforementioned north right of way line of Elder Street;

Thence, S80°02'08"W a distance of 40.00 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System (VRS)(NAD 83)

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers".

Exhibit B
to Quitclaim Deed

Survey Plat

[TO BE ATTACHED TO EXECUTION VERSION]

Exhibit G
to Property Sale and Development Agreement

Additional Requirements

The phrase "Developer" shall refer to the County for purposes of this Exhibit.

Developer and Developer's general contractor shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati (collectively, "**Government Requirements**"), including the Government Requirements listed below, to the extent that they are applicable. Developer hereby acknowledges and agrees that (a) the below listing of Government Requirements is not intended to be an exhaustive list of Government Requirements applicable to the Project, Developer, or Developer's contractors, subcontractors or employees, either on the City's part or with respect to any other governmental entity, and (b) neither the City nor its Law Department is providing legal counsel to or creating an attorney-client relationship with Developer by attaching this Exhibit to the Agreement.

Notwithstanding the provisions of this Agreement and this Exhibit:

(A) The City acknowledges that Developer has an economic inclusion policy pertaining to the inclusion of minority, female and small business enterprises, and non-discrimination, as well as its own procurement and competitive bidding policy. Developer shall use its best efforts, and shall require each contractor and subcontractor working on the Project to use its best efforts, to promote Developer's economic inclusion policy. In consideration of those efforts, the City hereby waives compliance with the City's Small Business Enterprise policy, the City's Equal Employment Opportunity Program, construction workforce goals, and procurement policy (each of which policies and programs are described more fully below) with respect to the Project.

(B) Notwithstanding clause (A) above, **Developer specifically agrees that, regardless of the legal applicability or inapplicability of Ordinance No. 130-2002 (regarding Meet and Confer), as described in Section (A)(i) of this Exhibit, Developer shall fully comply with the meet and confer requirement identified in clause (A)(i)(b) of this Exhibit as if Ordinance No. 130-2002 applies to Developer.** The City affirms to Developer that Meet and Confer meetings occur twice monthly at the offices of the Department of Community and Economic Development; to the extent such meetings occur less frequently than bi-monthly, Developer shall not be obligated to wait to bid for longer than two weeks for a Meet and Confer meeting to take place.

A. Trade Unions; Subcontracts; Competitive Bidding.

(i) Meeting and Conferring with Trade Unions.

(a) Applicability. Per City of Cincinnati, Ordinance No. 130-2002, this requirement is limited to transactions in which Developer receives City funds or other assistance (including, but not limited to, the City's construction of public improvements to specifically benefit the Project, or the City's sale of real property to Developer at below fair market value).

(b) Requirement. This Agreement may be subject to the requirements of City of Cincinnati, Ordinance No. 130-2002, as amended or superseded, providing that, if Developer receives City funds or other assistance, Developer and its general contractor, prior to the commencement of construction of the Project and prior to any expenditure of City funds, and with the aim of reaching comprehensive and efficient project agreements covering all work done by Developer or its general contractor, shall meet and confer with: the trade unions representing all of the crafts working on the Project, and minority, female, and locally-owned contractors and suppliers potentially involved with the construction of the Project. At this meeting, Developer and/or its general contractor shall make available copies of the scope of work and if prevailing wage rates apply, the rates pertaining to all proposed work on the Project. Not later than ten (10) days following Developer and/or its general contractor's meet and confer activity,

Developer shall provide to the City, in writing, a summary of Developer and/or its general contractor's meet and confer activity.

B. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Developer shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Developer may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Developer shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

The Developer must conduct an advertising campaign designed to reach all segments of the Cincinnati community by advertising in newspapers, trade association publications, special interest publications, trade journals, community papers or other media (i.e. emails), as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Developer shall require the prime contractor (if different from the Developer) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Developer shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Developer shall update the report monthly.

(vi) The Developer shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

C. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Developer or its contractors and subcontractors to take the affirmative steps specified in Section B and Section 8(L) of this Agreement, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Developer to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

D. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "**Wage Enforcement Chapter**"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. CMC Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the

city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to CMC Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the city shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Contract No. _____

PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT

between the

CITY OF CINCINNATI

and

BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO

Project Name: Findlay Market County Parking Garage

(sale/vacation of portion of Logan Street for consolidation with County property
for construction of public parking garage in vicinity of Findlay Market)

Dated: _____, 2022

PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT

This Property Transfer and Development Agreement (this “**Agreement**”) 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, Ohio 45202 (the “**City**”), and the **BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO**, acting for and on behalf of Hamilton County, Ohio, a political subdivision of the State of Ohio, the address of which for purposes of this Agreement is County Administration Building, 138 E. Court Street, Room 603, Cincinnati, Ohio 45202 (the “**County**”).

Recitals:

A. The County has or intends to obtain site control over approximately 0.915 acres of real property in the Over-the-Rhine neighborhood of Cincinnati located between Central Parkway on the west, Campbell Street on the east, and Elder Street on the south, as the same is shown on Exhibit A (*Site Plan*) hereto (the “**Project Site**”).

B. The Project Site is currently bifurcated by a portion of Logan Street north of Elder Street, as more particularly described on Exhibit B (*Legal Description – City ROW*) and depicted on Exhibit C (*Survey Plat – City ROW*) hereto (the “**City ROW**”), which is under the management and control of the City’s Department of Transportation and Engineering (“**DOT**”).

C. The County desires to acquire the City ROW for consolidation with the remainder of the Project Site, upon which consolidated Project Site the County intends to undertake a redevelopment project consisting of the design and construction of a public parking garage consisting of approximately 515 parking spaces, as more particularly described on Exhibit D (*Statement of Work*) hereto, at an estimated total project cost of approximately \$19,200,000, as more particularly described on Exhibit E (*Budget*) hereto (the “**Garage Project**”).

D. In addition to and in support of the Garage Project, the County intends to (i) construct a street that will be open to the general public, which is depicted on Exhibit A as “Logan Access Street”, in accordance with plans and specifications that will be reviewed and approved by DOT, (ii) rehabilitate the public streets adjacent to or adjoining the Project Site following completion of the Garage Project, and (iii) complete a Traffic Impact Study and implement any further DOT recommendations or requirements in response thereto, all as more particularly described on Exhibit D hereto, at an estimated total project cost of approximately \$1,052,000, as more particularly described on Exhibit E hereto (the public street and associated public sidewalks and/or other public improvements (including, without limitation, any infrastructure required in support of the Garage Project and the surrounding area by Greater Cincinnati Water Works, Stormwater Management Utility, the Metropolitan Sewer District of Greater Cincinnati, or any other public utility) being referred to collectively herein as the “**Infrastructure Improvements**” or the “**Infrastructure Project**”, as applicable; the Infrastructure Project and the Garage Project are referred to collectively herein as the “**Project**”).

E. The County currently anticipates that it will (i) commence on-site construction of the Garage Project no later than April 1, 2022 (the “**Garage Project Commencement Date**”); and (ii) complete construction of (a) the Infrastructure Project no later than July 1, 2023 (the “**Infrastructure Project Completion Date**”), and (b) the Garage Project no later than July 1, 2023 (the “**Garage Project Completion Date**”).

F. The City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the City ROW is \$56,350; however, the City is willing to sell the City ROW for less than fair market value, namely, for \$1.00, because the City will receive economic and non-economic benefits exceeding such fair market value in connection with the Project, including (i) the benefit of the Infrastructure Improvements, including the new street connecting Logan Street to Central Parkway, which the County intends to dedicate for use by the general public, (ii) additional parking in support of the City-

owned Findlay Market House and surrounding businesses and residents, and (iii) urban redevelopment of Over-the-Rhine.

G. Pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets if it has determined that the property is not needed for municipal purposes.

H. 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 of Ohio, 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.

I. The City has determined that (i) in consultation with the City's Department of Community and Economic Development ("DCED") and DOTE, the City ROW is not needed for transportation or other municipal purposes; and (ii) it is in the best interest of the City to eliminate competitive bidding in connection with the City's sale of the City ROW because the City ROW is necessary in order for the County to undertake the Garage Project.

J. In connection with City Council's passage of the ordinance authorizing the vacation and sale of the City ROW to the County, the County provided the City with (i) an Attorney's Certificate of Title from [_____], an Ohio licensed attorney, certifying that the City, the County, and [_____] are the owners of all of the property that abuts the City ROW, and (ii) the written consent of all necessary abutting property owners.

K. The City, upon recommendation of DCED, believes that the Project 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 and for this reason the City desires to facilitate the Project by entering into this Agreement.

L. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation and transfer of the City ROW at its meeting on September 17, 2021.

M. Execution of this Agreement was authorized by Ordinance No. ____-2022, passed by City Council on December _____, 2022.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Purchase Price. Subject to the terms and conditions set forth herein, the City hereby agrees to vacate and transfer the City ROW to the County, and the County hereby agrees to acquire the City ROW from the City, for a purchase price of \$1.00 (the "**Purchase Price**"). The County acknowledges that it is familiar with the condition of the City ROW and, at the Closing (as defined below), the City shall convey the City ROW to the County in "as is" condition. The City makes no representations or warranties to the County with respect to the condition of the City ROW and, from and after the Closing, the City shall have no liability of any kind to the County for any defects, adverse environmental condition, or any other matters affecting the City ROW.

2. Closing and Conditions to Closing.

(A) **Conditions.** The Closing on the City's sale of the City ROW to the County shall not occur unless each of the following conditions has been satisfied, including any and all other conditions as may be identified in the City's Coordinated Report #CR26-2021, including those conditions outlined in Section 11 below (collectively, the "**Conditions**"); *provided, however*, that if the City, in its sole and absolute discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Deed (as defined below) or handle such Conditions post-Closing. The County shall perform all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

- (i) *Due Diligence Investigations*: County's approval of its due diligence inspections with respect to the City ROW, including, without limitation, title, survey, and environmental assessments of the City ROW;
- (ii) *Budget*. The County shall have provided to the City a detailed and updated budget for the Project;
- (iii) *Construction Schedule*: The County shall provide to the City a detailed construction timeline showing anticipated construction commencement and completion dates for the Project, including significant milestones;
- (iv) *Sale Plats and Legal Descriptions*: The parties' approval of all required sale plats, surveys, and new legal descriptions (including residual descriptions, if any) as needed to legally create the City ROW on the tax maps of the Hamilton County Auditor;
- (v) *Dedication Plat*: The County shall have filed a Dedication Plat, approved by the City, with the Hamilton County Recorder's Office, thereby dedicating to public right-of-way forever, the Infrastructure Improvements; and
- (vi) *Other Information*: Such other information and documents pertaining to the County or the Project as the City may reasonably require.

(B) Copies of Due Diligence Items to be Provided to City. Without limitation of the County's other obligations under this Agreement, prior to the Closing, and as such due diligence items are obtained by the County, the County, at no cost to the City, shall provide DCED with copies of the inspection, engineering, and environmental reports, title reports, surveys, and other materials prepared by third party professionals obtained by the County prior to the Closing that pertain to the Project.

(C) Right to Terminate. If prior to the Closing, either party determines, after exercising reasonable good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period of time, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all of the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred as of March 1, 2022, the City, in its sole and absolute discretion, may terminate this Agreement and all rights and obligations of the parties hereunder by giving written notice thereof to the County.

(D) Closing Date. The closing on the City's sale of the City ROW to the County (the "**Closing**") shall take place on approximately [_____], 202[], or on such earlier or later date upon which the parties may mutually agree.

(E) Closing Costs and Closing Documents. At the Closing, (i) the County shall pay the Purchase Price in full, and (ii) the City shall convey all of its right, title, and interest in and to the City ROW to the County by Quitclaim Deed substantially in the form of Exhibit F (Form of Quitclaim Deed) hereto (the "**City's Deed**"). The County shall pay all conveyance fees, recording fees, title exam fees, title insurance premiums, settlement fees, and any and all other closing costs associated with the Closing, such that the City shall not be required to come up with any funds for the Closing. There shall be no proration of real estate taxes and assessments at the Closing, and from and after the Closing, the County and its successors-in-title shall pay all real estate taxes and assessments thereafter becoming due on the City ROW. At the Closing, the parties shall execute a closing statement and any and all other customary closing documents that are necessary for the Closing (except that the City shall not be required to execute a title affidavit or the like). Pursuant to Section 301-20 of the Cincinnati Municipal Code, at the Closing, the County shall pay to the City any and all unpaid related and unrelated fines, penalties, judgments, water or other utility charges, and any and all other outstanding amounts owed by the County or any of its affiliated entities. The provisions of this Agreement shall survive the City's execution and delivery of the City's Deed and shall not be deemed to have been merged therein.

(F) Maintenance of Property Between Closing and Prior to Construction. Between the Closing and the County's commencement of on-site construction on the City ROW, the County, at no expense to the City, shall maintain the City ROW in presentable condition, including keeping the site reasonably free of debris and other unsightly materials.

(G) Environmental Remediation. As a material inducement to the City to enter into this Agreement, the County does hereby agree that, with respect to any environmental condition on or otherwise affecting the Project Site, including, without limitation, the City ROW and the property on which the Infrastructure Improvements will be located, that exists at or prior to the time of the City's execution of this Agreement (herein, a "**Pre-existing Environmental Condition**"), and regardless of whether or not such Pre-existing Environmental Condition is described in any environmental assessment or any other environmental report that may have been previously furnished by the County to the City or otherwise obtained by the City, the County shall, at no expense to the City, promptly take all steps necessary to remediate such Pre-existing Environmental Condition, within a reasonable time after discovery, to the satisfaction of the City's Office of Environment and Sustainability ("**OES**"). The County's remediation obligation under this paragraph shall survive the completion of the Project.

3. Construction Commencement and Completion; Reconveyance of Property to City upon Failure to Timely Commence Construction.

(A) Construction Commencement & Completion.

(i) Infrastructure Project. Following Closing, the County shall (a) (1) apply for and receive the required street opening and utility construction permits from DOTE, the public utilities, and other relevant agencies and departments for construction of the Infrastructure Project, and (2) promptly thereafter commence construction of the Infrastructure Project in accordance with City-approved plans and specifications; and (b) complete construction, in accordance with City-approved plans and specifications and all other City approvals, of the Infrastructure Project (as evidenced by DOTE's written approval to open the street associated therewith to public traffic) no later than the Infrastructure Project Completion Date.

(ii) Garage Project. Following Closing, the County shall (a) (1) apply for and receive the required building permits from the City's Department of Buildings and Inspections ("**B&I**") for construction of the Garage Project, and (2) commence on-site construction of the Garage Project in accordance with City-approved plans and specifications ("**Construction Commencement**") no later than the Garage Project Commencement Date; and (b) complete construction, in accordance with City-approved plans and specifications and all other City approvals, of the Garage Project (as evidenced by a certificate of occupancy for the garage) no later than the Garage Project Completion Date.

(B) Reacquisition Option for Failure to Timely Commence Construction of Garage Project. If Construction Commencement has not occurred on or before the Garage Project Commencement Date, then, at any time thereafter, the City shall have the option to reacquire the City ROW for the Purchase Price by limited warranty deed, free and clear of all liens and encumbrances except those, if any, that were in existence as of the date and time of the Closing (the "**Reacquisition Option**"), exercisable by giving written notice thereof to the County at any time after the Garage Project Commencement Date, but prior to the date of Construction Commencement.

(C) Reacquisition Option Closing. If the City elects to exercise the Reacquisition Option, the reconveyance of the City ROW to the City pursuant to the Reacquisition Option shall take place on the date specified in the City's notice of election. On the date of reconveyance: (i) the County shall reconvey the City ROW (including any and all improvements located thereon) to the City or its designee in the same condition as presently exists, reasonable wear and tear and damage by the elements excepted (and under no circumstances shall the City be required to pay for the value of any improvements made by the County to the City ROW); (ii) County shall pay all customary closing costs associated with such reconveyance (e.g., conveyance fees, transfer tax, recording fees) such that the City shall not be required to come up with any funds at the closing for the re-conveyance; and (iii) real estate taxes and assessments shall be prorated as of the date of the reconveyance. The provisions of paragraphs (B)-(C) hereof shall be reflected in the City's Deed.

(D) Plans and Specifications. The County shall design and construct the Project in accordance with City-approved plans and specifications that are consistent with Exhibit D, including, without limitation, the County's proposed site plan for driveway locations, parking, stormwater detention, public access

easement(s), and other ancillary improvements. Once the City has approved the County's plans and specifications, the County shall not make any material changes thereto without the City's prior written consent.

(E) Dedication and Acceptance of Infrastructure Improvements. The parties acknowledge that, upon completion, the County intends to dedicate the Infrastructure Improvements for public use, and intends for the City to accept the Infrastructure Improvements (subject to all approvals as required by DOTE, OES, and City Planning Commission, and subject to the passage by Cincinnati City Council of an ordinance to accept the dedication). The County shall prepare all survey plats, legal descriptions, and other documents as may be required by the City and the Hamilton County Auditor and Recorder in connection with such dedication and acceptance, all at no cost to the City. The County acknowledges that, (i) if the County does not construct the Infrastructure Improvements in accordance with DOTE requirements, the City may refuse to accept the dedication of the Infrastructure Improvements, and (ii) the City makes no guarantee that City Planning Commission will approve the dedication or that Cincinnati City Council will pass an ordinance to accept the dedication.

(F) Contractors and Subcontractors. The County shall not solicit bids from any contractors or subcontractors who are identified as being debarred by the federal or state government or who are identified as being debarred on the City's Vendor's Performance list.

(G) Applicable Laws. The County shall obtain, pay for, and maintain all necessary street-opening permits, building permits and other permits, licenses, and other governmental approvals and shall comply with all applicable federal, state, and local laws, codes, ordinances and other governmental requirements applicable to the Project, including, without limitation, those set forth on Exhibit G (Additional Requirements) hereto. The City makes no representations or other assurances to the County that the County will be able to obtain whatever variances, permits, or other approvals from B&I, DOTE, other City departments, City Planning Commission, or City Council that may be required in connection with the Project.

(H) Inspection of Work. During construction of the Project and the related improvements, the City, its employees and agents shall have the right at all reasonable times to inspect the progress of construction to determine whether the County is complying with its obligations under this Agreement. If the City determines that the work is not substantially in accordance with the City-approved plans and specifications or other requirements of this Agreement, is not in compliance with all applicable laws, or is not performed in a good and workmanlike manner, the City shall have the right, in its reasonable judgment and after giving the County reasonable prior written notice thereof, to stop such work and order its replacement at the County's expense.

(I) Reporting During Construction. Upon the City's request throughout construction, the County shall provide the City with reports describing the status of the Project, including, without limitation, information about whether the Project is on budget and on schedule and containing such additional pertinent information thereto as the City may from time to time reasonably request. The County shall submit a final report to the City upon completion of the Project.

(J) Fees and Expenses. The County acknowledges and agrees that it is subject to any and all standard City fees and permit costs applicable to the Project.

4. Insurance

(A) Insurance. Throughout construction, the County shall maintain, or cause to be maintained, the following insurance: (i) Commercial General Liability insurance of at least \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, naming the City as an additional insured, (ii) builder's risk insurance in the amount of 100% of the value of the improvements to be constructed, (iii) worker's compensation insurance in such amount as required by law, (iv) all insurance as may be required by the County's construction lenders, and (v) such other insurance as may be reasonably required by the City's Division of Risk Management. The County's insurance policies shall (a) be written in standard form by companies of recognized responsibility and credit reasonably acceptable to the City, that are authorized to

do business in Ohio, and that have an A.M. Best rating of A VII or better, and (b) provide that they may not be canceled or modified without at least 30 days prior written notice to the City.

(B) Waiver of Subrogation. The County hereby waives all claims and rights of recovery, and on behalf of the County's insurers, rights of subrogation, against the City, its employees, agents, contractors, and subcontractors with respect to any and all damage to or loss of property that is covered or that would ordinarily be covered by the insurance required under this Agreement to be maintained by the County, even if such loss or damage arises from the negligence of the City, its employees, agents, contractors, or subcontractors; it being the agreement of the parties that the County shall at all times protect against such loss or damage by maintaining adequate insurance. The County shall cause its property insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

5. Casualty; Eminent Domain. If the Project or the Project Site is damaged or destroyed by fire or other casualty during construction, or if any portion of the Project Site is taken by exercise of eminent domain (federal, state, or local), the County shall repair and restore the affected property, as expeditiously as possible, and to the extent practicable, to substantially the same condition in which it was in immediately prior to such occurrence. For the avoidance of doubt, the City currently has no plans to take the property by eminent domain. To the extent the City's participation is required, the City and the County shall jointly participate in filing claims and taking such other actions pertaining to the payment of proceeds resulting from such occurrence. If the proceeds are insufficient to fully repair and restore the affected property, the City shall not be required to make up the deficiency. The County shall handle all construction in accordance with the applicable requirements set forth herein, including, without limitation, obtaining the City's approval of the plans and specifications if they deviate from the original City-approved plans. The County shall not be relieved of any obligations, financial or otherwise, under this Agreement during any period in which the improvements are being repaired or restored.

6. Default; Remedies.

(A) Default. The occurrence of any of the following shall be an "event of default" under this Agreement:

(i) the failure of the County to perform or observe any obligation, duty, or responsibility under this Agreement or any other agreement to which the County and the City are parties, and failure by the County to correct such failure within 30 days after the County's receipt of written notice thereof from the City (the "**Cure Period**"); *provided, however*, that if the nature of the default is such that it cannot reasonably be cured during the Cure Period, the County shall not be in default under this Agreement so long as the County commences to cure the default within the Cure Period and thereafter diligently completes such cure within a reasonable period of time (but not exceeding 90 days) after the County's receipt of the City's initial notice of default. Notwithstanding the foregoing, if the County's failure to perform or observe any obligation, duty, or responsibility under this Agreement creates a dangerous condition or otherwise constitutes an emergency as determined by the City, an event of default shall be deemed to have occurred if the County fails to take corrective action immediately upon discovering such dangerous condition or emergency; or

(ii) the dissolution of the County, the filing of any bankruptcy or insolvency proceedings by or against the County, the making by the County of an assignment for the benefit of creditors, the appointment of a receiver (temporary or permanent) for the County, or the attachment of, levy upon, or seizure by legal process of any of the property of the County; or

(iii) any representation, warranty, or certification of the County made in connection with this Agreement or any other related agreements or documents shall prove to have been false or materially misleading when made.

(B) Remedies. Upon the occurrence of an event of default under this Agreement, the City shall be entitled to: (i) terminate this Agreement by giving the County written notice thereof, (ii) take such actions in the way of "self-help" as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of the County, and (iii) exercise any and all other rights and

remedies under this Agreement or otherwise available at law or in equity. The County shall be liable for all costs and damages, including, without limitation, attorneys' fees, suffered or incurred by the City as a result of a default of the County under this Agreement or the City's enforcement or termination of this Agreement. The failure of the City 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. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, or delivered by UPS, Federal Express or other recognized courier service, or mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:

City of Cincinnati
Dept of Community & Economic Development
805 Central Avenue, Suite 700
Cincinnati, Ohio 45202

To the County:

Board of County Commissioners
of Hamilton County
135 E. Court Street, Room 603
Cincinnati, Ohio 45202

If the County sends a notice to the City alleging that the City is in default under this Agreement, the County shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, Ohio 45202.

If the City sends a notice to the County alleging that the County is in default under this Agreement, the City shall simultaneously send a copy of such notice by U.S. certified mail to: Hamilton County Prosecuting Attorney, 230 E. Ninth Street, Suite 4000, Cincinnati, Ohio 45202.

8. Representations, Warranties, and Covenants.

(A) The County makes the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) The County is duly organized and validly existing under the laws of the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) The County has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed, and delivered by the County and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of the County.

(iii) The County's execution, delivery, and performance of this Agreement and the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or the County's organizational documents, or any mortgage, contract, agreement, or other undertaking to which the County is a party or which purports to be binding upon the County or upon any of its assets, nor is the County in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of the County, threatened against or affecting the County, at law or in equity or before or by any governmental authority that, if determined adversely, would impair the financial condition of the County or its ability to perform its obligations with respect to the matters contemplated herein.

(v) The County shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute, or governmental proceedings or investigation affecting the County that could reasonably be expected to materially and adversely affect its completion of the Project.

(vi) The statements made in the documentation provided by the County to the City that are descriptive of the County or the Project have been reviewed by the County and to the best of the knowledge of the Board of County Commissioners do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) The Board of County Commissioners is unaware of any outstanding fines, penalties, judgments, water, or other utility charges or other amounts owed to the City by the County.

(B) The City makes the following representations, warranties, and covenants:

(i) The City is duly organized and validly existing under the laws of the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) The City has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed, and delivered by the City and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of the City.

(iii) The City's execution, delivery, and performance of this Agreement and the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or the City's organizational documents, or any mortgage, contract, agreement, or other undertaking to which the City is a party or which purports to be binding upon the City or upon any of its assets, nor is the City in violation or default of any of the foregoing.

9. Reporting Requirements.

(A) Submission of Records and Reports; Records Retention. The County shall collect, maintain, and furnish to the City upon the City's request such accounting, financial, business, administrative, operational and other reports, records, statements and information as may be requested by the City pertaining to the County, the Project, or this Agreement, including, without limitation, financial statements, information pertinent to the determination of finances of the Project, and such reports and information as may be required for compliance with programs and projects relating to the Project as may be funded by the City, Hamilton County, or the State of Ohio (collectively, "**Records and Reports**"). All Records and Reports compiled by the County and furnished to the City shall be in such form as the City reasonably may from time to time require. The County shall retain all Records and Reports for a period of 3 years after the completion of the Project.

(B) City's Right to Inspect and Audit. During construction of the Project and for a period of 3 years thereafter, the County shall permit the City and its designees and auditors to have reasonable access to and to inspect and audit the County's Records and Reports. In the event any such inspection or audit discloses a material discrepancy with information previously provided by the County to the City, the County shall reimburse the City for its out-of-pocket costs associated with such inspection or audit.

10. General Provisions.

(A) Assignment. The County shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which shall not be unreasonably withheld, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

(B) Entire Agreement. This Agreement (including the exhibits hereto) 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.

(C) Amendments and Waivers. This Agreement may be amended, waived, or otherwise modified only by a written amendment signed by both parties.

(D) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and the County agrees that venue in such court is proper. The County hereby waives trial by jury with respect to any and all disputes arising under this Agreement.

(E) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(F) Captions. The captions of the various sections and paragraphs of this Agreement 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 Agreement.

(G) Severability. If any part of this Agreement is held by a court of law to be void, illegal, or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(H) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

(I) No Brokers. The County represents to the City that it has not dealt with a real estate broker, salesperson, or other person who might claim entitlement to a fee or other compensation from either party as a result of the parties' execution of this Agreement.

(J) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder's Office.

(K) Time. Time is of the essence with respect to the performance by the County of its obligations under this Agreement.

(L) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement 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 officer, agent, employee, or attorney of the City in other than his or her official capacity.

(M) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in the County or in the Project, and the County shall take appropriate steps to assure compliance.

(N) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(O) Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

11. Coordinated Report Conditions. The County shall abide by the additional conditions identified in Coordinated Report #, including, without limitation, the following:

(A) DOTE. The County must complete a Traffic Impact Study (“**TIS**”) and implement any recommendations of the TIS and any DOTE requirements related thereto, including to create public access to exit the remainder of Logan Street. Adjacent streets must be finished with a curb, sidewalk, and/or drive approach, each to be approved by DOTE. A street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right of way. All improvements in the public right of way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Two sets of plan drawings must be attached to the permit application for review by DOTE.

(B) MSD. An Excavation Fill permit approval and/or bond from the Metropolitan Sewer District of Greater Cincinnati (“**MSD**”) may be necessary for any construction, construction traffic, earthwork, or other construction activity related to the Project. Additional MSD requirements may be established by the permit (such as verification and usage of existing or abandoned building services to the combined sewer through dye testing, pre- and post-construction CCTV-ing, etc.) depending on the final Project plans and specifications. Information will be needed from the Project to ensure no new loads are exerted on public sewers.

(C) GCWW. The County shall perform all work described in Preliminary Application CIN 332 to the satisfaction of Greater Cincinnati Water Works (“**GCWW**”), including the relocation of existing GCWW infrastructure located under the City ROW.

(D) Duke Energy. Duke Energy has an OH Primary, a standard pressure gas main, and overhead and underground facilities to which access must be maintained at all times.

(E) Cincinnati Bell. Cincinnati Bell has existing underground telephone facilities that must remain in place, in service, and accessible. Any damage done to the facilities, or any work done to relocate the facilities as a result of the Project, shall be handled entirely at the County’s expense.

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

- Exhibit A – *Site Plan*
- Exhibit B – *Legal Description – City ROW*
- Exhibit C – *Survey Plat – City ROW*
- Exhibit D – *Statement of Work*
- Exhibit E – *Budget*
- Exhibit F – *Form of Quitclaim Deed*
- Exhibit G – *Additional Requirements*

[signature pages follow]

This Agreement is executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "**Effective Date**").

BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

[City signatures on the following page]

CITY OF CINCINNATI

By: _____
John P. Curp, Interim City Manager

Date: _____, 2022

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A
to Property Transfer and Development Agreement

Site Plan

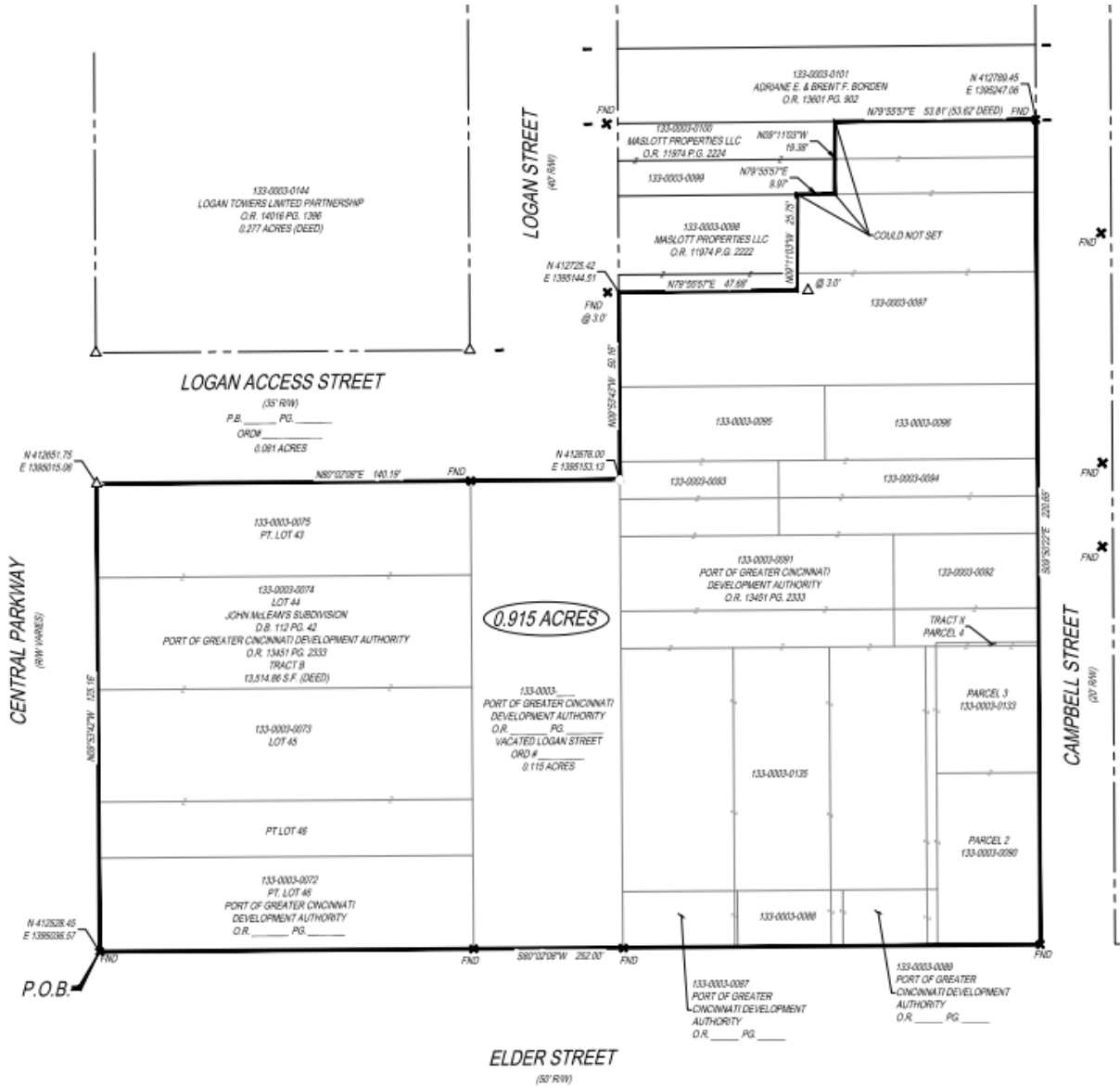


Exhibit B
to Property Transfer and Development Agreement

Legal Description – City ROW

Situated in Section 13, Town 3, Fractional Range 2, BTM, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Logan Street, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the north right of way line of Elder Street with the west right of way line of Logan Street;

Thence with said west right of way line, N09°53'43"W a distance of 125.16 feet to a cross notch set;

Thence, N80°02'08"E a distance of 40.00 feet to a 5/8" iron pin set in the east right of way line of Logan Street;

Thence along said east right of way line, S09°53'43"E a distance of 125.16 feet to a cross notch found at the intersection of said east right of way line with the aforementioned north right of way line of Elder Street;

Thence, S80°02'08"W a distance of 40.00 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

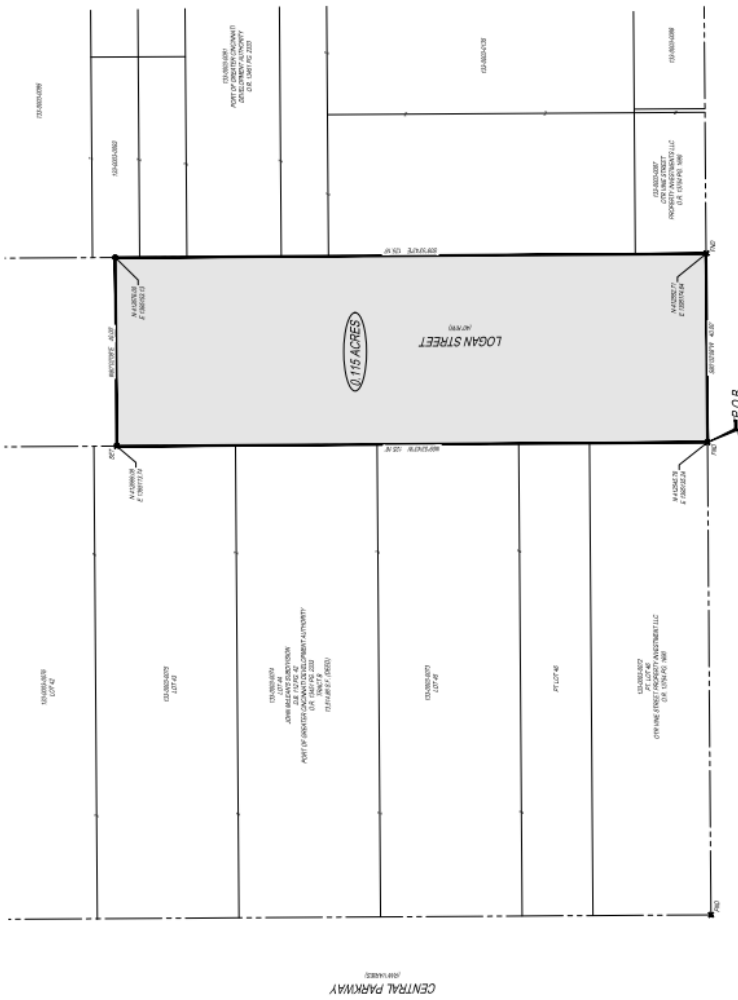
Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System (VRS)(NAD 83)

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers".

Exhibit C
to Property Transfer and Development Agreement

Survey Plat – City ROW

SEE ATTACHED



CLOSURE 0.115 ACRES

NORTH-SOUTH: 180' EAST-CENTRAL: 180' WEST-CENTRAL: 180' EAST-CENTRAL: 180' NORTH-CENTRAL: 180' WEST-CENTRAL: 180' EAST-CENTRAL: 180' WEST-CENTRAL: 180' EAST-CENTRAL: 180' WEST-CENTRAL: 180' EAST-CENTRAL: 180' WEST-CENTRAL: 180' EAST-CENTRAL: 180' WEST-CENTRAL: 180'



THE KLEINGERS GROUP

1111 UNIVERSITY AVENUE, SUITE 2000, JACKSONVILLE, FL 32216
TEL: 904.558.1111

SEAL OF THE CITY OF JACKSONVILLE

PLANNING COMMISSION APPROVAL:
PLAN APPROVED BY THE CITY OF JACKSONVILLE PLANNING COMMISSION ON THE _____ DAY OF _____, 2021.

DIRECTOR OF DEPARTMENT OF CITY PLANNING

SURVEY PLAT FOR A PORTION OF LOGAN STREET 0.115 ACRES

SECTION 12, TOWNSHIP 2 N, RANGE 17 E, 2 PTM
PLANNING COMMISSION APPROVAL:
PLAN APPROVED BY THE CITY OF JACKSONVILLE PLANNING COMMISSION ON THE _____ DAY OF _____, 2021.

DIRECTOR OF DEPARTMENT OF CITY PLANNING

1 OF 1

- NOTES**
1. SEE ALL RECORDING INFORMATION.
 2. SEE ALL RECORDING INFORMATION.
 3. ALL INFORMATION IS BASED ON RECORD INFORMATION (SUCH AS RECORDS IN THE PUBLIC RECORDS).
 4. ALL INFORMATION IS BASED ON RECORD INFORMATION (SUCH AS RECORDS IN THE PUBLIC RECORDS).
 5. ALL INFORMATION IS BASED ON RECORD INFORMATION (SUCH AS RECORDS IN THE PUBLIC RECORDS).

SURVEYORS CERTIFICATION

SURVEYOR

REGISTERED PROFESSIONAL ENGINEER NO. 0411

Exhibit D
to Property Transfer and Development Agreement

Statement of Work

Following the Closing on the City's sale of the City ROW to the County, the County will complete construction of the following public improvements and a 515-space structured parking garage.

- I. Demolition: Demolition of existing surface parking lots, roadway, sidewalks, lighting, and signage located within the Project Site.
- II. Site Preparation:
 - a. Prepare the Project Site for installation of infrastructure and vertical development, including, without limitation, shoring, soil stabilization, and grading activities.
 - b. General conditions, including jobsite fencing, road and sidewalk closing fees, and surveying.
- III. Public Infrastructure Improvements:
 - a. To prepare the Project Site for vertical development, the County will first construct a new public street, being approximately 35' wide and designed to Department of Transportation & Engineering standards, that will connect Central Parkway to the existing Logan Street.
 - b. Abandon a portion of the City-owned right-of-way known as Logan Street, including the relocation of utilities, water, sewer, gas, and electric to the new public street to be constructed between Central Parkway and Logan Street.
 - c. Streetscape, sidewalk, and signage improvements in the adjacent public rights of way, including, without limitation, granite curbs and concrete sidewalks to match the south side of Elder Street, post top street lighting, signage, and tree wells.
Upon completion of the Garage Project, the County shall complete the rehabilitation of the public streets adjoining or adjacent to the Project Site, or otherwise impacted by the Project, all per DOTE requirements.
- IV. Public Parking Garage:
 - a. Construct an above-grade, 6.5 story public parking garage located along the north side of Elder Street, east of Central Parkway (the "**Garage**"). The Garage will have a capacity of approximately 515 spaces, a footprint of 30,256 square feet, and a total building area of 194,500 square feet. There will be one vehicular entry/exit along the north side of the Garage.
 - b. The Garage will also include approximately 15,000 square feet of retail space and accompanying support space on the ground level. The retail space will be designed as a "white box" level of finish, including major HVAC and electrical utility runs only, slab on grade, and exterior walls of the space.
 - c. Architectural finishes are incorporated into the perimeter façade to break down the scale of the Garage and relate to the surrounding Over-the-Rhine historical buildings. A 4-story mural will be incorporated into the section of the south façade above the vacated section of Logan Street.

Exhibit E
to Property Transfer and Development Agreement

Budget

1. PRELIMINARY BUDGET

Uses		Total
Infrastructure Project		1,052,000.00
Utility Relocation	1,000,000.00	
Logan Access Street	52,000.00	
Garage Project		19,200,000.00
Land Acquisition	2,200,000.00	
Deep Foundations	1,000,000.00	
Core & Shell	16,000,000.00	
Soft Costs		2,500,000.00
Total		\$22,752,000.00

2. SOURCES OF FUNDS

Sources		Total
County Parking Fund Revenues		\$22,752,000.00

Exhibit F
to Property Transfer and Development Agreement
Form of Quitclaim Deed

SEE ATTACHED

----- space above for recorder -----

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "**City**"), having an address of 801 Plum Street, Cincinnati, Ohio 45202, for valuable consideration paid, hereby grants and conveys to the **BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO**, acting for and on behalf of Hamilton County, Ohio, a political subdivision of the State of Ohio, the address of which is 138 E. Court Street, Room 603, County Administration Building, Cincinnati, Ohio 45202 ("**Grantee**"), all of the City's right, title, and interest in and to the real property described on Exhibit A (Legal Description) hereto and depicted on Exhibit B (Survey Plat) hereto (the "**Property**").

Property Address: None. Vacated public right-of-way.

Auditor's Parcel Nos.: None. Vacated public right-of-way.

Pursuant to Ohio Revised Code Section 723 and Ordinance No. ___-2022, passed by Cincinnati City Council on _____, 2022, the portion of right-of-way described on Exhibit A and depicted on Exhibit B are hereby vacated as public right-of-way by the City.

(A) Creation of Utility Easements. This conveyance is subject to Ohio Revised Code §723.041 so that any affected public utility shall have a permanent easement in such vacated portion of the public right-of-way for the purpose of operating, maintaining, repairing, reconstructing, and removing any existing utility facilities and for purposes of access to said facilities. Following the relocation of any utilities in such vacated portion of the public right-of-way to the satisfaction of the affected public utility, upon Grantee's request, the affected public utility will execute and deliver to Grantee a recordable release, for recording in the Hamilton County Recorder's Office, at Grantee's cost.

[subject to possible creation of utility easements in favor of Cincinnati Bell and/or Duke Energy for their existing facilities if no existing easements are in place]

(B) Re-conveyance to City upon Failure to Timely Commence Construction: The City and Grantee are parties to a *Property Transfer and Development Agreement* dated _____, 20____ (the "**Agreement**"), pursuant to which Grantee is required to redevelop the Property. If Grantee does not commence construction at the Property on or before the Garage Project Commencement Date (as defined in the Agreement) in accordance with the Agreement, Grantee shall re-convey the Property to the City as described in the Agreement. At such time as the City no longer has the right to reacquire the Property under the Agreement, the City, at Grantee's request, shall execute and deliver to Grantee a release of such rights for recording in the Hamilton County, Ohio Recorder's Office. Until such time as the Property has been reconveyed to the City or the City has released or waived its rights to reacquire the Property thereunder, Grantee shall not sell or otherwise transfer title to the Property or any portion thereof without the prior written consent of the City.

This conveyance was authorized by Ordinance No. ____-2022, passed by Cincinnati City Council on _____, 2022.

Executed on _____, 20__.

CITY OF CINCINNATI

By: _____

Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ___ day of _____, 20 __, by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereby.

Notary Public
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, Ohio 45202

Exhibit A
to Quitclaim Deed

Legal Description

Situated in Section 13, Town 3, Fractional Range 2, BTM, Millcreek Township, City of Cincinnati, Hamilton County, Ohio, being a portion of Logan Street, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the north right of way line of Elder Street with the west right of way line of Logan Street;

Thence with said west right of way line, N09°53'43"W a distance of 125.16 feet to a cross notch set;

Thence, N80°02'08"E a distance of 40.00 feet to a 5/8" iron pin set in the east right of way line of Logan Street;

Thence along said east right of way line, S09°53'43"E a distance of 125.16 feet to a cross notch found at the intersection of said east right of way line with the aforementioned north right of way line of Elder Street;

Thence, S80°02'08"W a distance of 40.00 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System (VRS)(NAD 83)

All iron pins set are 5/8" diameter x 30" iron rebar with ID cap stamped "Kleingers".

Exhibit B
to Quitclaim Deed

Survey Plat

[TO BE ATTACHED TO EXECUTION VERSION]

Exhibit G
to Property Sale and Development Agreement

Additional Requirements

The phrase "Developer" shall refer to the County for purposes of this Exhibit.

Developer and Developer's general contractor shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati (collectively, "**Government Requirements**"), including the Government Requirements listed below, to the extent that they are applicable. Developer hereby acknowledges and agrees that (a) the below listing of Government Requirements is not intended to be an exhaustive list of Government Requirements applicable to the Project, Developer, or Developer's contractors, subcontractors or employees, either on the City's part or with respect to any other governmental entity, and (b) neither the City nor its Law Department is providing legal counsel to or creating an attorney-client relationship with Developer by attaching this Exhibit to the Agreement.

Notwithstanding the provisions of this Agreement and this Exhibit:

(A) The City acknowledges that Developer has an economic inclusion policy pertaining to the inclusion of minority, female and small business enterprises, and non-discrimination, as well as its own procurement and competitive bidding policy. Developer shall use its best efforts, and shall require each contractor and subcontractor working on the Project to use its best efforts, to promote Developer's economic inclusion policy. In consideration of those efforts, the City hereby waives compliance with the City's Small Business Enterprise policy, the City's Equal Employment Opportunity Program, construction workforce goals, and procurement policy (each of which policies and programs are described more fully below) with respect to the Project.

(B) Notwithstanding clause (A) above, **Developer specifically agrees that, regardless of the legal applicability or inapplicability of Ordinance No. 130-2002 (regarding Meet and Confer), as described in Section (A)(i) of this Exhibit, Developer shall fully comply with the meet and confer requirement identified in clause (A)(i)(b) of this Exhibit as if Ordinance No. 130-2002 applies to Developer.** The City affirms to Developer that Meet and Confer meetings occur twice monthly at the offices of the Department of Community and Economic Development; to the extent such meetings occur less frequently than bi-monthly, Developer shall not be obligated to wait to bid for longer than two weeks for a Meet and Confer meeting to take place.

A. Trade Unions; Subcontracts; Competitive Bidding.

(i) Meeting and Conferring with Trade Unions.

(a) Applicability. Per City of Cincinnati, Ordinance No. 130-2002, this requirement is limited to transactions in which Developer receives City funds or other assistance (including, but not limited to, the City's construction of public improvements to specifically benefit the Project, or the City's sale of real property to Developer at below fair market value).

(b) Requirement. This Agreement may be subject to the requirements of City of Cincinnati, Ordinance No. 130-2002, as amended or superseded, providing that, if Developer receives City funds or other assistance, Developer and its general contractor, prior to the commencement of construction of the Project and prior to any expenditure of City funds, and with the aim of reaching comprehensive and efficient project agreements covering all work done by Developer or its general contractor, shall meet and confer with: the trade unions representing all of the crafts working on the Project, and minority, female, and locally-owned contractors and suppliers potentially involved with the construction of the Project. At this meeting, Developer and/or its general contractor shall make available copies of the scope of work and if prevailing wage rates apply, the rates pertaining to all proposed work on the Project. Not later than ten (10) days following Developer and/or its general contractor's meet and confer activity,

Developer shall provide to the City, in writing, a summary of Developer and/or its general contractor's meet and confer activity.

B. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Developer shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Developer may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Developer shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources.

The Developer must conduct an advertising campaign designed to reach all segments of the Cincinnati community by advertising in newspapers, trade association publications, special interest publications, trade journals, community papers or other media (i.e. emails), as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Developer shall require the prime contractor (if different from the Developer) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Developer shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Developer shall update the report monthly.

(vi) The Developer shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

C. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Developer or its contractors and subcontractors to take the affirmative steps specified in Section B and Section 8(L) of this Agreement, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Developer to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

D. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "**Wage Enforcement Chapter**"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. CMC Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the

city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to CMC Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the city shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Date: February 18, 2022

To: Mayor Aftab Pureval
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – American Rescue Plan Funds for Affordable Housing**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer and return to source Local Fiscal Recovery Fund 469 of the sum of \$5,150,000 from American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of realigning sources with uses; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$5,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the City Manager to execute any and all necessary agreements related to the Affordable Housing Trust Fund with Cincinnati Development Fund, Inc. or an affiliate; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” and American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” to be for a public purpose.

AWG/AKS(lnk)

Attachment
357870

{00358482-1}

EMERGENCY

City of Cincinnati

AKS

An Ordinance No. _____

- 2022

AUTHORIZING the transfer and return to source Local Fiscal Recovery Fund 469 of the sum of \$5,150,000 from American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of realigning sources with uses; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **ESTABLISHING** new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$5,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic; **AUTHORIZING** the transfer and appropriation of the sum of \$150,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic; **AUTHORIZING** the City Manager to execute any and all necessary agreements related to the Affordable Housing Trust Fund with Cincinnati Development Fund, Inc. or an affiliate; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” and American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” to be for a public purpose.

WHEREAS, it is a priority of this Mayor, Council, and the City Administration to make transformative investments in housing at all income levels, with an eye towards improved affordable and workforce housing options within the City of Cincinnati; and

WHEREAS, the City received funding from the United States Department of the Treasury pursuant to the American Rescue Plan Act as part of the Coronavirus Local Fiscal Recovery Fund Act; and

WHEREAS, a portion of those funds was appropriated to American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” which was designated to provide fiscal stability for FY 2021; and

WHEREAS, with the City’s FY 2021 budget now being closed, remaining funds identified for FY 2021 fiscal stability are available to be reallocated for another purpose; and

WHEREAS, the COVID-19 pandemic negatively impacted the supply of affordable housing in the United States, including the City of Cincinnati, and \$5,000,000 of American Rescue Plan funds is being made available for affordable housing; and

WHEREAS, pursuant to Ordinance No. 364-2018, passed December 12, 2018, the City established Fund 439, "Affordable Housing Trust Fund," for the purpose of receiving and disbursing funds to preserve and develop affordable housing and prevent homelessness in the City of Cincinnati, and to fund any of the City of Cincinnati's administrative costs associated therewith; and

WHEREAS, subsequent to creation of Fund 439, "Affordable Housing Trust Fund," additional capital improvement program project accounts were established for the purpose of providing resources for the preservation and development of affordable housing in the City of Cincinnati; and

WHEREAS, the City desires to further engage Cincinnati Development Fund, Inc., and its affiliates to create additional financing and development opportunities for affordable housing in the City of Cincinnati; and

WHEREAS, a residential housing strategy for the City is necessary to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic and \$150,000 of American Rescue Plan Funds are being made available for such purpose; now, therefore,

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

Section 1. That the sum of \$5,150,000 is hereby transferred and returned to source Local Fiscal Recovery Fund 469 from American Rescue Plan grant project account no. 469x101xARP050, "FY 2021 COVID Expenses," for the purpose of realigning sources with uses.

Section 2. That the Director of Finance is hereby authorized to establish new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP200, "Affordable Housing Trust Fund," for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic.

Section 3. That the Director of Finance is hereby authorized to establish new Local Fiscal Recovery Fund 469 American Rescue Plan grant project account no. 469x101xARP201, "Housing

Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic.

Section 4. That the sum of \$5,000,000 is hereby transferred and appropriated from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” for the purpose of providing funds to enhance the availability of affordable housing within the City which is necessary because of the impacts of the COVID-19 pandemic (the “ARPA Affordable Housing Trust Funds”).

Section 5. That the sum of \$150,000 is hereby transferred and appropriated from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” for the purpose of providing funds to develop a residential housing strategy to improve the efficacy of the City at addressing the negative economic impacts of the COVID-19 pandemic.

Section 6. That expenditures from American Rescue Plan grant project account no. 469x101xARP200, “Affordable Housing Trust Fund,” and American Rescue Plan grant project account no. 469x101xARP201, “Housing Strategies,” are hereby declared to be for a public purpose because support for affordable housing improves the economic and general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

Section 7. That the City Manager is hereby authorized to execute any and all necessary agreements with Cincinnati Development Fund, Inc., or one of its affiliates, to deploy the ARPA Affordable Housing Trust Funds, all available funds in Fund 439, “Affordable Housing Trust Fund,” and all available funds in the capital improvement program project accounts related to Fund

439, "Affordable Housing Trust Fund," on such terms and conditions as deemed acceptable by the City Manager.

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

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 implement authorized American Rescue Plan-related support programs and projects.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

February 9, 2022

To: Mayor and Members of City Council 202200272
From: John Curp, Interim City Manager
Subject: Designating the Benjamin Stewart Home at 5540 Madison Avenue in Madisonville

Transmitted is an Ordinance captioned:

DESIGNATING the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

The City Planning Commission recommended approval of the designation at its February 4, 2022 meeting.

Summary:

On November 2, 2021, a complete local historic landmark designation application was submitted to the Department of City Planning and Engagement for the Benjamin Stewart Home by the Madisonville Community Council and PLK Communities. According to the Cincinnati Zoning Code, an application for the designation of a local historic landmark shall be forwarded to the City Planning Commission following a public hearing of the Historic Conservation Board.

On December 20, 2021, the Historic Conservation Board (HCB) held a public hearing on the local historic landmark designation application. The Historic Conservation Board members present throughout the hearing and constituting a quorum, voted unanimously to recommend Benjamin Stewart Home Building to the City Planning Commission and City Council for approval.

The City Planning Commission voted unanimously to approve and forward the application to City Council after considering the relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed local historic landmark is located; the effect of the proposed designation on the surrounding areas and economic development plans of the city; and other planning and historic preservation considerations.

The City Planning Commission recommended the following on February 4, 2022 to City Council:

- 1) **APPROVE** the proposed designation of the Benjamin Stewart Home as a Local Historic Landmark at 5540 Madison Road under Criterion 2 and 3 of the Cincinnati Zoning Code (§1435-07-1a) and;
- 2) **ADOPT** the conservation guidelines for the Benjamin Stewart Home.

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



EMERGENCY

DBS

AWB

City of Cincinnati

An Ordinance No. _____

- 2022

DESIGNATING the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

WHEREAS, the Madisonville Community Council and PLK Communities (“Petitioners”) have applied to designate the structure commonly known as the Benjamin Stewart Home and located at 5540 Madison Road in the Madisonville neighborhood as a local historic landmark; and

WHEREAS, the Benjamin Stewart Home is a two and a half story American bond brick building that was constructed between 1837-1844 at the intersection of Madison Road and Stewart Road by Benjamin Stewart, a prominent businessperson who played an integral role in the development of Madisonville; and

WHEREAS, the land that contains the Benjamin Stewart Home was granted to Joseph Ward, the first permanent settler of Madisonville, by the U.S. government for his services in the Patriot Army during the Revolutionary War, and it was eventually sold by Ward to Benjamin Stewart; and

WHEREAS, the Benjamin Stewart Home is architecturally significant as one of the oldest standing examples of the Greek Revival architectural style in the Madison-Stewart Historic District containing features such as columns that mimic marble, entablatures, trim between the roof and columns, multi-paneled windows, pilasters, and doric columns on the covered front porch; and

WHEREAS, following a public staff conference, the Historic Conservation Board, at its regularly scheduled meeting on December 20, 2021, and upon considering the factors set forth in Cincinnati Municipal Code Section 1435-07-1, recommended designation of the Benjamin Stewart Home as a local historic landmark and further recommended adoption of conservation guidelines governing the maintenance, rehabilitation, and modification of the proposed historic landmark; and

WHEREAS, upon receipt of the recommendation of the Historic Conservation Board, the City Planning Commission, at its regularly scheduled meeting on February 4, 2022, and upon considering the factors set forth in Cincinnati Municipal Code Section 1435-07-2-B(c), recommended the designation of the Benjamin Stewart Home as a historic landmark and the adoption of conservation guidelines governing the maintenance, rehabilitation, and modification of the proposed historic landmark; and

WHEREAS, a committee of Council held a public hearing to review and consider the proposed designation following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1; and

WHEREAS, the Council finds that the Benjamin Stewart Home has historic significance pursuant to Cincinnati Municipal Code Section 1435-07-01(a)(2) for its association with the lives of persons significant in our past, particularly Joseph Ward and Benjamin Stewart; and

WHEREAS, the Council additionally finds that the Benjamin Stewart Home has historic significance pursuant to Cincinnati Municipal Code Section 1435-07-01(a)(3) because it embodies the distinctive characteristics of a type, period, and method of construction, namely the Greek Revival Style of architecture; and

WHEREAS, the Council finds that the historic designation of the Benjamin Stewart Home is in accordance with the *Plan Cincinnati* (2012) goal to “[p]reserve our natural and built environment” (p. 193); and

WHEREAS, the Council finds that the historic designation of the Benjamin Stewart Home conforms to the *Madisonville Neighborhood Business District Urban Renewal Plan* (2002) and its Strategy to “[e]mpower local development entities such as private developers, Madisonville Community Urban Redevelopment Corporation (MCURC), local church groups and other organizations and non-profits to renovate or upgrade existing vacant and underutilized properties throughout the neighborhood business district” (p. 14); and

WHEREAS, the Council considers the designation of the Benjamin Stewart Home as a historic landmark and the adoption of related conservation guidelines to be in the best interest of the City and the general public’s health, safety, and general welfare; now, therefore,

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

Section 1. That the Council approves the Designation Report for the structure located at 5540 Madison Road (“Benjamin Stewart Home”), which report is attached hereto as “Exhibit A,” and specifically adopts as its own findings that the Benjamin Stewart Home, depicted on the attached “Exhibit B” and located on the real property more particularly described on the attached “Exhibit C,” has historic significance and qualifies in all respects for designation as a historic landmark under Chapter 1435 of the Zoning Code of the City of Cincinnati (“Zoning Code”); specifically, Council designates the Benjamin Stewart Home as a local historic landmark under Zoning Code Sections 1435-07-1-(a)(2) and 1435-07-1-(a)(3). By reference, Exhibits A, B, and C are incorporated herein and made a part hereof.

Section 2. That the Zoning Map of the City of Cincinnati is amended to superimpose over the existing underlying zoning district the designation of the Benjamin Stewart Home as a local historic landmark.

Section 3. That, pursuant to Zoning Code Chapter 1435, Council hereby adopts the “Benjamin Stewart Home Historic Conservation Guidelines,” attached hereto as “Exhibit D” and made a part hereof, which guidelines shall govern the preservation, rehabilitation, or modification of the Benjamin Stewart Home historic landmark.

Section 4. That the Clerk of Council is directed to promptly notify the Historic Conservation Board, the City Planning Commission, the Director of City Planning and Engagement, the Director of Buildings and Inspections, and the City Solicitor of the Benjamin Stewart Home historic landmark designation.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to ensure that any alterations or demolitions of the Benjamin Stewart Home are reviewed by the Historic Conservation Board pursuant to Cincinnati Municipal Code Chapter 1435, “Historic Preservation,” which is immediately necessary to preserve and protect the landmark’s historic significance.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

EXHIBIT A

Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



Table of Contents

Introduction	pg. 3
Background	pg. 3
Description of Property	pg. 3
Statement of Significance	pg. 7
Historical Significance	pg. 8
Architectural Significance	pg. 9
Planning Consideration/Findings	pg. 10
Research Methodology	pg. 10
References	pg. 11
Exhibits:	
Photos of Renovation	pg. 12-15
Sanborn Maps	pg. 16-17
Cincinnati Neighborhoods	pg. 18
Madisonville Map with Madison-Stewart District	pg. 19

Introduction

Prepared by Eric Stringer of PLK Communities for the Benefit of The Madisonville Community Council, this report represents the findings and recommendations for local Historic Landmark designation of the Stewart Home.

Background

The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

Description of Property

Site

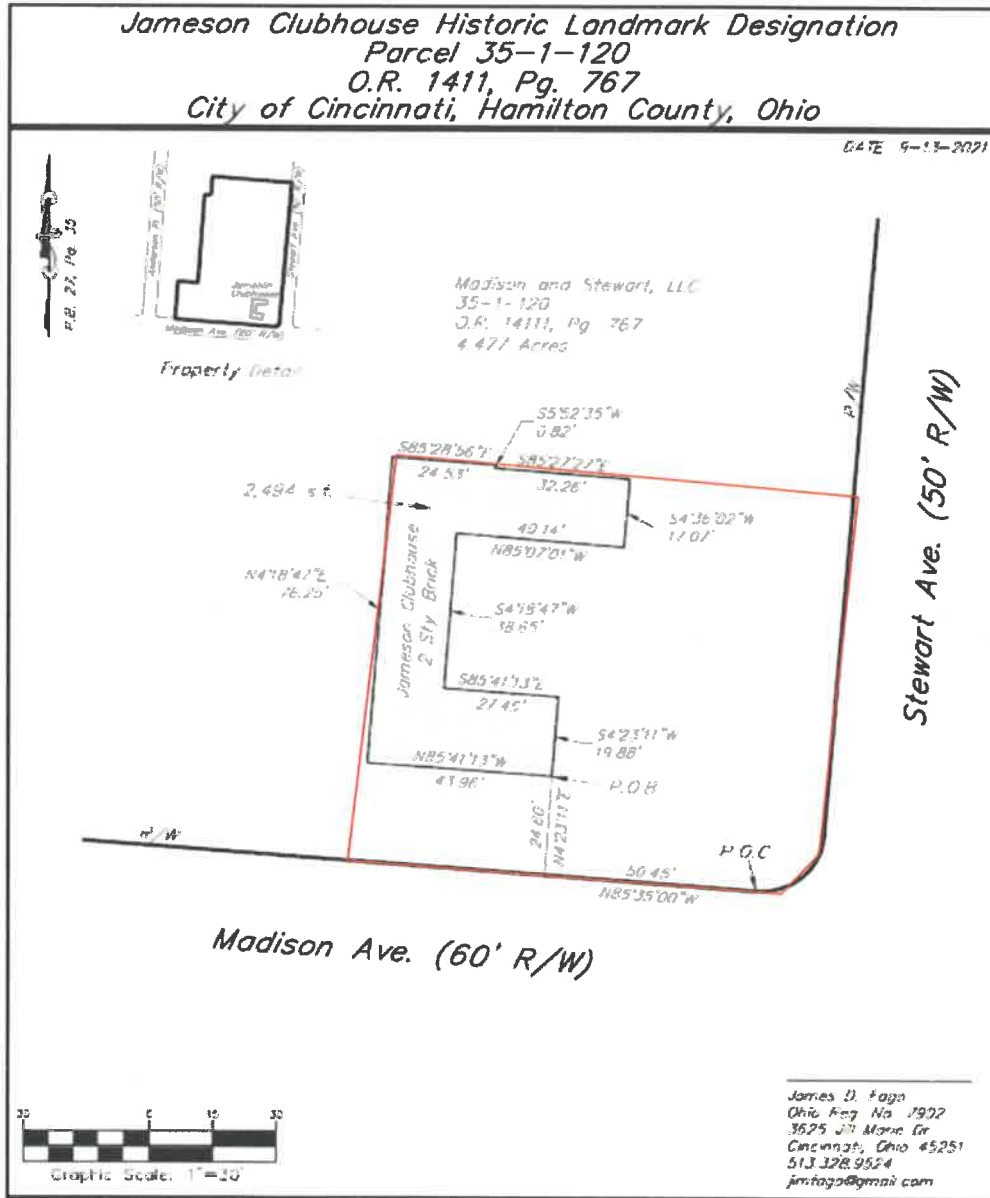
The Benjamin Stewart home at 5540 Madison Road sits along the line of latitude of 39° 09' 40", and line of longitude at 84° 23' 52". The home sits on a site that is 4.447 acres that it shares with multiple multi-family residential dwellings (noncontributing to landmark) that were built between 2020 and 2021.

Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Map Showing Designation Boundaries (See Below)



Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

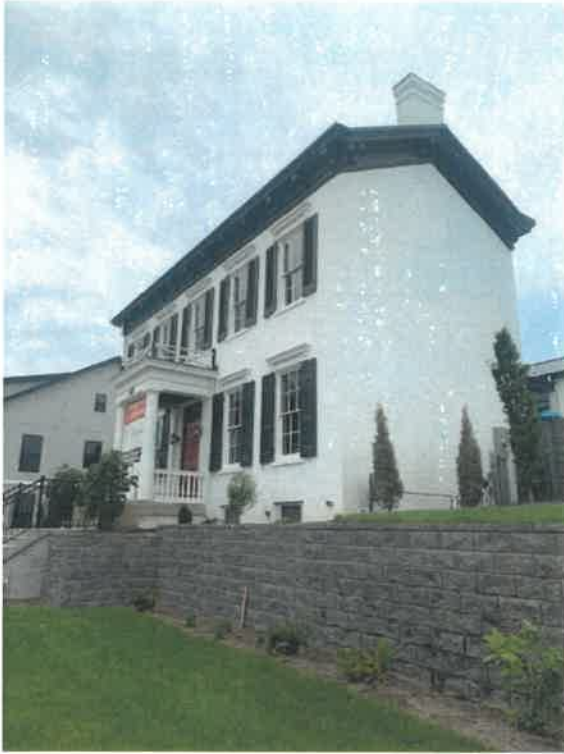
Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



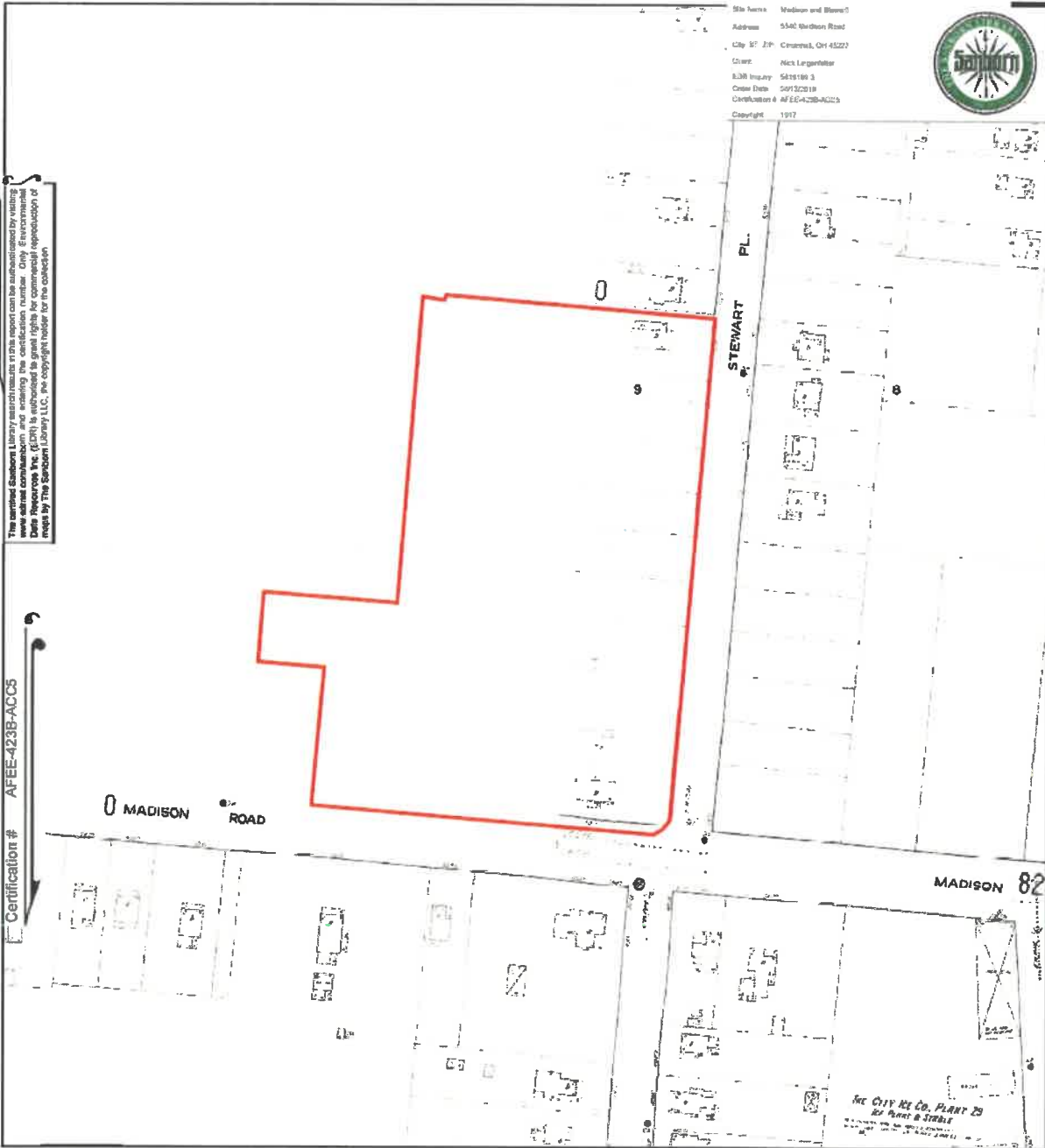
Original fireplace restored and redesigned in guest lounge.



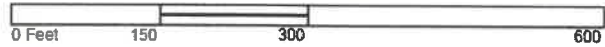


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1917



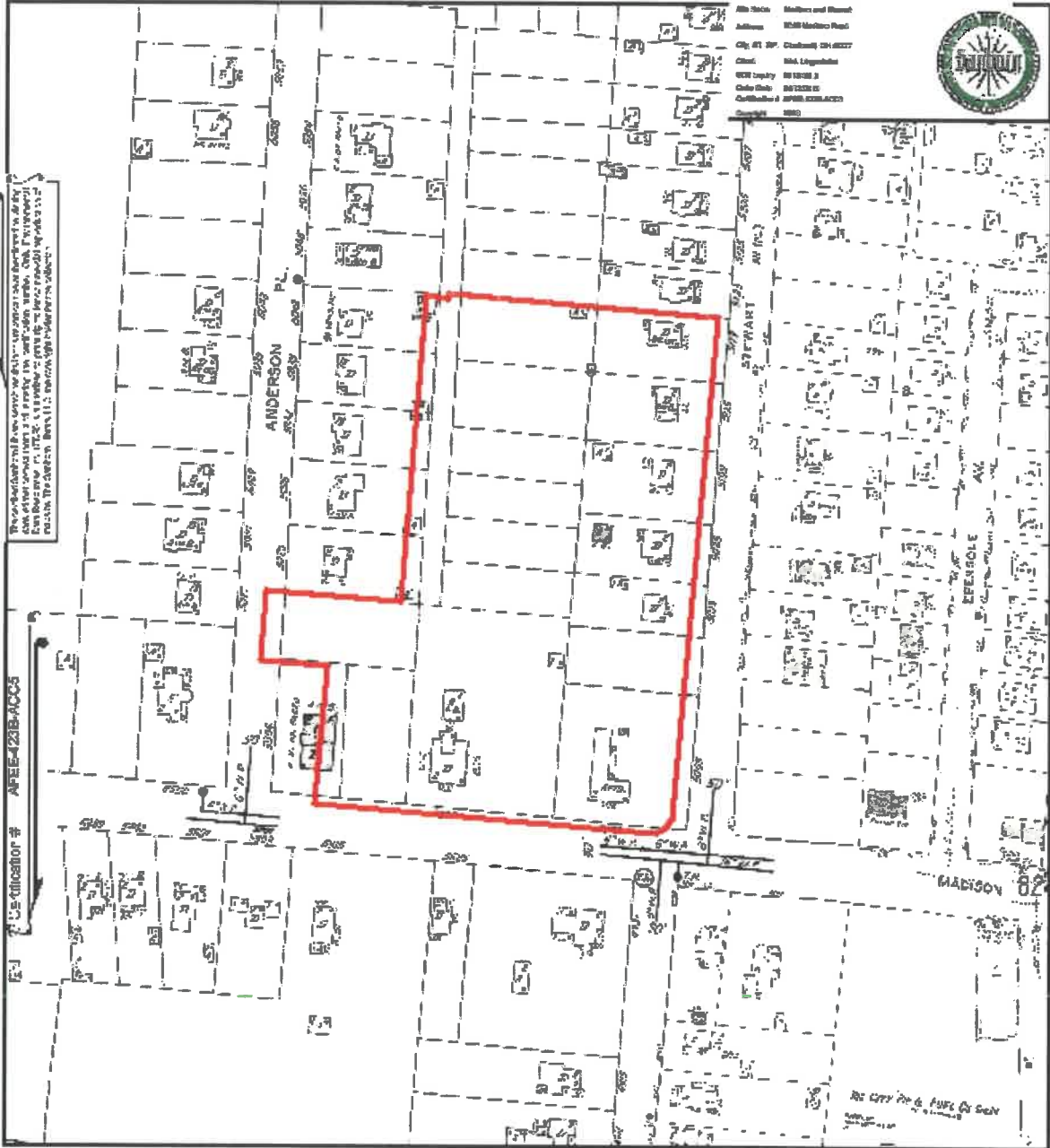
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Certified Sanborn® Map

1950

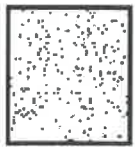


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Volume 8, Sheet 832
 Volume 8, Sheet 831
 Volume 8, Sheet 824



5018106 - 2 page 8

Neighborhood of Madisonville, Cincinnati, OH



Madison-Stewart Historic District

Benjamin Stewart home located at 5540 Madison Road

Latitude 39° 09' 40", Longitude 84° 23' 52"

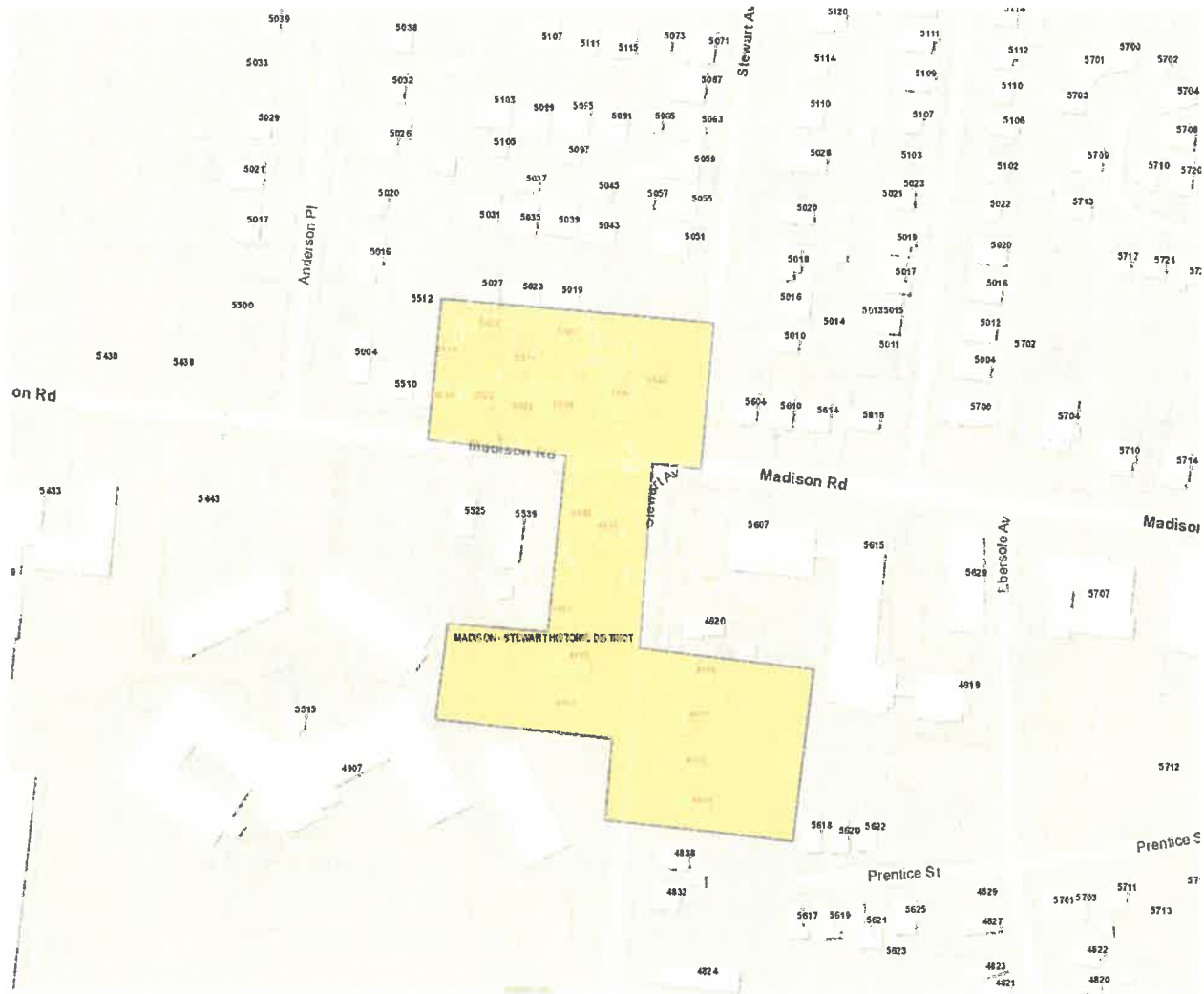


EXHIBIT B

Proposed Local Landmark Designation of the Benjamin Stewart Home at 5540 Madison Road in Madisonville

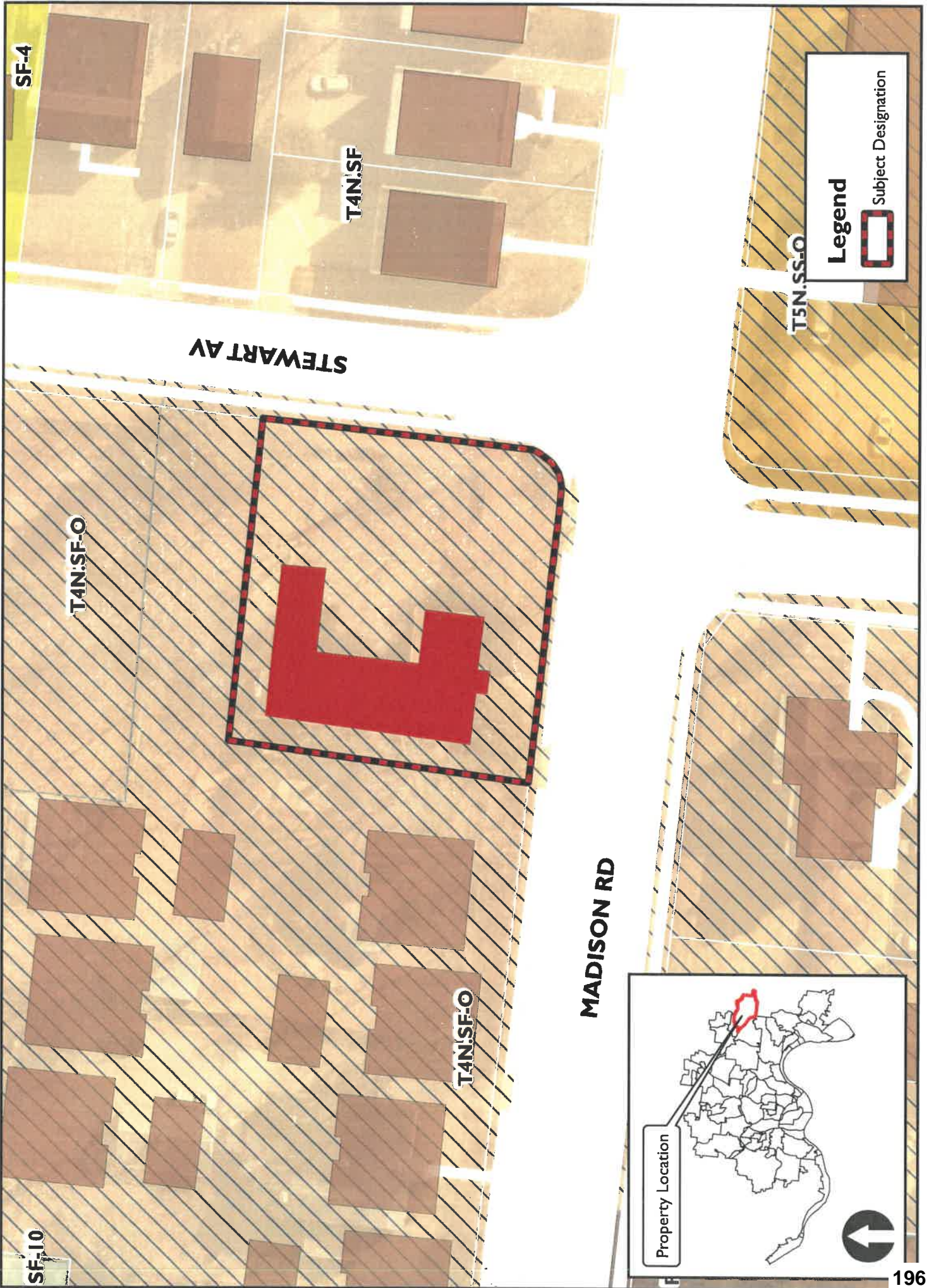


EXHIBIT C

Legal Description:

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Madison Road and Stewart Avenue; thence, northwardly with the centerline of Stewart Avenue for approximately 27-feet to the point of intersection with the easterly extension of the south parcel line of Parcel 120, HCAP Book 35, Page 1; thence westwardly along the easterly extension of the south parcel line of said parcel for approximately 36.1-feet, **THE POINT OF THE BEGINNING**; thence westwardly along the south parcel line of said parcel for approximately 99-feet; thence northwardly, at a 90-degree angle, for approximately 103.6-feet; thence eastwardly, at a 90-degree angle, for approximately 111.1-feet to the point of intersection with the east parcel line of Parcel 120, HCAP Book 35, Page 1; thence, southwardly along the east parcel line of said parcel, following the southeast curve of said parcel to the point of intersection with the south parcel line of Parcel 120, HCAP Book 35, Page 1, **THE POINT OF THE BEGINNING**.

Containing approximately 10,890 square feet of land.

EXHIBIT D

Historic Conservation Guidelines

Benjamin Stewart Home, Madisonville, Cincinnati, OH

Rehabilitation

General Terminology

Within these guidelines, the “Stewart-Ward Home” refers to the building located at 5540 Madison Road, Cincinnati, OH 45227.

Intent and General Guidelines

The following general approaches are recommended:

1. **Repair and maintenance:** Ordinary repair and maintenance of like and kind for matching the original construction, where visible, and that does not change the appearance of the buildings, is acceptable under these guidelines. Rehabilitation may include preservation, restoration, reconstruction, or a combination of these, as appropriate and reasonable for the building.
2. **Maintenance:** Existing visible features that contribute to the building’s overall character and are in good condition should be maintained, preserved, or conserved, where possible. Damaged visible features which can be repaired should be repaired whenever possible.
3. **Replacements:** Replacements of significant features damaged beyond repair, deteriorated beyond reasonable repair, or missing significant features should sensitively harmonize with the characteristics or the original feature. Replication is appropriate but not required.

Specific Guidelines

The following specific approaches to exterior elements, features, and visible components are recommended:

1. **Materials:** Materials for significant features on primary façades visible from the street that are badly damaged, deteriorated beyond reasonable repair, or missing should be replaced with materials or components that closely match the style, shape, color, treatment, and texture of the element replaced. Composition, type of joint, size of units, visible measures,

placement, and detailing should be appropriate for the building. Synthetic materials, where closely matching the existing characteristics, may be utilized.

2. **Masonry Repointing:** Repointing of deteriorated and/or missing mortar shall match the existing historic as close as possible. Elements of the new repointing mix shall be consistent with the existing mortar in formulation, aggregate size, texture, color, and method of application. It is recommended that test patches be applied adjacent to existing mortar and allowed to dry. An assessment should be made of new repointing mix with respect to varied constituents to be matched. The sample that closely matches the original mortar should be used for the repointing. Refer to Preservation Brief for general approach to undertaking masonry repointing.
3. **Masonry Cleaning:** Sandblasting diminishes the integrity of building materials. It is not an approved cleaning method. Should cleaning of exterior materials be undertaken, no harm should result from the approach taken to do the work. If cleaning of building materials is undertaken, use the gentlest method possible to accomplish good results. Scrubbing with a bristle brush and a mild non-ionic detergent is recommended. Should this method be found ineffective, the use of approved chemical cleaning application can be used only after test patches have determined the gentlest means with respect to composition of cleaning agent, method of application, and cleaning results.
4. **Water-Repellent Coatings:** Use of water-repellent coatings on historic buildings is not permitted. The problem of water infiltration into a building is associated with structural or maintenance issues. Water-repellent coatings compound problems because the coating encapsulates moisture and does not allow it to evaporate naturally.
5. **Window and door openings:** Window and door openings are important features of these buildings. The size and location of openings are an essential part of the overall design and an important feature of these buildings' architecture. Original wall openings on primary façades should not be altered or filled. On secondary façades, original wall openings should not be significantly altered without consideration of the impact to the overall character of the original design.
6. **Window replacement:** new windows should be appropriate in material, scale, configuration, style, and size.
7. **Ornamentation:** Significant architectural features including brick and stone detailing elements should be preserved or conserved. Do not make replacements or substitutions of different size, scale, design, or incompatible materials. Replacement ornamentation should closely match originals in character, scale, configuration, style, size, texture, and color. Some synthetic materials, including fiberglass castings or composite materials, may be considered.
8. **Roofs:** Chimneys, parapets, and other architectural features that define the buildings' roofline should be maintained. New asphalt shingles are acceptable for the roof.

9. **Painting:** Repainting existing features that were historically painted is acceptable. Existing exterior elements that were historically not painted, such as brick, stone, and terra cotta, should be left unpainted. Use colors that are appropriate to the buildings' age, history, and style.
10. **Outside attachments:** Exterior light fixtures should be appropriate for the building's style and should be simple and contemporary.
11. **Awnings:** Awnings are acceptable provided they adhere to the National Park Service Preservation Brief 44 for the use of awnings on historic buildings.
12. **Signs:** Signs should be designed for clarity, legibility, and compatibility with the building or property on which they are located. Signs should not cover or obscure architectural features. Temporary signage is permitted without review by the Historic Conservation Board.

Additions and Exterior Alterations

Intent and General Guidelines

1. **Additions:** Additions should follow new construction guidelines, codes, and regulations. Any addition should be compatible in character with the original building, with sensitivity to existing massing and scale, site, and appearance within the building's existing context. Additions should be sympathetic, may be complementary, but need not be imitative in design. Additions should be designed to relate architecturally, not overwhelming the original building.
2. **Alterations:** Alterations should follow construction guidelines for alterations, codes, and regulations. Alterations should not change or alter significant features.
3. **Appropriateness:** The appropriate addition and alteration design solutions should include:
 - a. How well the proposed design for the addition or alteration relates to the original building and neighboring buildings.
 - b. How closely the proposed addition or alteration meets the specific intentions of these guidelines.

Site Improvements

Intent and General Guidelines

1. Site improvements, such as improvement and/or alteration to existing paving, fences, and landscaping should be in keeping with the character of the building and not detract from its setting or architectural character.
2. The design of any new site improvement construction should be in keeping with the character of the existing building and not detract from its setting or architectural character.

3. Any design of site improvements should capitalize on the unique setting and location of the Stewart-Ward home. The existing views towards the facades should be maintained as an important visual contribution to the integrity of the building.

Demolition

Any demolition, alterations, or modifications to the Stewart-Ward home, and minimum maintenance requirements, are governed by Section 1435-09: Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, of the Cincinnati Zoning Code, ordained by Ordinance No. 217-2012, §1, effective July 20, 2012. Any updates, modifications, or amendments to this section of the Cincinnati Zoning Code or legislation that supersedes Chapter 1435 of the Cincinnati Zoning Code which is established as the "Historic Preservation Code," shall be considered the governing law.

Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



Table of Contents

Introduction	pg. 3
Background	pg. 3
Description of Property	pg. 3
Statement of Significance	pg. 7
Historical Significance	pg. 8
Architectural Significance	pg. 9
Planning Consideration/Findings	pg. 10
Research Methodology	pg. 10
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The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

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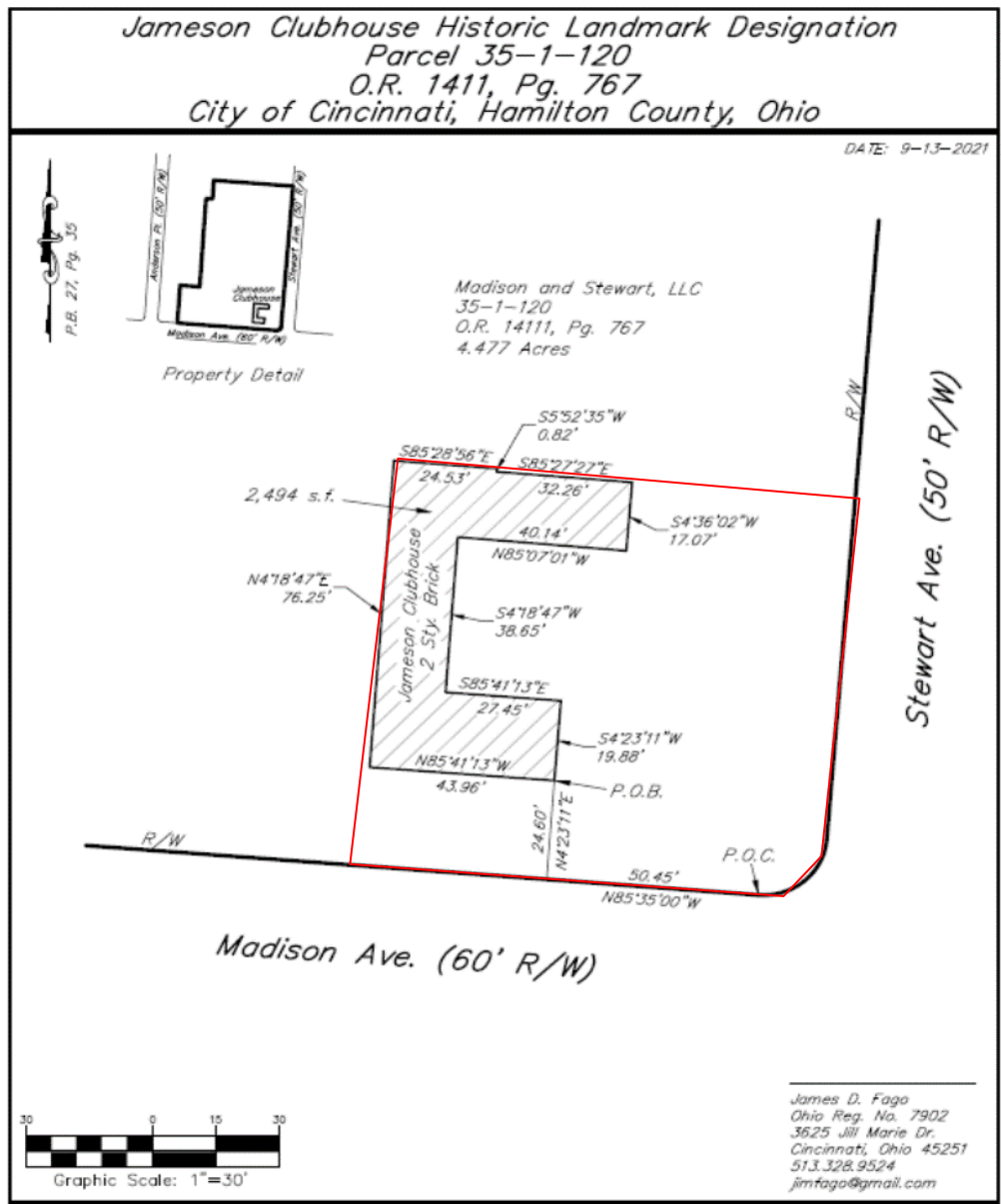
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Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Map Showing Designation Boundaries (See Below)



Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

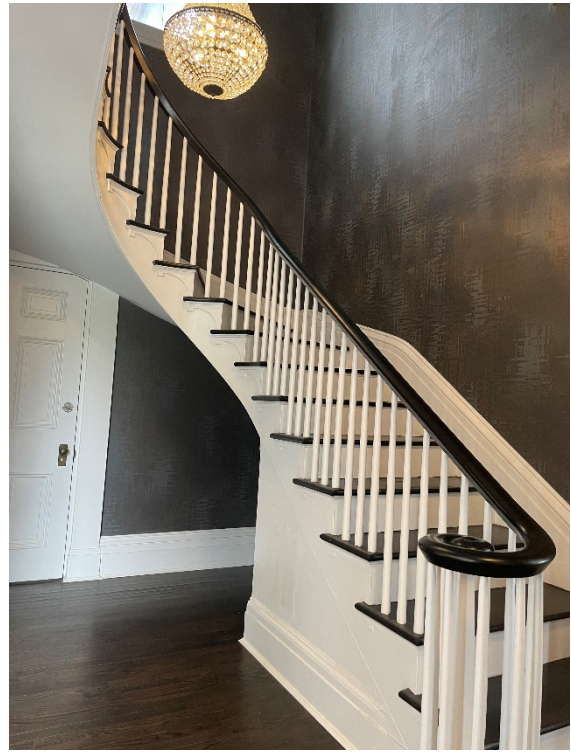
The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



Original fireplace restored and redesigned in guest lounge.





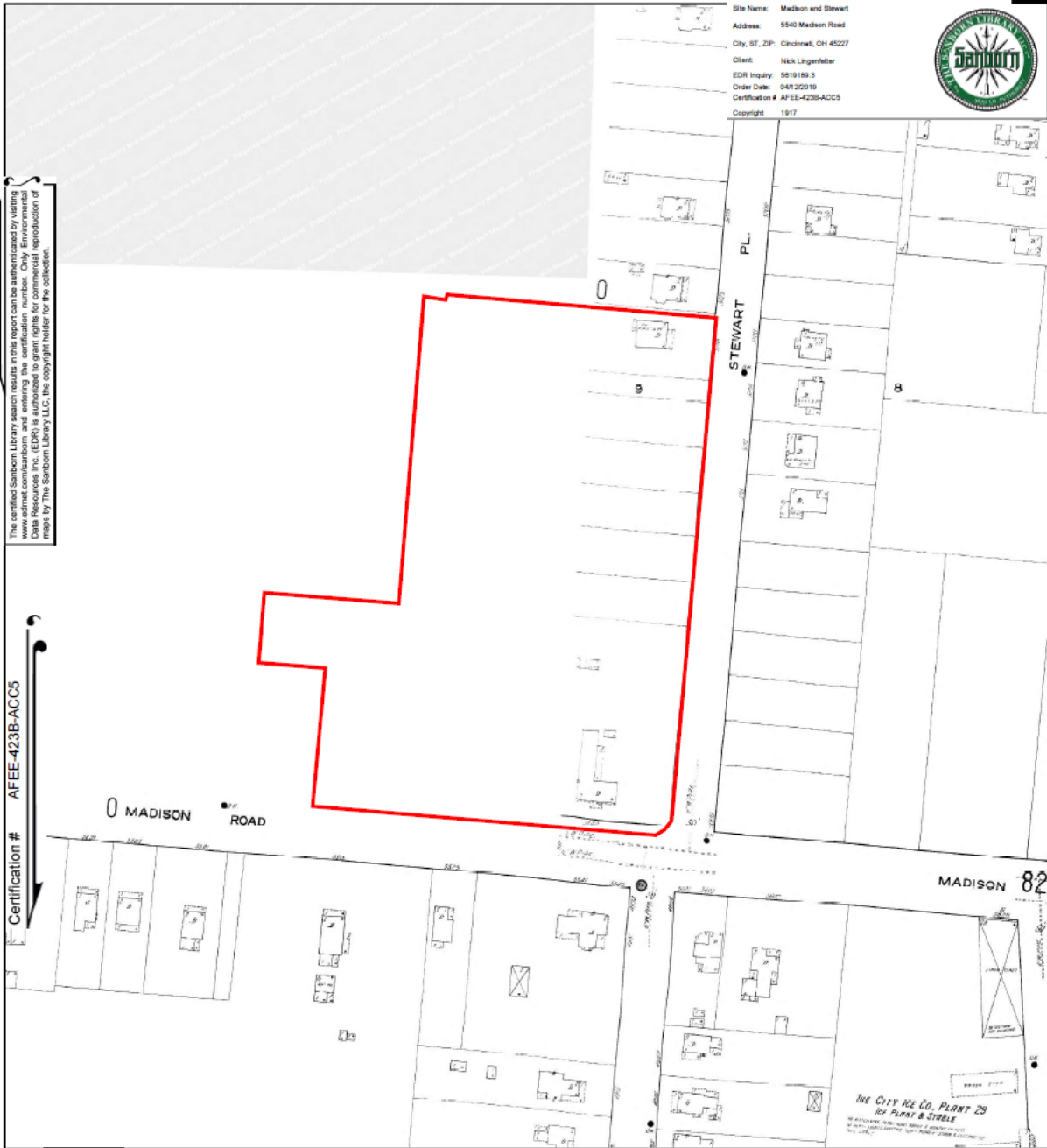
Certified Sanborn® Map

1917

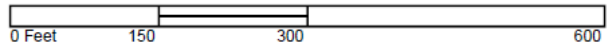
Site Name: Madison and Stewart
 Address: 5540 Madison Road
 City, ST, ZIP: Cincinnati, OH 45227
 Client: Nick Lingerfeller
 EDR Inquiry: 5619180.3
 Order Date: 04/22/2019
 Certification # AFEE-423B-ACC5
 Copyright: 1917



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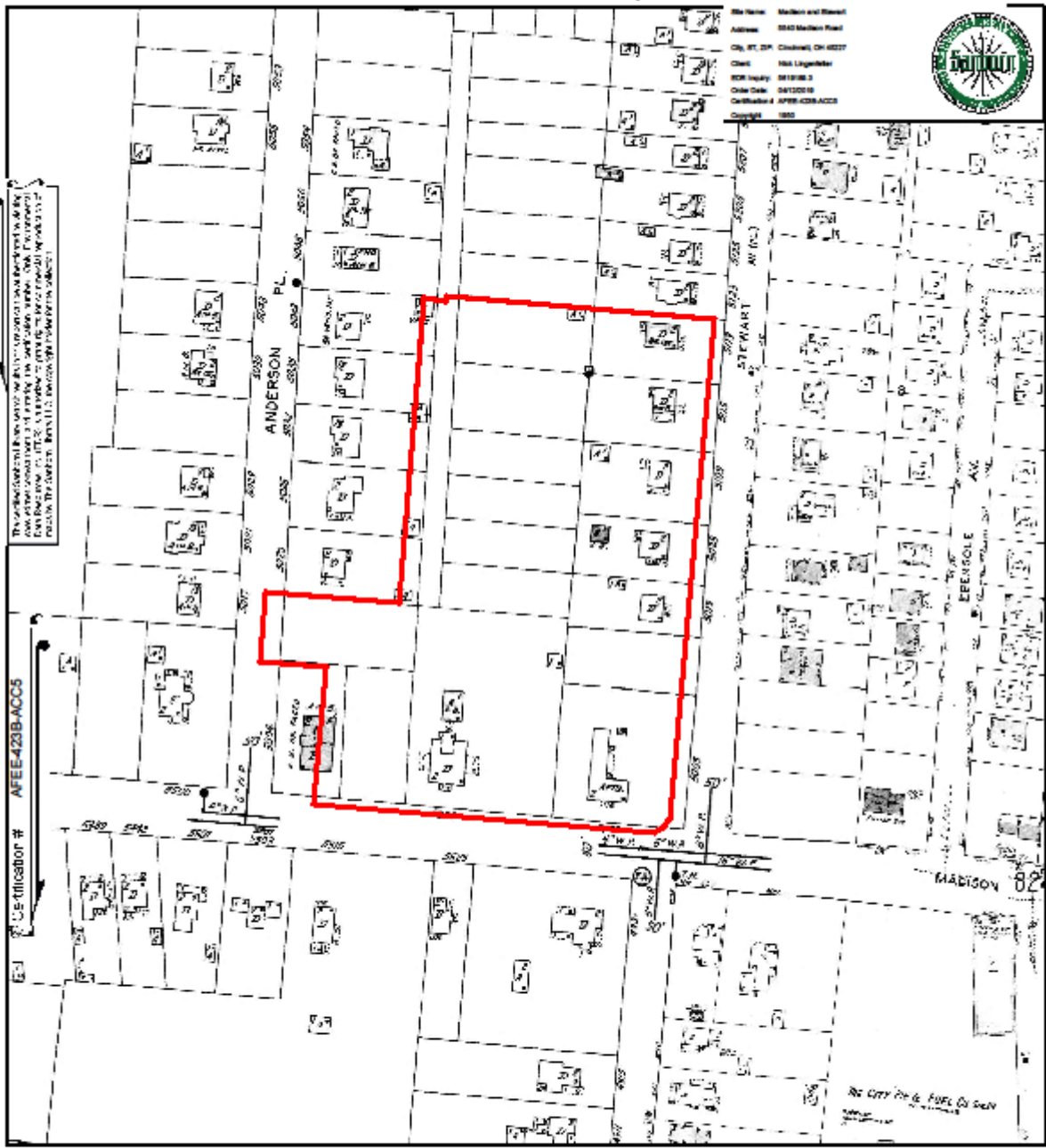
This Certified Sanborn Map combines the following sheets.
 Outlined areas indicate map sheets within the collection.





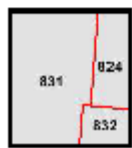
Certified Sanborn® Map

1950



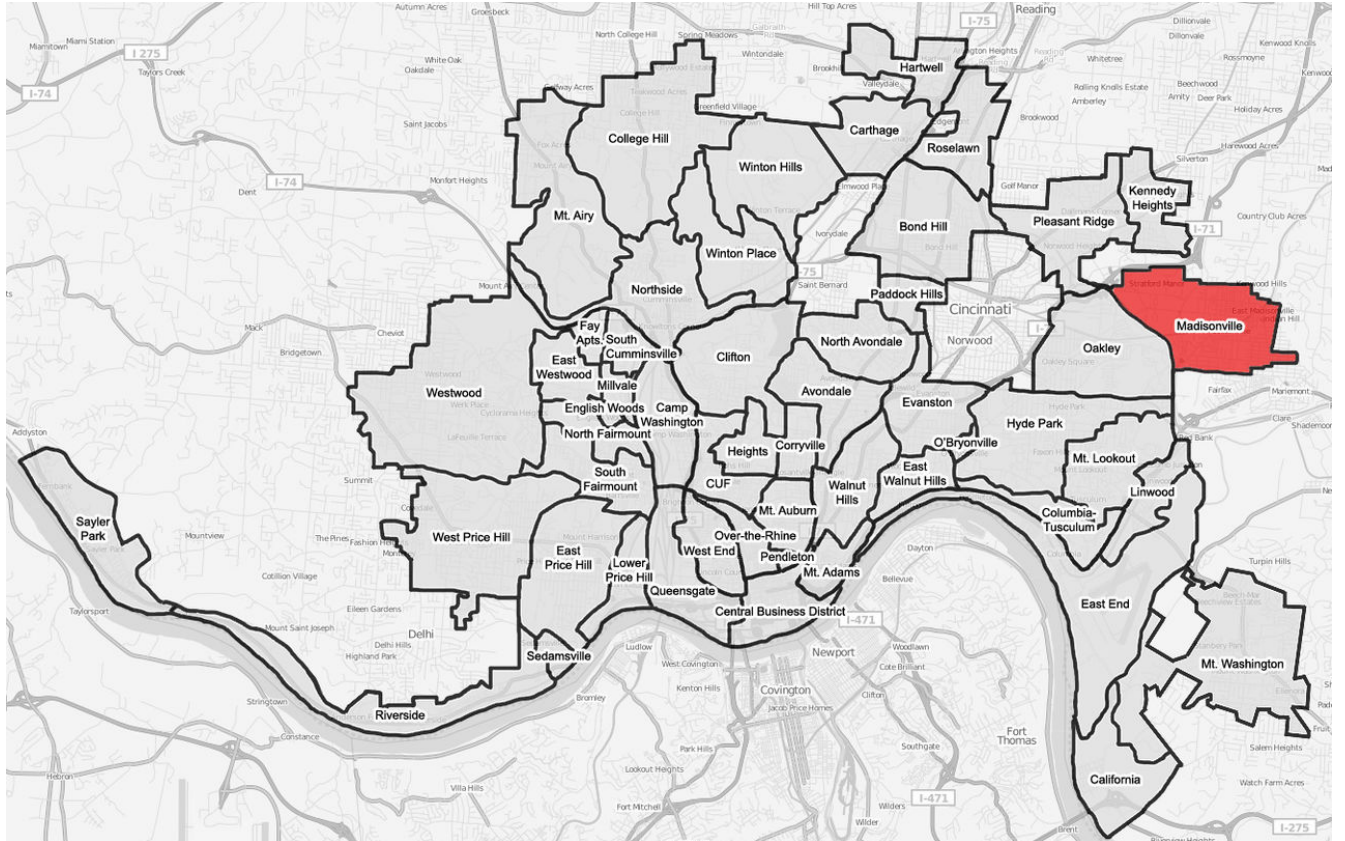
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Volume 9, Sheet 832
 Volume 9, Sheet 831
 Volume 9, Sheet 824

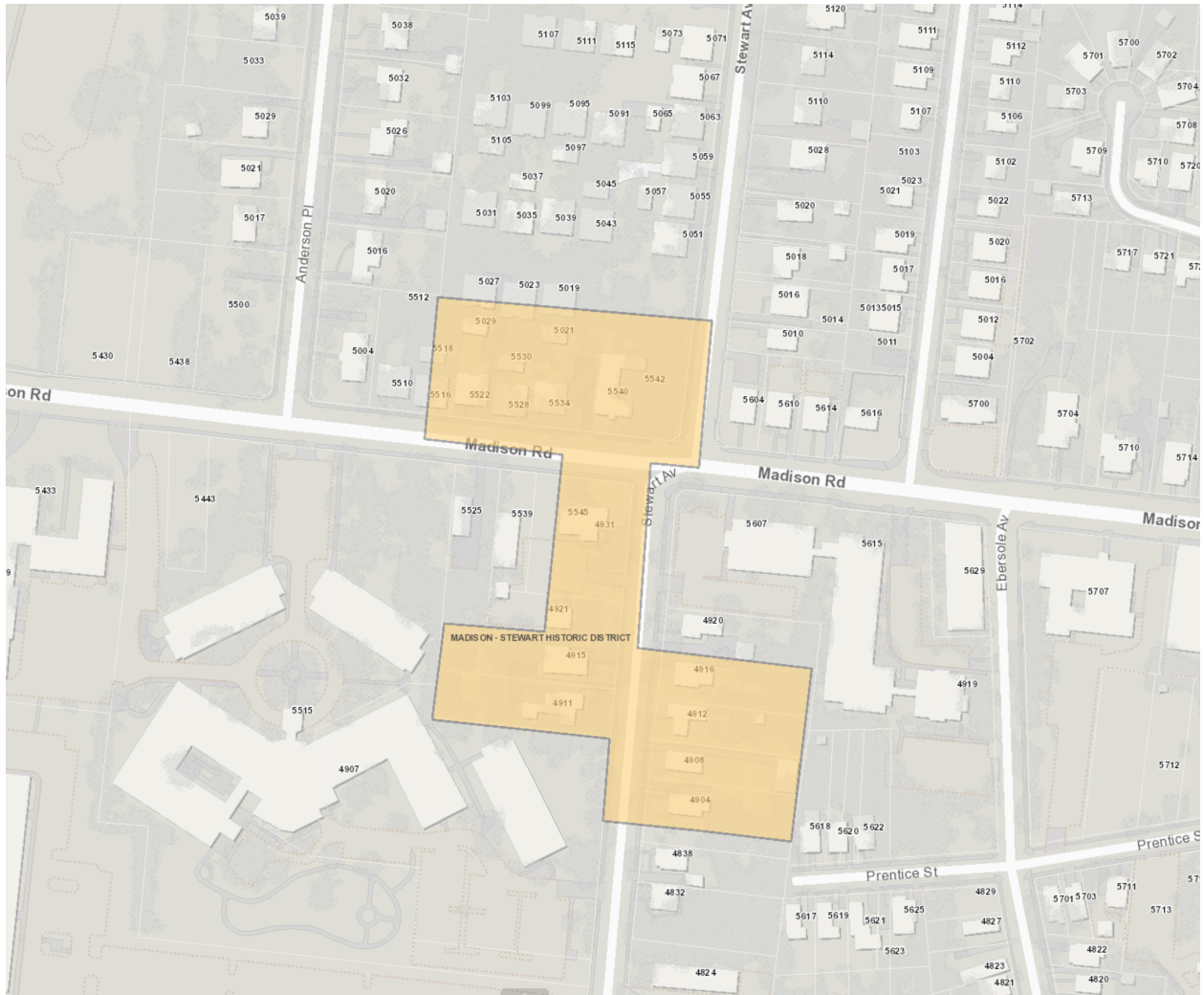
Neighborhood of Madisonville, Cincinnati, OH



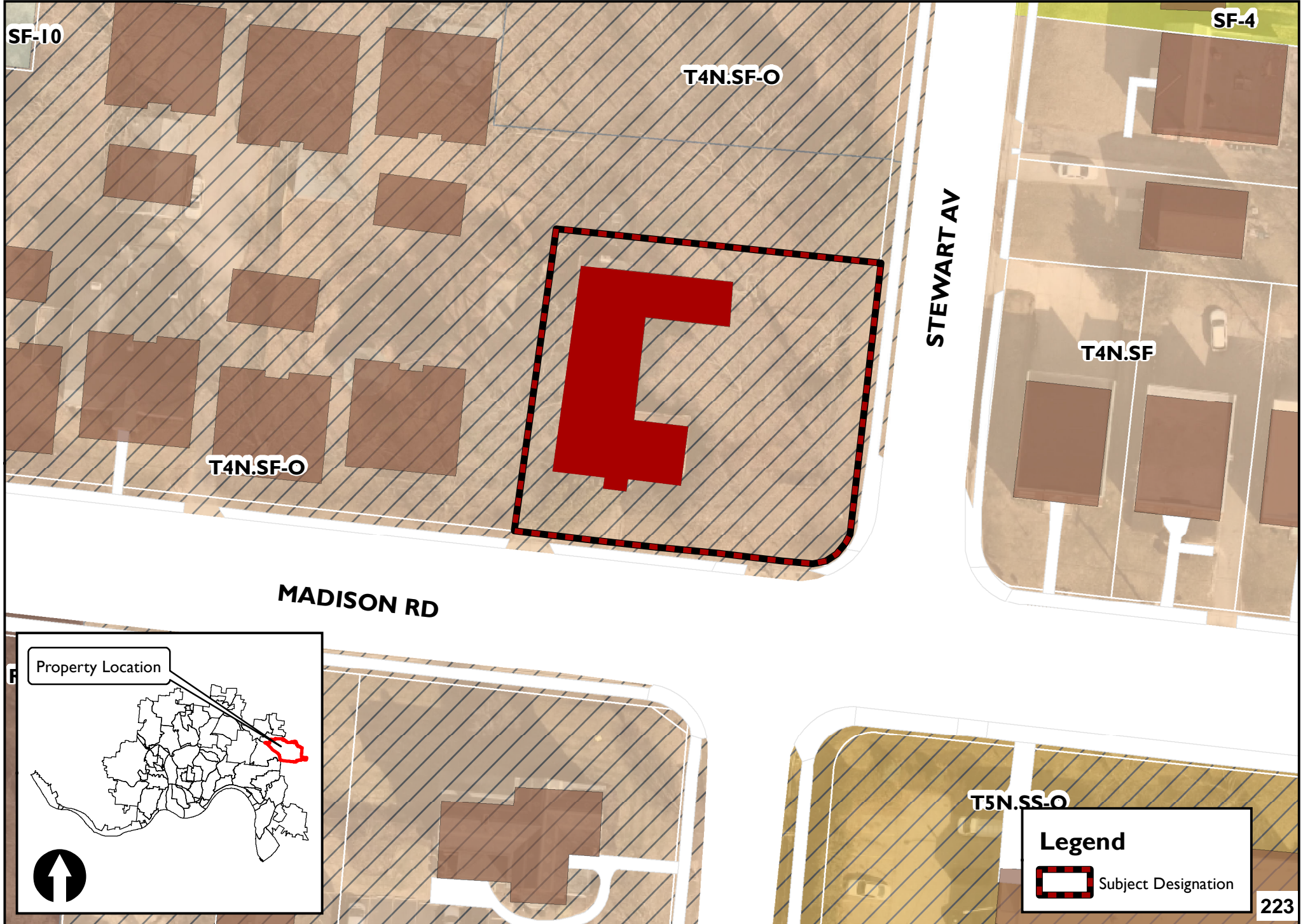
Madison-Stewart Historic District

Benjamin Stewart home located at 5540 Madison Road

Latitude 39° 09' 40", Longitude 84° 23' 52"



Proposed Local Landmark Designation of the Benjamin Stewart Home at 5540 Madison Road in Madisonville



Legend
 Subject Designation

Legal Description:

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Madison Road and Stewart Avenue; thence, northwardly with the centerline of Stewart Avenue for approximately 27-feet to the point of intersection with the easterly extension of the south parcel line of Parcel 120, HCAP Book 35, Page 1; thence westwardly along the easterly extension of the south parcel line of said parcel for approximately 36.1-feet, **THE POINT OF THE BEGINNING**; thence westwardly along the south parcel line of said parcel for approximately 99-feet; thence northwardly, at a 90-degree angle, for approximately 103.6-feet; thence eastwardly, at a 90-degree angle, for approximately 111.1-feet to the point of intersection with the east parcel line of Parcel 120, HCAP Book 35, Page 1; thence, southwardly along the east parcel line of said parcel, following the southeast curve of said parcel to the point of intersection with the south parcel line of Parcel 120, HCAP Book 35, Page 1, **THE POINT OF THE BEGINNING**.

Containing approximately 10,890 square feet of land.

Historic Conservation Guidelines

Benjamin Stewart Home, Madisonville, Cincinnati, OH

Rehabilitation

General Terminology

Within these guidelines, the “Stewart-Ward Home” refers to the building located at 5540 Madison Road, Cincinnati, OH 45227.

Intent and General Guidelines

The following general approaches are recommended:

1. **Repair and maintenance:** Ordinary repair and maintenance of like and kind for matching the original construction, where visible, and that does not change the appearance of the buildings, is acceptable under these guidelines. Rehabilitation may include preservation, restoration, reconstruction, or a combination of these, as appropriate and reasonable for the building.
2. **Maintenance:** Existing visible features that contribute to the building’s overall character and are in good condition should be maintained, preserved, or conserved, where possible. Damaged visible features which can be repaired should be repaired whenever possible.
3. **Replacements:** Replacements of significant features damaged beyond repair, deteriorated beyond reasonable repair, or missing significant features should sensitively harmonize with the characteristics or the original feature. Replication is appropriate but not required.

Specific Guidelines

The following specific approaches to exterior elements, features, and visible components are recommended:

1. **Materials:** Materials for significant features on primary façades visible from the street that are badly damaged, deteriorated beyond reasonable repair, or missing should be replaced with materials or components that closely match the style, shape, color, treatment, and texture of the element replaced. Composition, type of joint, size of units, visible measures,

placement, and detailing should be appropriate for the building. Synthetic materials, where closely matching the existing characteristics, may be utilized.

2. **Masonry Repointing:** Repointing of deteriorated and/or missing mortar shall match the existing historic as close as possible. Elements of the new repointing mix shall be consistent with the existing mortar in formulation, aggregate size, texture, color, and method of application. It is recommended that test patches be applied adjacent to existing mortar and allowed to dry. An assessment should be made of new repointing mix with respect to varied constituents to be matched. The sample that closely matches the original mortar should be used for the repointing. Refer to Preservation Brief for general approach to undertaking masonry repointing.
3. **Masonry Cleaning:** Sandblasting diminishes the integrity of building materials. It is not an approved cleaning method. Should cleaning of exterior materials be undertaken, no harm should result from the approach taken to do the work. If cleaning of building materials is undertaken, use the gentlest method possible to accomplish good results. Scrubbing with a bristle brush and a mild non-ionic detergent is recommended. Should this method be found ineffective, the use of approved chemical cleaning application can be used only after test patches have determined the gentlest means with respect to composition of cleaning agent, method of application, and cleaning results.
4. **Water-Repellent Coatings:** Use of water-repellent coatings on historic buildings is not permitted. The problem of water infiltration into a building is associated with structural or maintenance issues. Water-repellent coatings compound problems because the coating encapsulates moisture and does not allow it to evaporate naturally.
5. **Window and door openings:** Window and door openings are important features of these buildings. The size and location of openings are an essential part of the overall design and an important feature of these buildings' architecture. Original wall openings on primary façades should not be altered or filled. On secondary façades, original wall openings should not be significantly altered without consideration of the impact to the overall character of the original design.
6. **Window replacement:** new windows should be appropriate in material, scale, configuration, style, and size.
7. **Ornamentation:** Significant architectural features including brick and stone detailing elements should be preserved or conserved. Do not make replacements or substitutions of different size, scale, design, or incompatible materials. Replacement ornamentation should closely match originals in character, scale, configuration, style, size, texture, and color. Some synthetic materials, including fiberglass castings or composite materials, may be considered.
8. **Roofs:** Chimneys, parapets, and other architectural features that define the buildings' roofline should be maintained. New asphalt shingles are acceptable for the roof.

9. Painting: Repainting existing features that were historically painted is acceptable. Existing exterior elements that were historically not painted, such as brick, stone, and terra cotta, should be left unpainted. Use colors that are appropriate to the buildings' age, history, and style.
10. Outside attachments: Exterior light fixtures should be appropriate for the building's style and should be simple and contemporary.
11. Awnings: Awnings are acceptable provided they adhere to the National Park Service Preservation Brief 44 for the use of awnings on historic buildings.
12. Signs: Signs should be designed for clarity, legibility, and compatibility with the building or property on which they are located. Signs should not cover or obscure architectural features. Temporary signage is permitted without review by the Historic Conservation Board.

Additions and Exterior Alterations

Intent and General Guidelines

1. Additions: Additions should follow new construction guidelines, codes, and regulations. Any addition should be compatible in character with the original building, with sensitivity to existing massing and scale, site, and appearance within the building's existing context. Additions should be sympathetic, may be complementary, but need not be imitative in design. Additions should be designed to relate architecturally, not overwhelming the original building.
2. Alterations: Alterations should follow construction guidelines for alterations, codes, and regulations. Alterations should not change or alter significant features.
3. Appropriateness: The appropriate addition and alteration design solutions should include:
 - a. How well the proposed design for the addition or alteration relates to the original building and neighboring buildings.
 - b. How closely the proposed addition or alteration meets the specific intentions of these guidelines.

Site Improvements

Intent and General Guidelines

1. Site improvements, such as improvement and/or alteration to existing paving, fences, and landscaping should be in keeping with the character of the building and not detract from its setting or architectural character.
2. The design of any new site improvement construction should be in keeping with the character of the existing building and not detract from its setting or architectural character.

3. Any design of site improvements should capitalize on the unique setting and location of the Stewart-Ward home. The existing views towards the facades should be maintained as an important visual contribution to the integrity of the building.

Demolition

Any demolition, alterations, or modifications to the Stewart-Ward home, and minimum maintenance requirements, are governed by Section 1435-09: Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, of the Cincinnati Zoning Code, ordained by Ordinance No. 217-2012, §1, effective July 20, 2012. Any updates, modifications, or amendments to this section of the Cincinnati Zoning Code or legislation that supersedes Chapter 1435 of the Cincinnati Zoning Code which is established as the "Historic Preservation Code," shall be considered the governing law.

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on the proposed designation of 5540 Madison Road, known as the Benjamin Stewart Home, as a Local Historic Landmark in Madisonville.

GENERAL INFORMATION:

Location: Benjamin Stewart Home in Madisonville, 5540 Madison Road, Cincinnati, OH 45227

Petitioner: Eric S. Stringer, PLK Communities c/o Madisonville Community Council

Owner: Madison and Stewart LLC, 5905 E Galbraith Road, Cincinnati, OH 45236

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Designation Report
- Exhibit C Historic Conservation Board Staff Report and Historic Conservation Guidelines
- Exhibit D Historic Conservation Board Recommendation

BACKGROUND:

The subject property located at 5540 Madison Road, was granted a zone change from Single-family (SF-4) to T4 Neighborhood Small Footprint – Open (T4N.SF-O) from the City Planning Commission on November 1, 2019 and approved by City Council on December 11, 2019. The zone change was crucial for the proposed luxury, multi-family development, “The Jameson.” On November 2, 2021, a complete application for a Local Historic Landmark designation of the Benjamin Stewart Home was submitted by the Madisonville Community Council. This was done in conjunction with PLK Communities in response to a community benefits agreement that was signed between the two parties, in association with the new development on the same parcel as the proposed landmarked building. According to the Cincinnati Zoning Code (§1435-07-2-B), an application for the designation of a Local Historic Landmark shall be forwarded to the City Planning Commission following a public hearing of the Historic Conservation Board.

On December 20, 2021, the Historic Conservation Board (HCB) held a public hearing on the Local Historic Landmark designation application. After receiving evidence and testimony from the Urban Conservator and proponents of the designation, a quorum of five board members voted unanimously to approve and recommend the Benjamin Stewart Home to City Planning Commission and City Council for approval.

The City Planning Commission is charged with determining whether to follow the recommendation of the Historic Conservation Board (§1435-07-2-B-C). In making such determination, the City Planning Commission shall consider the following factors:

- 1) The relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark is located; and
- 2) The effect of the proposed designation on the surrounding areas and economic development plans of the city; and
- 3) Such other planning and historic preservation considerations as may be relevant to the proposed designation.

The City Planning Commission has the duty to decide whether to approve or disapprove the designation and forward its decision, whether favorable or not, along with the conservation guidelines, to City Council.

SETTING:

The Benjamin Stewart Home occupies a 4.447-acre site that it shares with multi-family luxury residential development, “The Jameson” - noncontributing to the proposed landmark - that was constructed between 2020 and 2021. The Jameson consists of 36 buildings that house 1-to-2-bedroom (plus dens) luxury apartments in addition to carriage houses with a total of 151 units. The development includes a resort-style swimming pool and sundeck, fitness center, on-site dog park, as well as the clubhouse situated in the subject proposed landmark.

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart Home sits prominently on a small slope, roughly 15 feet from the public right-of-way. The structure sits on the identified parcel 035-1-120 of the Hamilton County Auditor Records. This request is solely for the historic designation of the structure. Anderson Place is the next street to the west and Chandler Street is to the north. The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The proposed Local Historic Landmark designation is for the Benjamin Stewart Home only and no other structures.

In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown. Today Madison Road is a major thoroughfare for commuters moving between Cincinnati’s various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses and organizations surrounding the subject site include MedPace, a publicly traded company with 2,800 employees, as well as the John P. Parker School, The Children’s House, The Summit Hotel, United Dairy Farmers, Mazunte Taqueria, Rally’s and more.

HISTORICAL OVERVIEW:

The Benjamin Stewart Home, according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that had been inhabited by Jonathon Ward, the grandson of Madisonville’s first settler, Joseph Ward. The Home is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

HISTORIC SIGNIFICANCE:

The Benjamin Stewart Home is architecturally and historically significant as an example of the Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati. The house presently serves as the clubhouse and leasing offices for The Jameson.

The features of the Benjamin Stewart Home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden

finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart Home also incorporates the use of entablatures at the roof trim.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart Home was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story.

ANALYSIS:

In making a determination, the City Planning Commission shall consider all of the following factors:

- (1) The relationship of the proposed designation to the comprehensive plans of the city and of the community in which the proposed Historic Landmark, Historic District or Historic Site is located; and

The proposed designation of the Benjamin Stewart Home as a Local Historic Landmark is consistent with Plan Cincinnati (2012), within the Sustain Initiative Area, specifically the Goal to, "Preserve our natural and built environment" (p. 193). The Historic Conservation Board voted to determine that this designation meets the criteria.

- (2) The effect of the proposed designation on the surrounding areas and economic development plans of the city; and

Designating the Benjamin Stewart Home as a Local Historic Landmark contributes to the surrounding areas and economic development plans of Madisonville and the City as a whole.

- (3) Such other planning and historic preservation considerations as may be relevant to the proposed designation.

This designation is consistent with the Madisonville Neighborhood Business District Urban Renewal Plan (2002).

The Benjamin Stewart Home is nominated under Criterion 2, "Association with the lives of persons significant in our past" and Criterion 3, "Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction".

SIGNIFICANCE:

According to the Cincinnati Zoning Code (§1435-01-H3), certain findings must be made before a Local Historic Landmark can be designated by City Council. The building must be found to have historic significance. Historic significance means that the attributes of the landmark must possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. That embody the distinctive characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That has yielded, or may be likely to yield information important in history or prehistory.

The Benjamin Stewart Home is nominated as significant under Criterion 2 and 3 of the Cincinnati Zoning Code (§1435-07-1):

2. *Association with the lives of persons significant in our past.*
3. *Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction;*

The Benjamin Stewart Home meets Criterion 2 for being associated with the lives of persons significant in our past for:

- The House was built by Jonathan Ward who was part of the founding family of Madisonville.
- The house was lived in by Benjamin Stewart or his descendants for almost 100 years.
- Benjamin Stewart was a prominent businessman who was integral to the development of Madisonville.

The Benjamin Stewart Home meets Criterion 3 by embodying the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction for:

- The building is an excellent example of Greek Revival Architecture and is one of the oldest buildings remaining in Madisonville.

CONCLUSION:

Per Chapter 1435- 07-2-C. - Adoption of Conservation Guidelines.

“At the time of designation of a Historic Landmark, Historic District or Historic Site, Council has the duty to adopt conservation guidelines for each Historic Landmark, Historic District or Historic Site. Conservation guidelines shall promote the conservation, development and use of the Historic Landmark, Historic District or Historic Site and its special historic, architectural, community or aesthetic interest or value. Insofar as practicable, conservation guidelines shall promote redevelopment and revitalization of Historic Structures and compatible new development within the Historic District. The guidelines shall not limit new construction within a Historic District to a single period or architectural style but may seek to preserve the integrity of existing Historic Structures. Conservation guidelines shall take into account the impact of the designation of a Historic Landmark, Historic District or Historic Site on the residents of the affected area, the effect of the designation on the economic and social characteristics of the affected area, the projected impact of the designation on the budget of the city.”

In summary, staff of the Department of City Planning and Engagement recommends the Benjamin Stewart Home as a Local Historic Landmark per section §1435-07-1(a)(3) of the Zoning Code. The documentation in the attached designation and staff reports provides conclusive evidence that all required findings may be made for the proposed designation under Criterion 2 and 3. The proposed conservation guidelines for the structure are sufficient and have been included.

PUBLIC COMMENT AND ENGAGEMENT:

The Department of City Planning and Engagement held a joint virtual public staff conference on the proposed designation on November 30, 2021. Notices were sent to property owners within a 400-foot radius of the subject property, the property owner, the Madisonville Community Urban Redevelopment Corporation (MCURC) and the Madisonville Community Council. The applicant team and City staff were in attendance. No other members of the public were present at the staff conference.

The Historic Conservation Board (HCB) held a public hearing on the proposal at its meeting on December

20, 2021. The only people in attendance during the HCB meeting were representatives from the Madisonville Community Council and PLK Communities. No members of the public spoke during the hearing. All property owners within a 400-foot radius of the subject property, the property owner, MCURC and the Madisonville Community Council were sent notification of the February 4, 2022 City Planning Commission. No additional correspondence has been received to-date.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed Local Historic Landmark designation of the Benjamin Stewart Home is consistent with the Sustain Initiative Area of *Plan Cincinnati*, specifically the Goal to, “Preserve our natural and built environment” (p. 193). This designation will help to preserve this architecturally significant building.

Madisonville Neighborhood Business District Urban Renewal Plan (2002)

The proposed designation is consistent with the Strategy to “Empower local development entities such as private developers, Madisonville Community Urban Redevelopment Corporation (MCURC), local church groups and other organizations and non-profits to renovate or upgrade existing vacant and underutilized properties throughout the neighborhood business district” (p. 14). Even though the subject property sits directly outside the neighborhood business district, this strategy can still be applied as the Benjamin Stewart Home was sitting vacant and then was converted into “The Jameson” clubhouse to serve the new adjacent multi-family development.

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 designation of the Benjamin Stewart Home as a Local Historic Landmark at 5540 Madison Road under Criterion 2 and 3 of the Cincinnati Zoning Code (§1435-07-1a) and;
- 2) **ADOPT** the conservation guidelines for the Benjamin Stewart Home as shown in Exhibit C.

Respectfully submitted:



Jesse Urbancsik, City Planner
Department of City Planning and Engagement

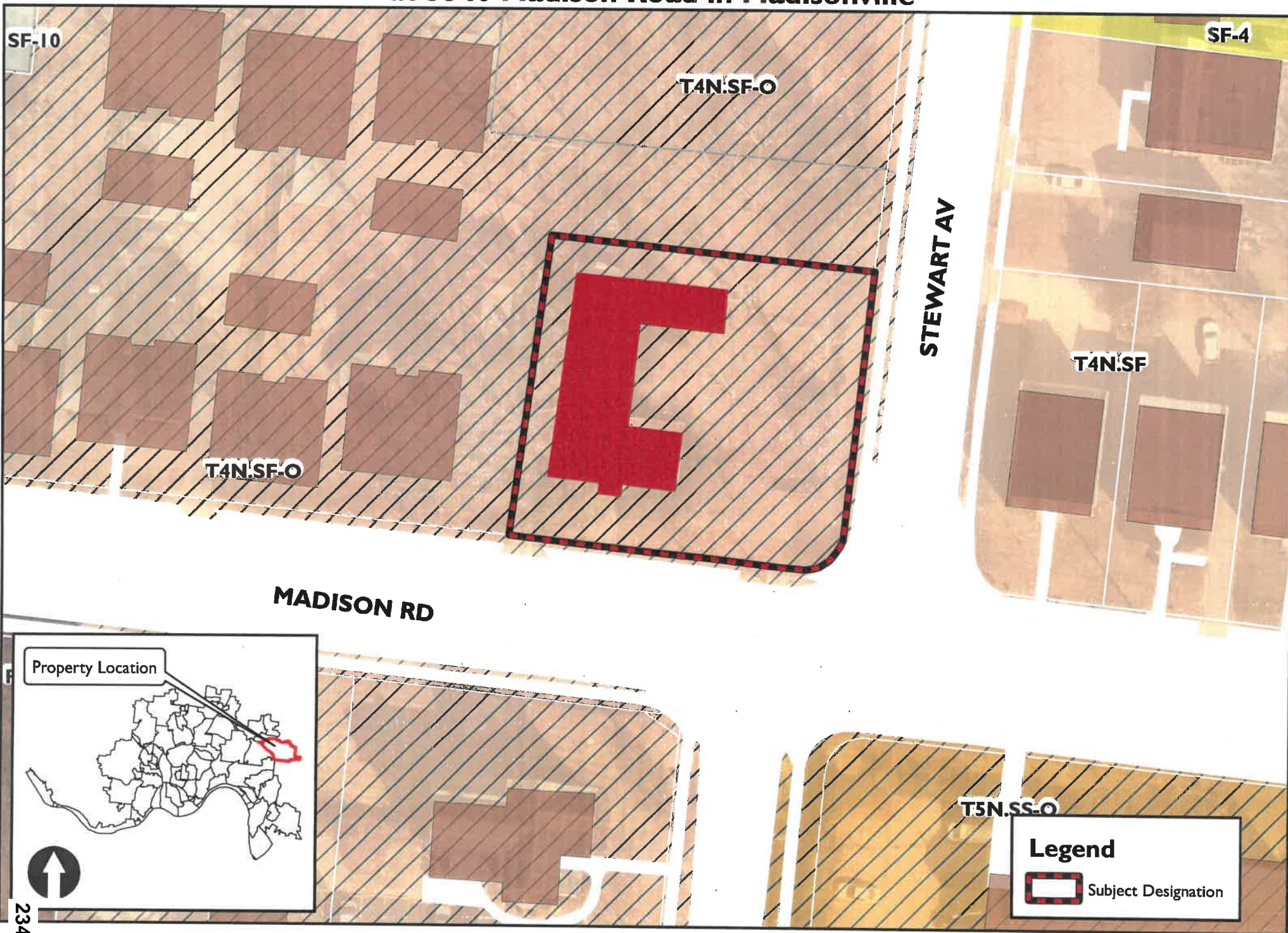
Approved:



Katherine Keough-Jurs, AICP, Director
Department of City Planning and Engagement

Proposed Local Landmark Designation of the Benjamin Stewart Home at 5540 Madison Road in Madisonville

Exhibit A



Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



Table of Contents

Introduction	pg. 3
Background	pg. 3
Description of Property	pg. 3
Statement of Significance	pg. 7
Historical Significance	pg. 8
Architectural Significance	pg. 9
Planning Consideration/Findings	pg. 10
Research Methodology	pg. 10
References	pg. 11
Exhibits:	
Photos of Renovation	pg. 12-15
Sanborn Maps	pg. 16-17
Cincinnati Neighborhoods	pg. 18
Madisonville Map with Madison-Stewart District	pg. 19

Introduction

Prepared by Eric Stringer of PLK Communities for the Benefit of The Madisonville Community Council, this report represents the findings and recommendations for local Historic Landmark designation of the Stewart Home.

Background

The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

Description of Property

Site

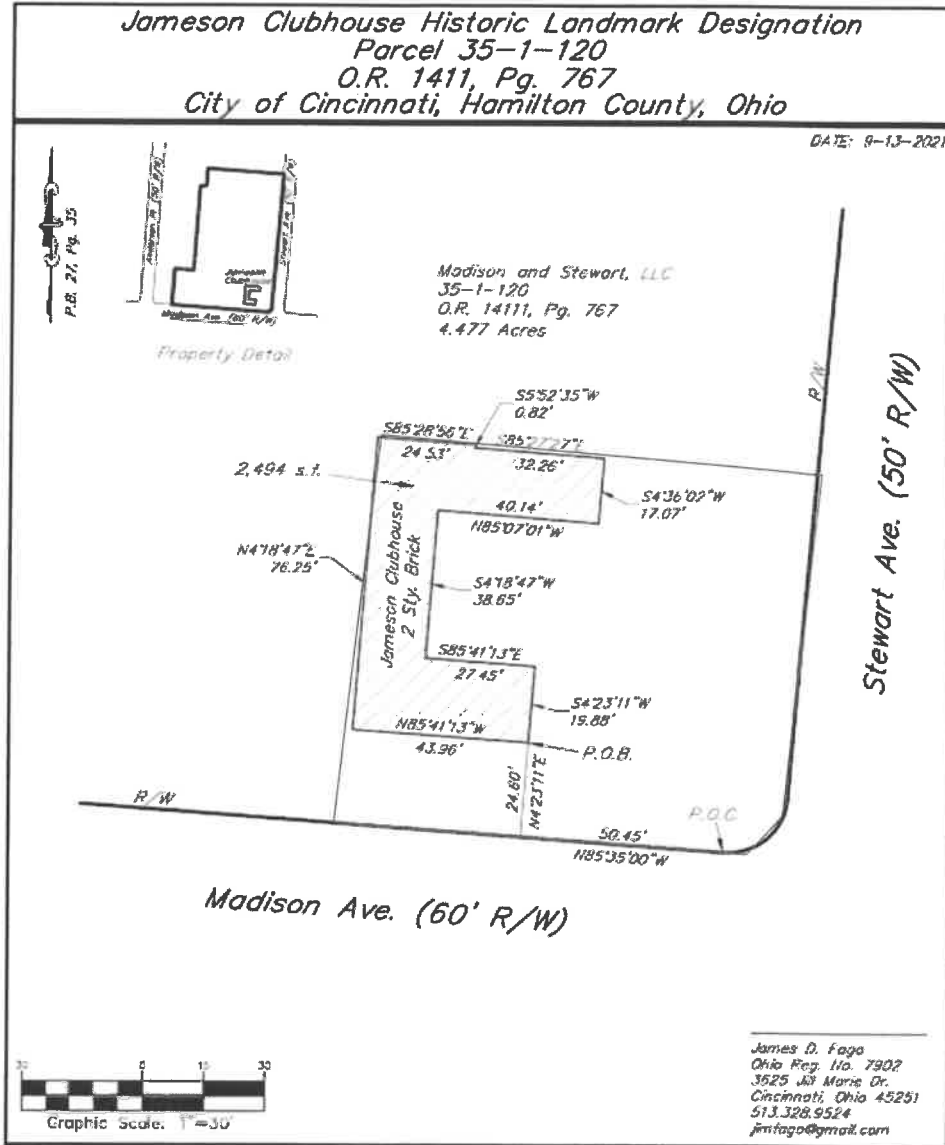
The Benjamin Stewart home at 5540 Madison Road sits along the line of latitude of 39° 09' 40", and line of longitude at 84° 23' 52". The home sits on a site that is 4.447 acres that it shares with multiple multi-family residential dwellings (noncontributing to landmark) that were built between 2020 and 2021.

Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Map Showing Designation Boundaries (See Below)



Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



Original fireplace restored and redesigned in guest lounge.





Certified Sanborn® Map

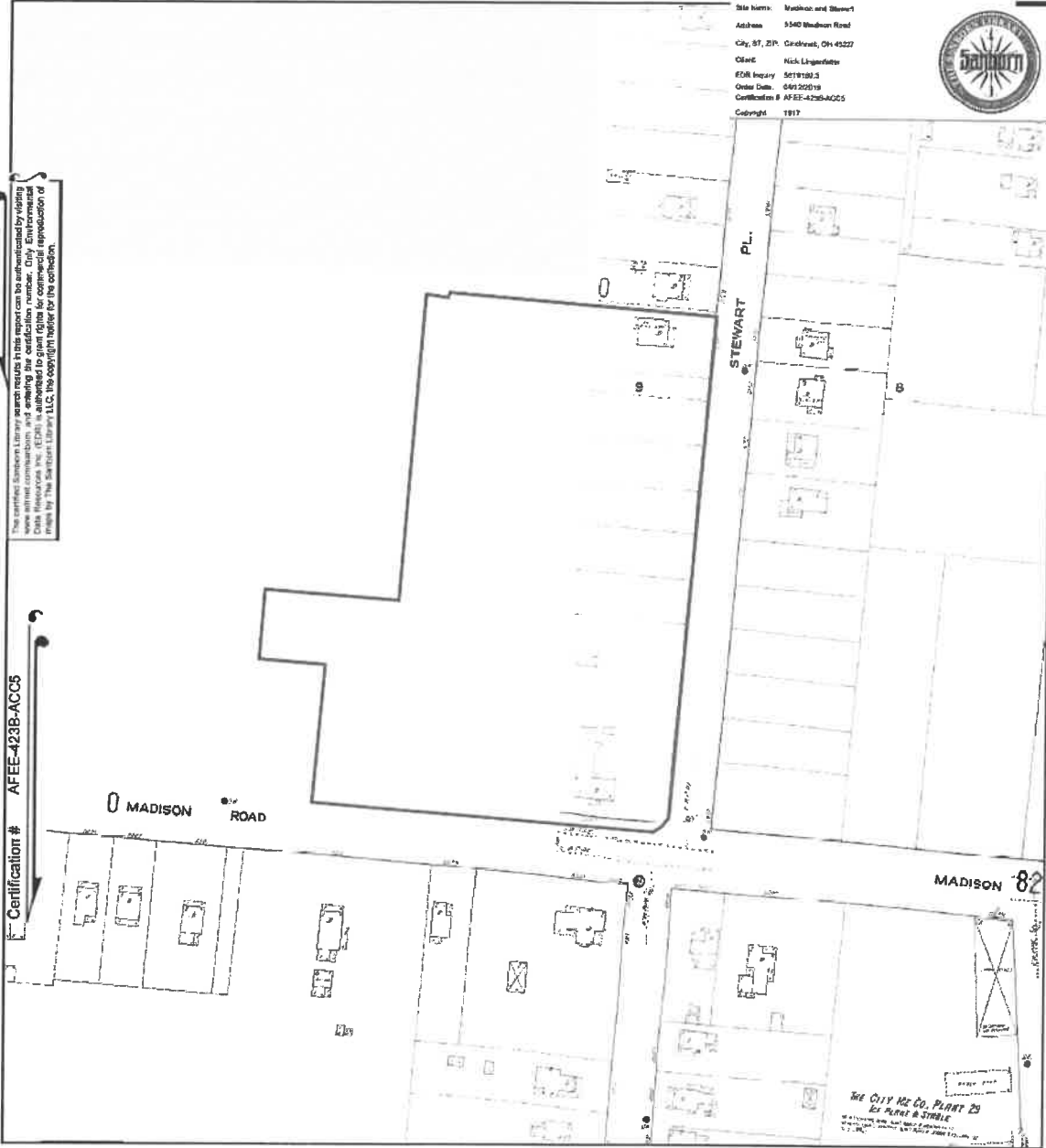
1917

Site Name: Washoe and Stewart
 Address: 5540 Washoe Road
 City, ST, ZIP: Cincinnati, OH 45227
 Client: Nick Ligandetto
 EDR Inquiry: 5/19/2013
 Order Date: 04/22/2013
 Certificate #: AFEE-423B-ACC5
 Copyright: 1917

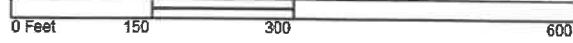


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Certificate # AFEE-423B-ACC5



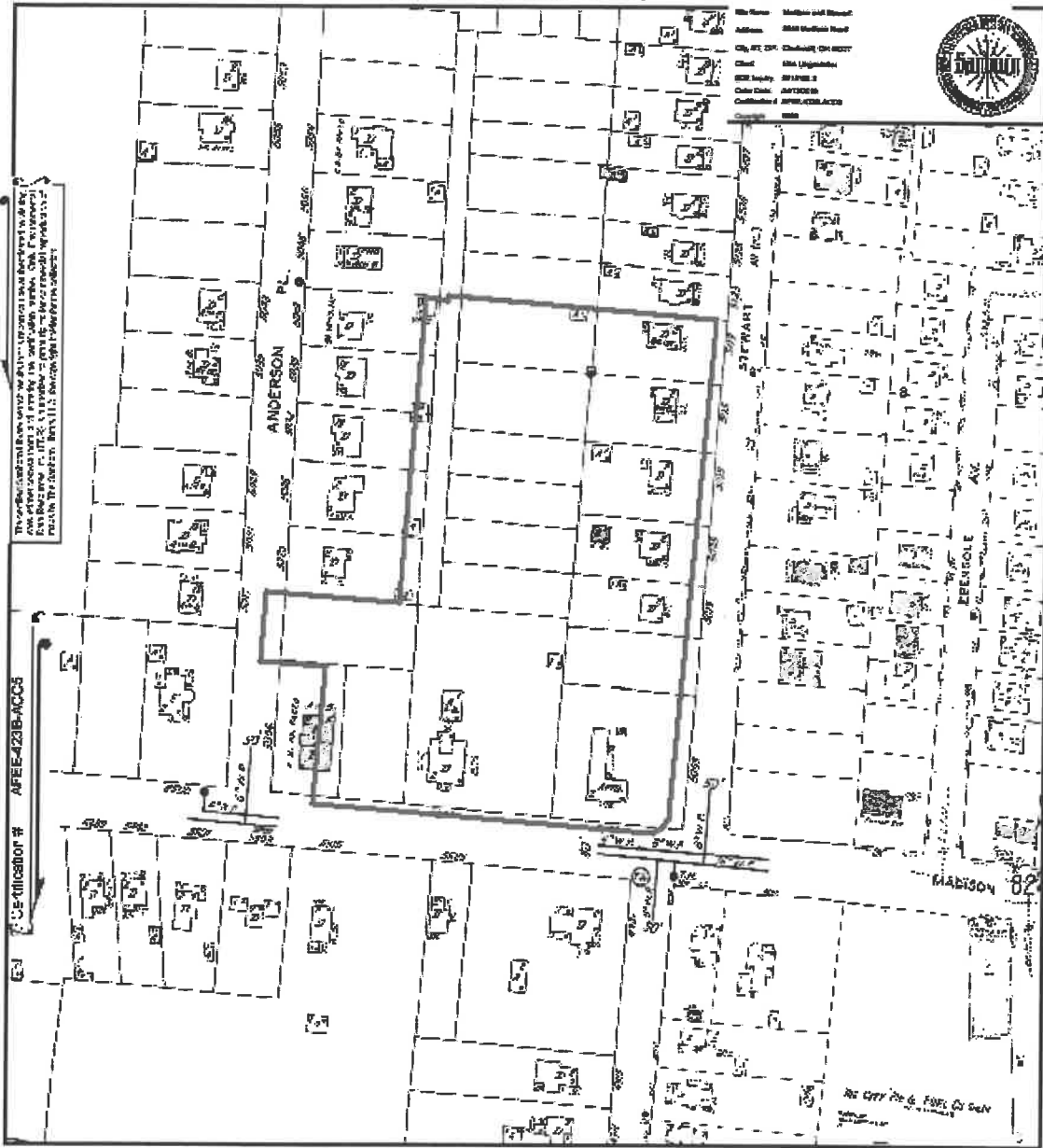
This Certified Sanborn Map combines the following sheets.
 Outlined areas indicate map sheets within the collection.





Certified Sanborn® Map

1950



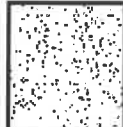
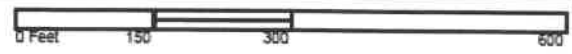
City Name: Madison and Stewart
 Edition: 1950
 City, State: Madison, WI
 Date: 1950
 Scale: 1" = 100'
 Color Code: 1950
 Contour Interval: 5'



This Certified Sanborn Map was prepared by EDR, Inc. under contract to the City of Madison, Wisconsin. The City of Madison, Wisconsin, is the owner of the map. The City of Madison, Wisconsin, is not responsible for any errors or omissions on this map.

US-111838107 # AFEE-423B-A005

This Certified Sanborn Map combines the following sheets. Outlined areas indicate map sheets within the collection.



Volume 8, Sheet 832
 Volume 8, Sheet 831
 Volume 8, Sheet 824



5818186 - 2 page 2

Neighborhood of Madisonville, Cincinnati, OH



Madison-Stewart Historic District

Benjamin Stewart home located at 5540 Madison Road

Latitude 39° 09' 40", Longitude 84° 23' 52"



ITEM 3

December 20, 2021

**APPLICATION FOR
LANDMARK DESIGNATION
HISTORIC CONSERVATION BOARD PUBLIC HEARING
STAFF REPORT**

APPLICATION #: NA
 APPLICANT: Madisonville Community Council and PLK Communities
 OWNER: PLK Communities
 ADDRESS: 5540 Madison Rd
 PARCELS: 035-0001-0120
 ZONING: T4NSF-O
 OVERLAYS: N/A
 COMMUNITY: Madisonville
 REPORT DATE: November 24, 2021

Nature of Request:

The applicant is requesting a Local Historic Landmark Designation for the property generally located at 5540 Madison Road, known as the Benjamin Stewart House. The landmark designation is sought for the individual building located at the southeast corner of the lot with parcel id 035-0001-0120.

The property is a contributing property in the Madison Stewart National Register District that was established in 1975.

The owner, PLK Communities, in partnership with the Madisonville Community Council submitted the application in response to a community benefits agreement that was signed between the two parties, in association with the new development on the same parcel as the proposed landmarked building. The building under consideration is the clubhouse of "The Jameson" development which is a 151 residential unit development.

1435-07-2-A: *Application for the consideration of the designation of a Historic District, Historic Landmark or a Historic Site may be made by the filing of a designation application, in such form as the Historic Conservation Board may prescribe, by the owner of the subject property or by the owner of a property within the area proposed to be designated, by Council or a member of Council, by the City Manager, by the Urban Conservator, by the City Planning Commission, **or by a local community organization, including, but not limited to, preservation associations and community councils.** No Historic Structure or Historic Site may be demolished or excavated during the pendency of a designation application, which commences upon the filing of a complete designation application.*



Image 1: Benjamin Stewart House located at 5540 Madison Rd. Image provided by applicant.



Image 2: 5540 Madison Rd. Image provided by applicant via Cagis map.

Summary and Background:

The Benjamin Stewart home was built between 1837-1844. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district. The house is named after Benjamin Stewart who lived in the house until his death in 1863 and had descendants living in the house till the 1940s.

Attached to this Staff report are:

- Attachment A: Location Map
- Attachment B: Historic Conservation Guidelines
- Attachment C: Historic Designation Report

Designation Review:

Historic Significance

Staff finds that, based on the attributes and architectural integrity as set forth in the Designation Report, 5540 Madison Road, meets the requirements prescribed in Chapter 1435, specifically §1435-07-1, "Becoming a Becoming a Historic Structure; Determination of Historic Significance".

The Cincinnati Zoning Code (CZC) § 1435-07-1(a), specifies that a structure or group of structures may be deemed as having Historic Significance if it has at least one of the following attributes:

1. *Association with events that have made a significant contribution to the broad patterns of our history; or*
2. *Association with the lives of persons significant in our past; or*
3. *Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
4. *That has yielded, or may be likely to yield, information important in prehistory or history.*

The Criteria in Chapter 1435-07-01 is based off the criteria for the National Register of Historic Places and models the language exactly.

The Historic Conservation Board is tasked with determining if it meets one of the Criteria set forth in Chapter 1435-07-1 of the Cincinnati Zoning Code and making a recommendation to the Cincinnati Planning Commission and City Council based on its significance.

The applicant is nominating 5540 Madison Road, Benjamin Stewart Home, under Criterion 2: *Association with the lives of persons significant in our past* and Criterion 3 *Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.*

In Staffs review of the designation report and the documentation provided the building meets the criteria in the following ways:

Criterion 2: Association with the lives of persons significant in our past

- The House was built by Jonathan Ward who was part of the founding family of Madisonville.
- The house was lived in by Benjamin Stewart or his descendants for almost 100 years. Benjamin Stewart was a prominent businessman who was integral to the development of Madisonville.

Criterion 3: Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.

- The building is an excellent example of Greek Revival Architecture and is one of the oldest buildings remaining in Madisonville.

Conservation Guidelines

The Cincinnati Zoning Code (CZC) § 1435-07-2-C. - Adoption of Conservation Guidelines.

“Conservation guidelines shall promote the conservation, development and use of the Historic Landmark, Historic District or Historic Site and its special historic, architectural, community or aesthetic interest or value. Insofar as practicable, conservation guidelines shall promote redevelopment and revitalization of Historic Structures and compatible new development within the Historic District. The guidelines shall not limit new construction within a Historic District to a single period or architectural style but may seek to preserve the integrity of existing Historic Structures. Conservation guidelines shall take into account the impact of the designation of a Historic Landmark, Historic District or Historic Site on the residents of the affected area, the effect of the designation on the economic and social characteristics of the affected area, the projected impact of the designation on the budget of the city, as well as all of the factors listed in paragraph 1435-07-2-B(c) above. Conservation guidelines shall address Non-Contributing Structures. Approved conservation guidelines shall be published on the City's website and be made available for public inspection in the office of the Urban Conservator.”

Staff finds that the proposed Guidelines for 5540 Madison Road, Benjamin Stewart Home, present best practice approaches in seeking to preserve the integrity of the exterior of the building while allowing a compatible reuse of the building. The proposed Conservation Guidelines cover changes to the exterior of the building for features that are part of the integrity and significance of the building and site. The interior is not proposed to be subject to local review.

The proposed guidelines are also compatible with the Secretary of the Interior's Standards for Historic Preservation.

The applicant submitted proposed guidelines to Historic Conservation and City Planning Staff. Historic Conservation Staff has not proposed any changes.

Other Considerations:

Prehearing Results

- November 30, 2021 A Joint Staff Conference was held. The applicants, city staff, and members from the public were in attendance.

Comments Provided to Staff: None

Consistency with Plan Cincinnati (2012): This designation is consistent with the Plan Cincinnati goal embodied in the Sustain Initiative, specifically goal #2, preserving our built history as outlined in pages 197-198 of the plan.

Recommendation:

Staff recommends the Historic Conservation Board take the following actions:

1. **RECOMMEND** to the Cincinnati City Planning Commission (CPC) and to the Cincinnati City Council (CC) for the designation of the building located at the southeast corner of parcel 035-0001-0120 and associated Conservation Guidelines subject to the following conditions:
 - a. Any construction proposed upon the proposed Historic Landmark shall comply with the proposed Historic Conservation Guidelines (Exhibit C).
2. **FINDING:** The Board makes this determination per Section 1435-07-1:
 - (a) That it has been demonstrated that the 5540 Madison Rd/Benjamin Stewart Home meets §1435-07-1(a)(2 and 3) as the building maintains integrity, has *“Association with the lives of persons significant in our past”* and *“Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.”*
 - (b) 5540 Madison Road is a contributing building to the Madison-Stewart National Register Historic District.

11 Centennial Plaza
Planning Department
805 Central Ave, Suite 700
Cincinnati, OH 45202
513-352-4848

FOR OFFICE USE ONLY	
File No.	_____
Date Filed	_____
Fee Paid	_____
Date Received	_____
Decision	_____

APPLICATION FOR LOCAL HISTORIC DESIGNATION/ HISTORIC ZONE CHANGE


1. SUBJECT PROPERTY/(ies)	<input checked="" type="checkbox"/> Landmark	<input type="checkbox"/> Site	<input type="checkbox"/> District
ADDRESS	5540 Madison Road, Cincinnati, OH 45227		
PARCEL ID(S)	035-0001-0120-00 New - 035-0001-0100-00 Original		
AREA CONTAINED IN PROPERTY (EXCLUDING STREETS)	Approx. 4,500 SF Home		
NAME OF HISTORIC DESIGNATION	Madisonville Historic District - Requesting Landmark Designation for Ward/Stewart Home		

2. APPLICANT	
NAME	Madisonville CC and PLK Communities
CONTACT PERSON (if legal entity)	Kate Botos and Nicholas Lingenfelter
ADDRESS	PLK Communities (see below)
TELEPHONE	<small>KB - 513-227-4352 NL - 513-561-5080</small>
EMAIL	<small>President@summadisoville.com and Nick@plkcommunities.com</small>
RELATIONSHIP TO OWNER (if not owner)	Community Council and VP of Development
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> City Council Member <input type="checkbox"/> City Manager <input type="checkbox"/> Urban Conservator <input type="checkbox"/> Planning Commission <input checked="" type="checkbox"/> Community Organization <input type="checkbox"/> Owner of Property within District	

3. OWNER(S) (If multiple properties, please provide an excel sheet with information)	
NAME	Madison and Stewart, LLC
CONTACT PERSON (if legal entity)	Nicholas Lingenfelter
ADDRESS	5905 E. Galbraith Rd, Suite 4100, Cincinnati, OH 45236
TELEPHONE	513-561-5080
EMAIL	Nick@plkcommunities.com

4. HISTORIC CRITERIA (Select all that apply)
<input type="checkbox"/> Association with events that have made a significant contribution to the broad patterns of our history; or <input checked="" type="checkbox"/> Association with the lives or persons significant in our past; or <input checked="" type="checkbox"/> Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or <input type="checkbox"/> That has yielded, or may be likely to yield, information important in prehistory or history.

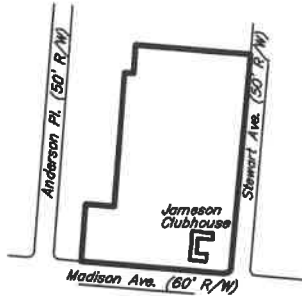
5. SUMMARY OF REASONS WHY THE REQUEST SHOULD BE GRANTED. It is your responsibility to provide the Urban Conservator supporting documentation in the form of a "Designation Report" to facilitate the creation of a staff report under chapter 1435-07, "Preserving a Structure." <u>Please be advised that this application will be reviewed by the Historic Conservation Board & Planning Commission Council. The filing fee for the review is \$1,500 and due at the time the application is submitted.</u>
--

6. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.
Print Name <u>Kate Botos</u> Signature  Date <u>07 / 25 / 2020</u>

**Jameson Clubhouse Historic Landmark Designation
Parcel 35-1-120
O.R. 1411, Pg. 767
City of Cincinnati, Hamilton County, Ohio**

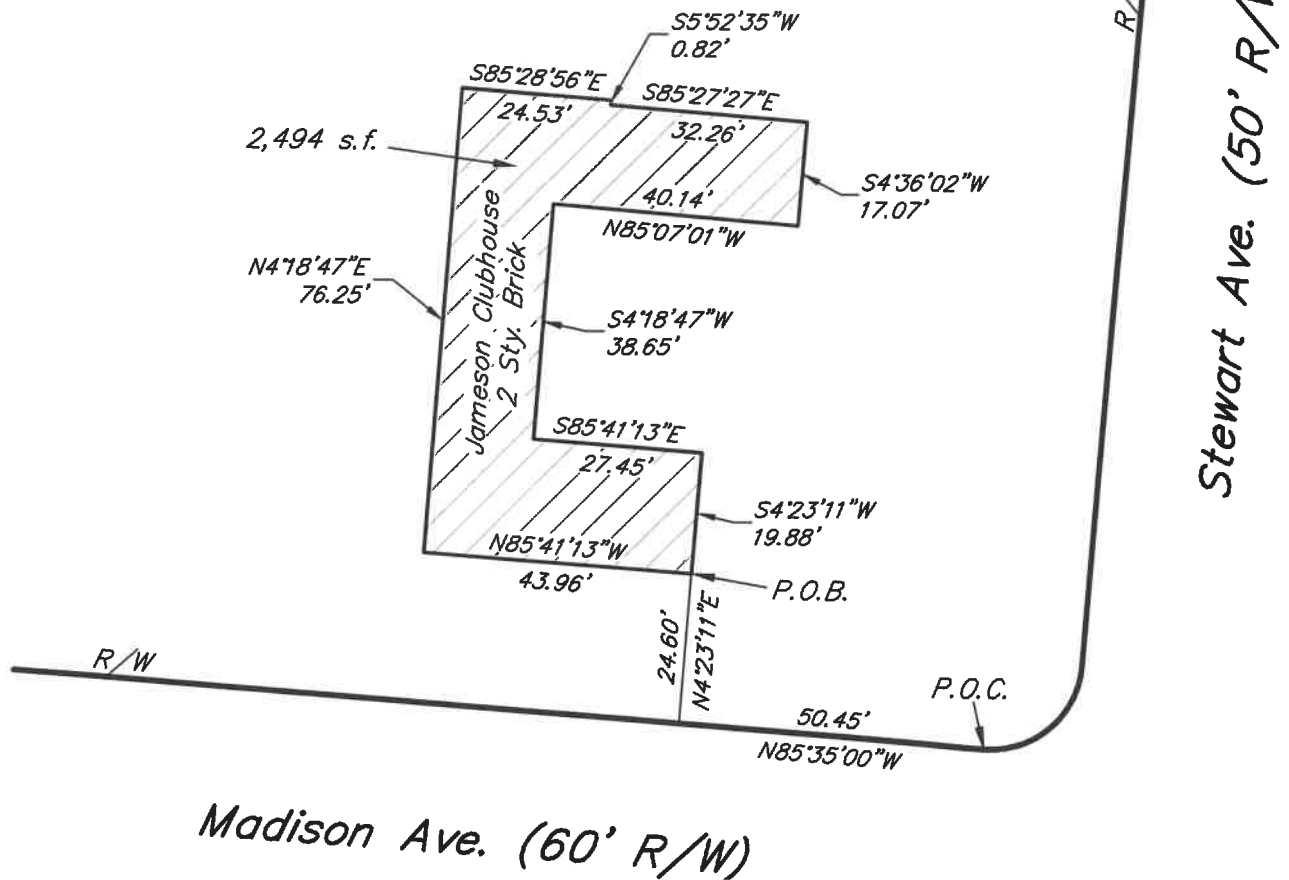
DATE: 9-13-2021

P.B. 27, Pg. 35



Property Detail

Madison and Stewart, LLC
35-1-120
O.R. 1411, Pg. 767
4.477 Acres



Graphic Scale: 1"=30'



James Fago
James D. Fago
Ohio Reg. No. 7902
3625 Jill Marie Dr.
Cincinnati, Ohio 45251
513.328.9524
jimfago@gmail.com

Landmark Designation Request

Benjamin Stewart Home in Madisonville

5540 Madison Rd

Cincinnati, Ohio 45227

Submitted to:

Cincinnati Historic Conservation Office

By: Eric S. Stringer, PLK Communities

For the Benefit of

Madisonville Community Council



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Historical Significance	pg. 8
Architectural Significance	pg. 9
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Introduction

Prepared by Eric Stringer of PLK Communities for the Benefit of The Madisonville Community Council, this report represents the findings and recommendations for local Historic Landmark designation of the Stewart Home.

Background

The owner PLK Communities, and Madisonville Community Council have an interest in the preservation of the property for the future. The building is architecturally and historically significant as a good example of The Greek Revival style that contributed to many homes of its era and is a significant structure in the Madison-Stewart Historic District in Cincinnati, OH. The building presently serves as the clubhouse and leasing offices for a townhome development.

Description of Property

Site

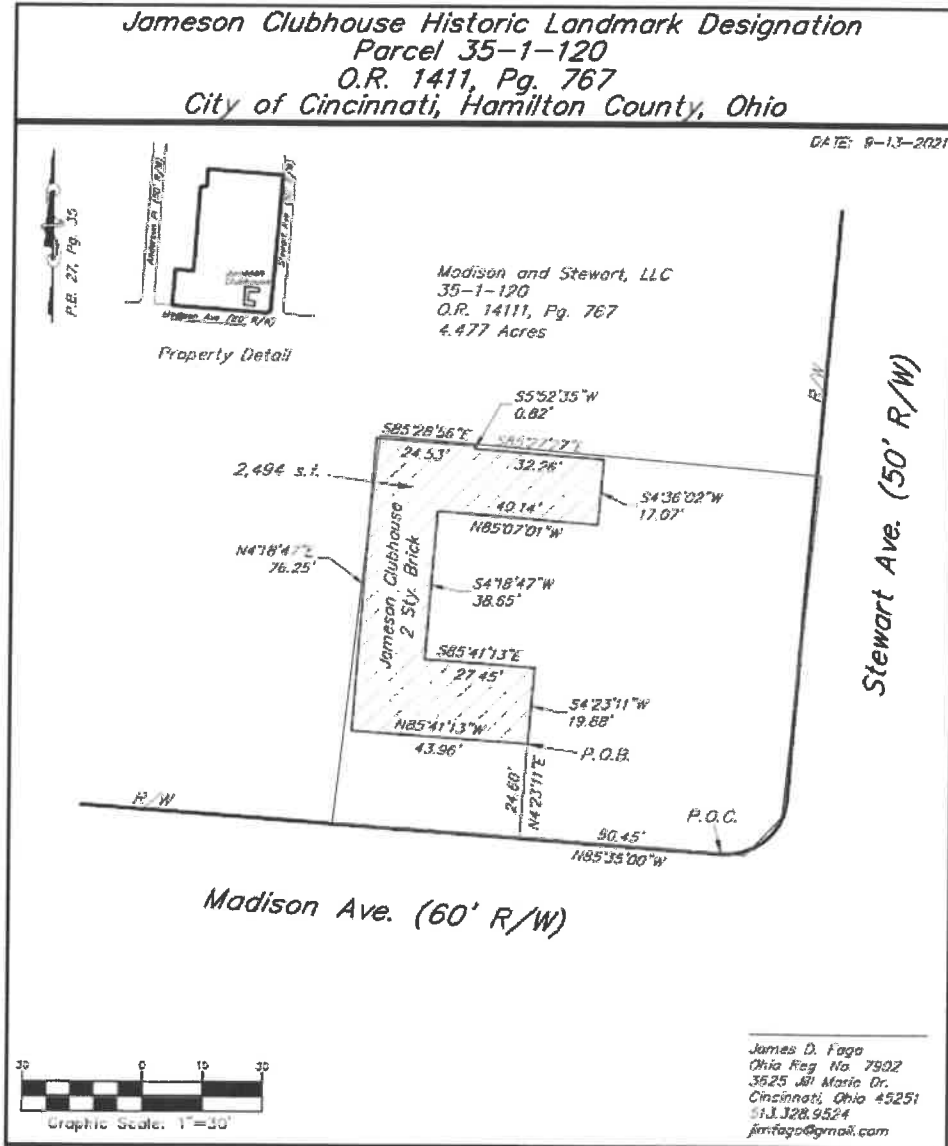
The Benjamin Stewart home at 5540 Madison Road sits along the line of latitude of 39° 09' 40", and line of longitude at 84° 23' 52". The home sits on a site that is 4.447 acres that it shares with multiple multi-family residential dwellings (noncontributing to landmark) that were built between 2020 and 2021.

Legal Description

Situate in Section 16, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Madison and Stewart, LLC in O.R. 14111, Pg. 767 and being more particularly described as follows:

Commencing at the intersection of the west line Stewart Avenue, 50' R/W and the north line of Madison Avenue, 60' R/W; thence with the north line of said Madison Avenue, North 85°35'00" West, 50.45 feet to a point; thence leaving said Madison Avenue, North 04°23'11" East, 24.60 feet to the Place of Beginning; thence with the exterior of the existing Jameson Clubhouse the following ten courses; North 85°41'13" West, 43.96 feet to a point; thence North 04°18'47" East, 76.25 feet to a point; thence South 85°28'56" East, 24.53 feet to a point; thence South 05°52'35" West, 0.82 feet to a point; thence South 85°27'27" East, 32.26 feet to a point; thence South 04°36'02" West, 17.07 feet to a point; thence North 85°07'01" West, 40.14 feet to a point; thence South 04°18'47" West, 38.65 feet to a point; thence South 85°41'13" East, 27.45 feet to a point; thence South 04°23'11" West, 19.88 feet to the Place of Beginning. Containing 2,494 square feet of land more or less. Bearings based on P.B. 27, Page 35 H.C.R.O.. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

Map Showing Designation Boundaries (See Below)



Boundary

The home is identified as parcel 035-1-120 of the Hamilton County Auditors Records. The historic home is set on the corner of Madison Road and Stewart Ave as the eastern boundary. Anderson Place is the next street to the west and Chandler Street is to the north.

Justification of Boundary

The above-listed parcel is both the original and legally recorded boundary line for the property for which designation is being requested. The building occupies the parcel and the parcel designated for Landmark Designation is for the Stewart home only and no other structures.

Setting

Located on the northwest corner of Madison Road and Stewart Avenue in Madisonville, the Benjamin Stewart home sits prominently on a small slope, roughly 15 feet from the street front. In its historic setting, the home may have been surrounded by similar residential dwellings and tucked away from the busy streets of downtown, but today Madison Road is a thoroughfare for commuters moving between Cincinnati's various neighborhoods and many businesses operate within a short vicinity of the property. Today, such businesses include MedPace, a publicly traded company with 2,800 employees, as well as a multitude of independent shops and restaurants.

Statement of Significance

The Benjamin Stewart home according to one source, was built in 1833 from lumber that Stewart had floated down the Ohio River on flatboats¹. However, it should be stated that this is a legend, as the deeds indicate that Stewart bought the land in 1844 from Jonathan Ward. Jonathan Ward bought the property from the state in 1837 and the house was built between 1837-1844 when the property was sold to Benjamin Stewart. The house is a two and a half story American bond brick building with an L-shaped floor plan. Constructed in the Greek Revival Style, this home is one of the oldest standing examples of this type of architecture in the district.

The Madison-Stewart District was designated by the National Register of Historic Places on May 29, 1975 (No. 75001419). The Stewart home sites prominently on the intersection of Stewart and Madison Road and is representative of an iconic architectural style as well as an anchor building to the historic district. Benjamin Stewart became a successful businessman in Cincinnati via his lumber enterprise and the home is on land that has been inhabited by Jonathon Ward, the grandson of Madisonville's first settler, Joseph Ward.

According to CZC 1435-07-1 (2) the home is associated with the lives of persons significant in our past and, (3) the Stewart home embodies the distinctive characteristics of a type, period, or method of construction (Greek Revival) that represents a significant and distinguishable entity. The request for Historic Landmark designation of the Stewart home also is consistent with the desire to have a prominent structure represented. The style of the home, as well said historic ownership, combine and fulfill the requirements to have such a building landmarked and to avoid the loss or demolition of the structure.

¹Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston, Arcadia Publishers, 2012.

Historical Significance

The designation of the Madison-Stewart district in 1975 reflects the desire and need to highlight and preserve our city's rich architectural and cultural landmarks. This home requested for Historic Landmark status has the attributes of not only reflecting a culturally significant style of building (Greek Revival), but also of a descendant of both the Revolutionary War and Madisonville's first permanent resident. Madisonville, named in honor of President Madison, was a settlement to the north of Columbia, where some settlers left due to being in a flood zone in the early 19th century. The Madison-Stewart district derives its name from Benjamin Stewart, whose residence being the most prominent in the district, as well as President Madison.

The first permanent settler of Madisonville was Joseph Ward. He and his three eldest sons were soldiers in the patriot army during the Revolutionary War. Born in New Jersey in 1784, Ward emigrated from New Jersey to Ohio in 1797. Originally, Ward arrived in the settlement of Columbia, but due to the flooding of the area, moved to a plot of land of what is now the neighborhood of Madisonville.

Joseph Ward and his two sons Nehemiah and Amos were granted land to them by the government for their services in the Revolutionary War. In all, Joseph and his wife Phebe had 9 children. Joseph Ward's grandson, Jonathan, would eventually live on the property that is the site of the Stewart home. According to records, the property would have been sold by Jonathan to Benjamin Stewart in 1844.

Benjamin Stewart, to whom the home is named after, was a prominent businessman of Madisonville. Stewart made a living from lumber, which is potentially where the legend that he made the home on Madison and Stewart from lumber he floated down the river. Stewart's daughter Sarah and his son in law James White, would also live in the home. The home would have a descendent of Benjamin Stewart living in it until the 1940's.

The Ward family extends back to the very beginning of Madisonville, and the home on Stewart and Madison Road is fully renovated and stands as a prominent fixture to this historic district. In 1911 the City of Cincinnati annexed the neighborhood of Madisonville and now Madisonville is one of fifty-two neighborhoods in the city, being situated to the east of the neighborhood of Oakley on the east side of the city.

Architectural Significance

The Benjamin Stewart home has been characterized as being Greek Revival. The move from Georgian-Colonial style homes was an intended move and the early 19th century settlers wanted an architectural style that was distinct from their British ancestors. The Stewart home exemplifies the characteristics of Greek revival style in that it is constructed with several features such as columns to mimic marble, entablatures, trim between roof and columns, pilasters, and a covered front porch.

From the 1820's to 1860's, homes were being built in the Greek Revival style. Typical features included a gabled and/or low pitch roof, entry porch supported by square or round prominent columns. Greek Revival architecture was favored for its elegant yet simplistic style. One of the first published works on this style of architecture was James Stuart's *Antiquities of Athens and Other Monuments of Greece*, in 1762. Architects drew inspiration from the temples found throughout Greece and Italy and began incorporating these design features into their own buildings. The style would be referred to as the national style due to its popularity as a symbol of Democracy.

The features of the Benjamin Stewart home include the low-pitched roof as well as the Doric columns on the front porch and entryway. Another element that the home features are the multi paneled windows. The building was constructed in an L shape, and the chimneys were placed on the side and in the back of the building. Greek temples are usually built from marble or stone, so to replicate the light color, the wooden finishes would have been painted white due to the lack of resources to make homes from marble. The Stewart home also incorporates the use of entablatures at the roof trim. The entablature is the band of trim at the base of the roof.

While many homes built in the Greek Revival style have rather grand or large porticos, the Stewart house was built with a more modest portico, giving the home a refined yet modest look. The columns on the portico similarly were not built above the second story but were below the window trim line of the second story. The Doric columns similarly were the more simplistic of the three traditional styles: Doric, Ionian, and Corinthian.

Planning Considerations

Consistency with CZC Chapter 1435, Historic Preservation

The designation of the Stewart home meets the requirements of chapter 1435-07-1, a site of Historic Significance and chapter 1435-03, of the Cincinnati Zoning Code (Historic Conservation),

“To safeguard the heritage of the city by preserving districts and landmarks which reflect elements of its history, architecture and archeology, engineering or culture”

The documentation in this designation report provides conclusive evidence that all the required findings may be made for the proposed designation.

Research Methodology

Research was conducted using various sources, both on-line and hard copy. Sources include the National Register of Historic Places Inventory-Nomination Form, the book *Images of America: Madisonville*, as well the Hamilton County Auditor and Recorder for deed and plat research.

References

Records of the Hamilton County Auditor and Recorder.

Editorial Staff State History Publications, *Ohio Historic Places Dictionary, Volume 2.*, Ohio: Native American Books, 2008.

Busald, Ruth Ann, et. Al., *Images of America: Madisonville*, Charleston: Arcadia Publishers, 2012.

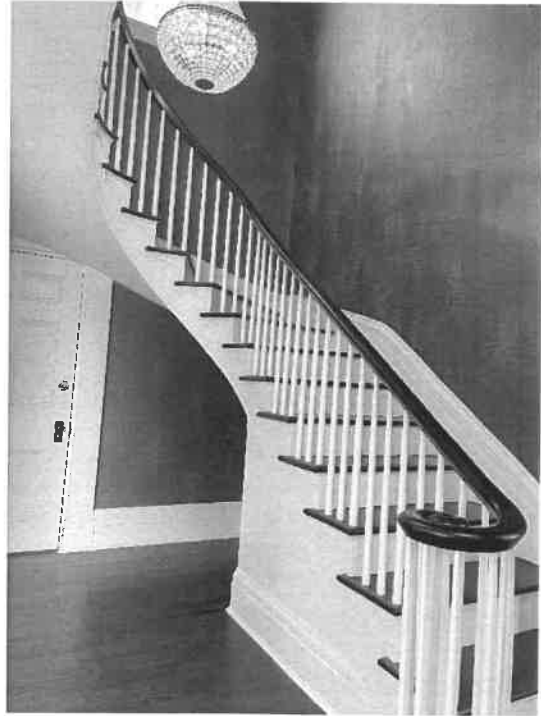
The National Register of Historic Places, Volume 2. Berkeley: United States Department of the Interior National Park Service, 1976.

Recent Interior and Exterior Renovations

Exterior Remodeled in 2020



Original Staircase in foyer



Courtyard (East Facing)



Exterior Rear Entrance



Upstairs room with original fireplace and support beams.



Original hardwood floors restored in upstairs room, currently serves as guest lounge and co-working space for residents.



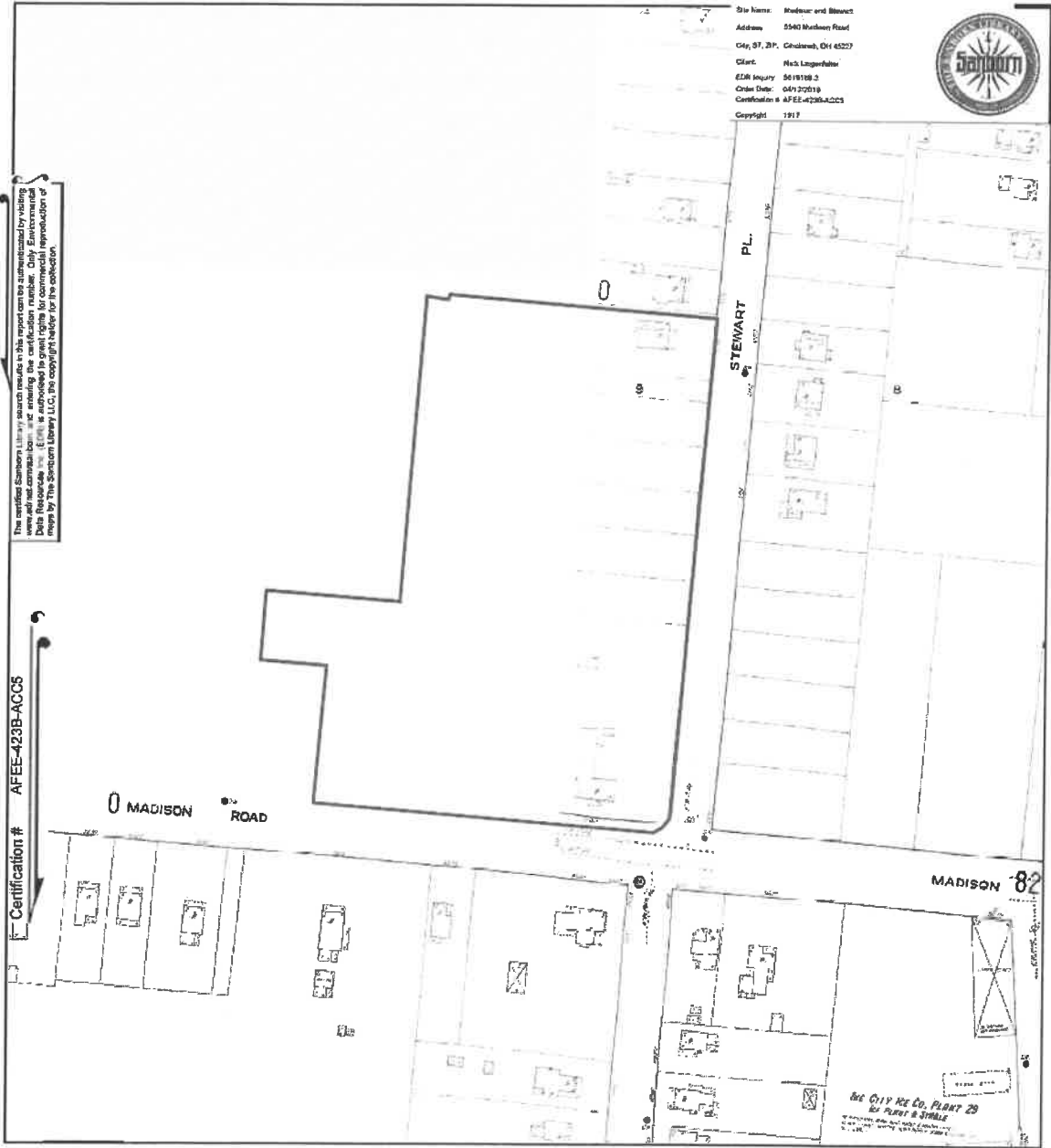
Original fireplace restored and redesigned in guest lounge.





Certified Sanborn® Map

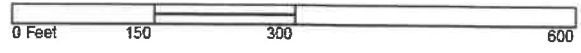
1917

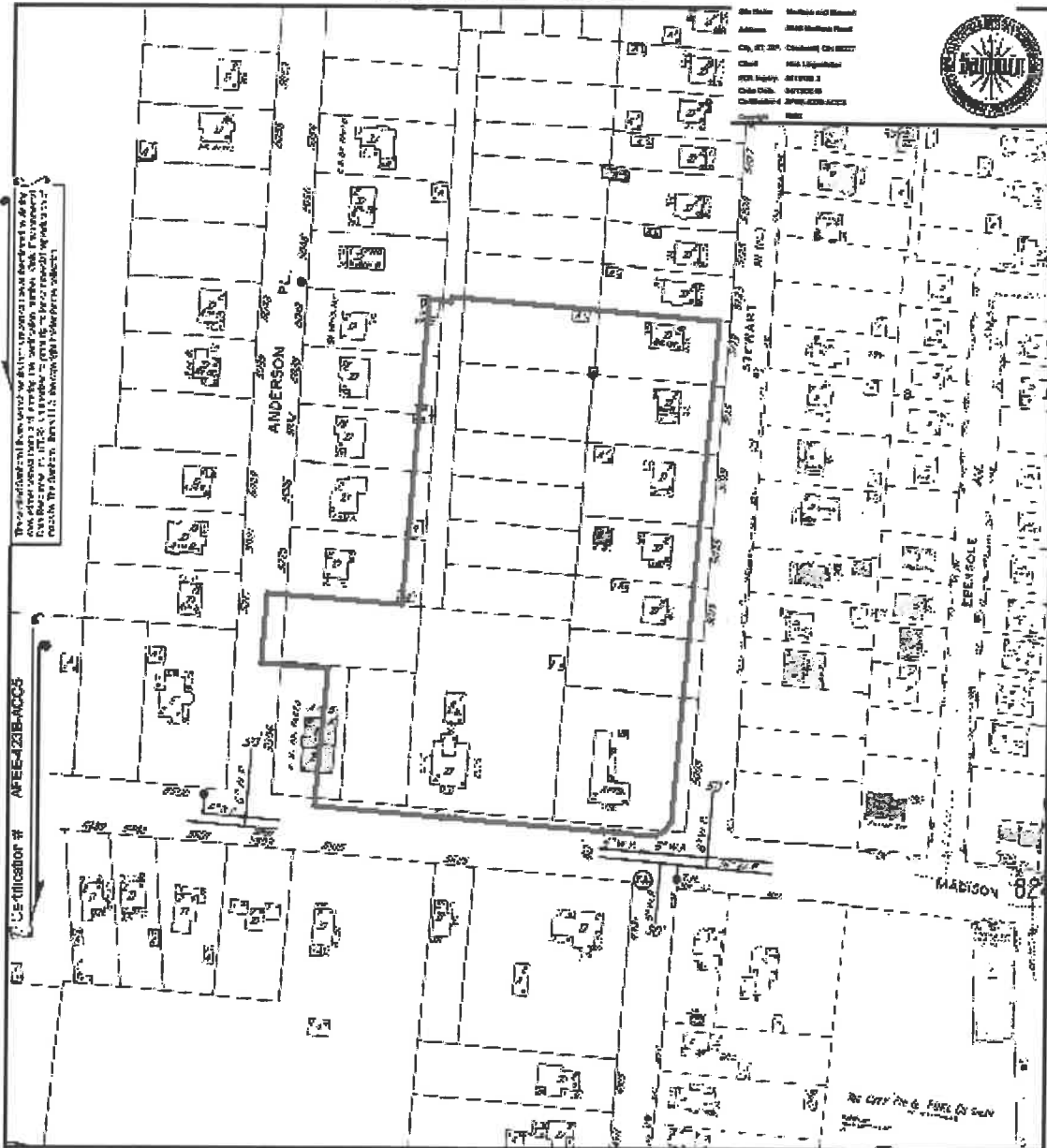


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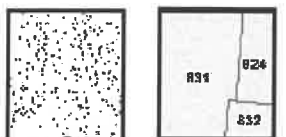
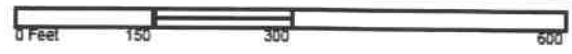


Symbol	Material and Method
(Symbol)	Asphalt Paving
(Symbol)	Clay or Brick
(Symbol)	Cast Iron or Steel
(Symbol)	Iron
(Symbol)	Steel
(Symbol)	Concrete
(Symbol)	Refractory
(Symbol)	Other
(Symbol)	Water
(Symbol)	Marsh
(Symbol)	Swamp
(Symbol)	Gravel
(Symbol)	Rock
(Symbol)	Soil
(Symbol)	Vegetation
(Symbol)	Other



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Volume 8, Sheet 832
 Volume 8, Sheet 831
 Volume 8, Sheet 824

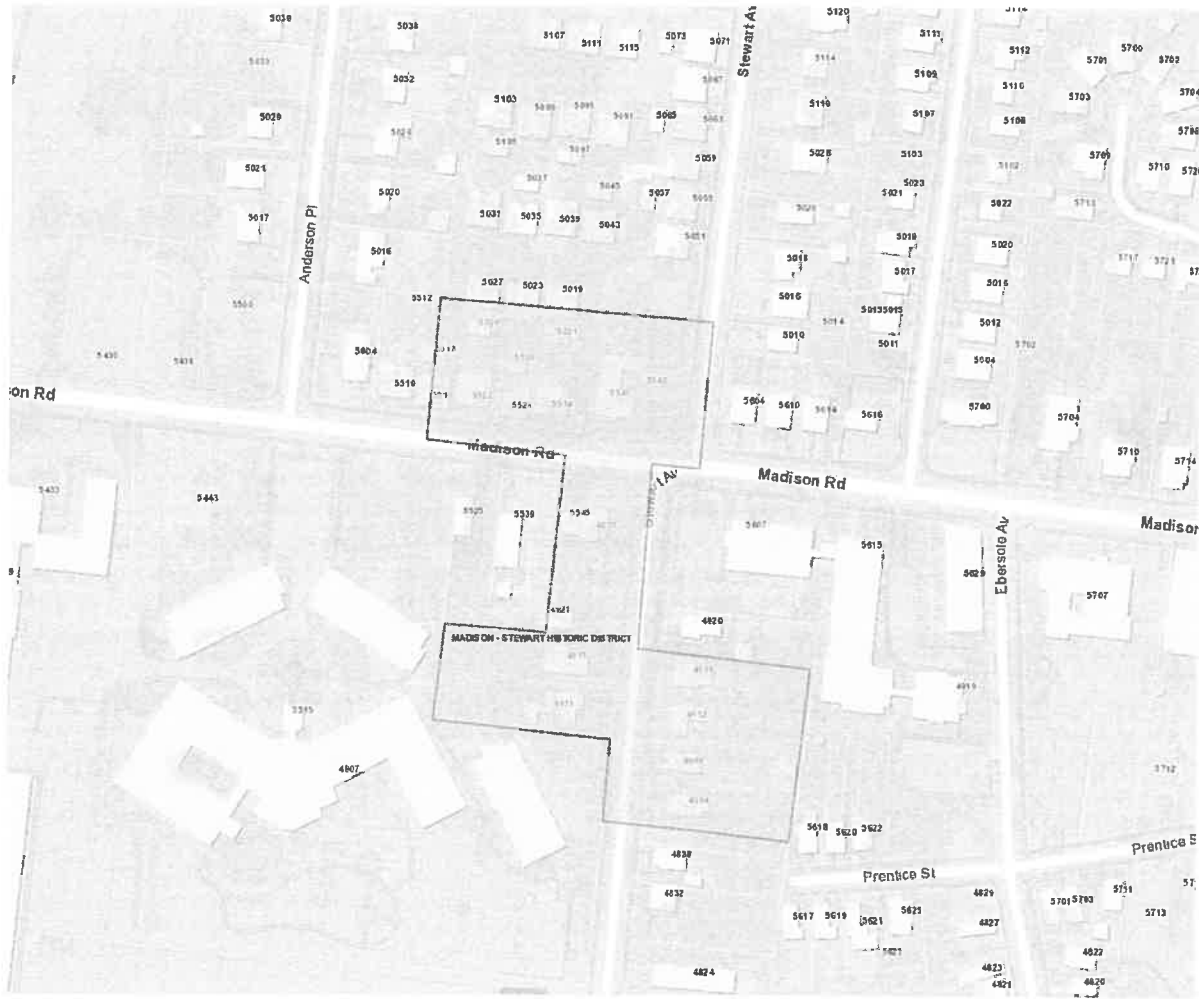
Neighborhood of Madisonville, Cincinnati, OH



Madison-Stewart Historic District

Benjamin Stewart home located at 5540 Madison Road

Latitude 39° 09' 40", Longitude 84° 23' 52"



Historic Conservation Guidelines

Benjamin Stewart Home, Madisonville, Cincinnati, OH

Rehabilitation

General Terminology

Within these guidelines, the “Stewart-Ward Home” refers to the building located at 5540 Madison Road, Cincinnati, OH 45227.

Intent and General Guidelines

The following general approaches are recommended:

1. **Repair and maintenance:** Ordinary repair and maintenance of like and kind for matching the original construction, where visible, and that does not change the appearance of the buildings, is acceptable under these guidelines. Rehabilitation may include preservation, restoration, reconstruction, or a combination of these, as appropriate and reasonable for the building.
2. **Maintenance:** Existing visible features that contribute to the building’s overall character and are in good condition should be maintained, preserved, or conserved, where possible. Damaged visible features which can be repaired should be repaired whenever possible.
3. **Replacements:** Replacements of significant features damaged beyond repair, deteriorated beyond reasonable repair, or missing significant features should sensitively harmonize with the characteristics or the original feature. Replication is appropriate but not required.

Specific Guidelines

The following specific approaches to exterior elements, features, and visible components are recommended:

1. **Materials:** Materials for significant features on primary façades visible from the street that are badly damaged, deteriorated beyond reasonable repair, or missing should be replaced with materials or components that closely match the style, shape, color, treatment, and texture of the element replaced. Composition, type of joint, size of units, visible measures,

placement, and detailing should be appropriate for the building. Synthetic materials, where closely matching the existing characteristics, may be utilized.

2. **Masonry Repointing:** Repointing of deteriorated and/or missing mortar shall match the existing historic as close as possible. Elements of the new repointing mix shall be consistent with the existing mortar in formulation, aggregate size, texture, color, and method of application. It is recommended that test patches be applied adjacent to existing mortar and allowed to dry. An assessment should be made of new repointing mix with respect to varied constituents to be matched. The sample that closely matches the original mortar should be used for the repointing. Refer to Preservation Brief for general approach to undertaking masonry repointing.
3. **Masonry Cleaning:** Sandblasting diminishes the integrity of building materials. It is not an approved cleaning method. Should cleaning of exterior materials be undertaken, no harm should result from the approach taken to do the work. If cleaning of building materials is undertaken, use the gentlest method possible to accomplish good results. Scrubbing with a bristle brush and a mild non-ionic detergent is recommended. Should this method be found ineffective, the use of approved chemical cleaning application can be used only after test patches have determined the gentlest means with respect to composition of cleaning agent, method of application, and cleaning results.
4. **Water-Repellent Coatings:** Use of water-repellent coatings on historic buildings is not permitted. The problem of water infiltration into a building is associated with structural or maintenance issues. Water-repellent coatings compound problems because the coating encapsulates moisture and does not allow it to evaporate naturally.
5. **Window and door openings:** Window and door openings are important features of these buildings. The size and location of openings are an essential part of the overall design and an important feature of these buildings' architecture. Original wall openings on primary façades should not be altered or filled. On secondary façades, original wall openings should not be significantly altered without consideration of the impact to the overall character of the original design.
6. **Window replacement:** new windows should be appropriate in material, scale, configuration, style, and size.
7. **Ornamentation:** Significant architectural features including brick and stone detailing elements should be preserved or conserved. Do not make replacements or substitutions of different size, scale, design, or incompatible materials. Replacement ornamentation should closely match originals in character, scale, configuration, style, size, texture, and color. Some synthetic materials, including fiberglass castings or composite materials, may be considered.
8. **Roofs:** Chimneys, parapets, and other architectural features that define the buildings' roofline should be maintained. New asphalt shingles are acceptable for the roof.

9. **Painting:** Repainting existing features that were historically painted is acceptable. Existing exterior elements that were historically not painted, such as brick, stone, and terra cotta, should be left unpainted. Use colors that are appropriate to the buildings' age, history, and style.
10. **Outside attachments:** Exterior light fixtures should be appropriate for the building's style and should be simple and contemporary.
11. **Awnings:** Awnings are acceptable provided they adhere to the National Park Service Preservation Brief 44 for the use of awnings on historic buildings.
12. **Signs:** Signs should be designed for clarity, legibility, and compatibility with the building or property on which they are located. Signs should not cover or obscure architectural features. Temporary signage is permitted without review by the Historic Conservation Board.

Additions and Exterior Alterations

Intent and General Guidelines

1. **Additions:** Additions should follow new construction guidelines, codes, and regulations. Any addition should be compatible in character with the original building, with sensitivity to existing massing and scale, site, and appearance within the building's existing context. Additions should be sympathetic, may be complementary, but need not be imitative in design. Additions should be designed to relate architecturally, not overwhelming the original building.
2. **Alterations:** Alterations should follow construction guidelines for alterations, codes, and regulations. Alterations should not change or alter significant features.
3. **Appropriateness:** The appropriate addition and alteration design solutions should include:
 - a. How well the proposed design for the addition or alteration relates to the original building and neighboring buildings.
 - b. How closely the proposed addition or alteration meets the specific intentions of these guidelines.

Site Improvements

Intent and General Guidelines

1. Site improvements, such as improvement and/or alteration to existing paving, fences, and landscaping should be in keeping with the character of the building and not detract from its setting or architectural character.
2. The design of any new site improvement construction should be in keeping with the character of the existing building and not detract from its setting or architectural character.

3. Any design of site improvements should capitalize on the unique setting and location of the Stewart-Ward home. The existing views towards the facades should be maintained as an important visual contribution to the integrity of the building.

Demolition

Any demolition, alterations, or modifications to the Stewart-Ward home, and minimum maintenance requirements, are governed by Section 1435-09: Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance, of the Cincinnati Zoning Code, ordained by Ordinance No. 217-2012, §1, effective July 20, 2012. Any updates, modifications, or amendments to this section of the Cincinnati Zoning Code or legislation that supersedes Chapter 1435 of the Cincinnati Zoning Code which is established as the "Historic Preservation Code," shall be considered the governing law.

January 12, 2022

Cincinnati City Planning Commission
II Centennial Plaza
805 Central Avenue, 7th Floor
Cincinnati, Ohio 45202

Honorable Members of the City Planning Commission:

The Historic Conservation Board (“Board”) transmits herewith the following items for your consideration concerning the proposed Benjamin Stewart House Historic Landmark Designation Application:

1. Local Historic Landmark Designation Report.
2. Proposed Historic Landmark Conservation Guidelines.
3. Historic Conservation Office Staff Report dated November 24, 2021.

Summary:

The Madisonville Community Council and PLK Communities have applied to designate the Benjamin Stewart House located at 5540 Madison Road in the Madisonville neighborhood (the “Building”) as a Local Historic Landmark pursuant to Cincinnati Municipal Code (“CMC”) Section 1435-7-02-A.

Upon her review of the designation application pursuant to CMC Sections 1435-07-1(a)(2) and 1435-07-1(a)(3), the Urban Conservator prepared a report recommending approval of the landmark designation and the associated conservation guidelines. The Board then, at its regular meeting on December 20, 2021, held a public hearing on the proposed designation at which it heard from the Urban Conservator and proponents of the designation whether the Building qualifies for landmark designation. Upon considering the designation application (including the designation report and conservation guidelines), the Urban Conservator’s report, and comments received at its public hearing, a majority of the Board’s members present throughout the hearing and constituting a quorum voted to recommend designation of the Building as a Local Historic Landmark finding that the Building both has an association with the lives of persons significant in our past and embodies the distinctive characteristics of a type, period, and method of construction and thus satisfies CMC Sections 1435-07-1(a)(2) and 1435-07-1(a)(3) and further resolved to recommend approval of the associated conservation guidelines.

Aye

Nay

Absent

Mr. Voss

Mr. Weiss

Mr. Zielasko

Mrs. McKenzie

Mrs. Smith-Dobbins

Mr. Sundermann

The Historic Conservation Board

/s/ Tim Voss_____

Tim Voss
Historic Conservation Board Chair

/s/ Abigail Horn_____

Abigail Horn, Staff Attorney

VENTURE ONE PROPERTIES LLC 1000 FORD CIRCLE SUITE A MILFORD OH 45150	5219 EBERSOLE AVENUE LLC 10600 CINDERELLA DR CINCINNATI OH 45242	MILLER NORMAN& MARTHA 1115 AVONDALE CT WEST PALM BEACH FL 33409
DAVIS DARCI W 1133 HAWKSTONE DR CINCINNATI OH 45230	YOLO INVESTMENTS LLC 11711 PRINCETON PIKEUNIT #341-331 CINCINNATI OH 45246	PRIMETIME VENTURES LLC 1416 NORTH BELL AVE CHICAGO IL 60622
BOOKER HENRY K& CYNTHIA 1505 KARAHILL DR CINCINNATI OH 45240	CINCINNATI METROPOLITAN HOUSING AUTHORITY 1635 WESTERN AVE CINCINNATI OH 45214	WILLIAMS EVELYN E 1725 BLOOMFIELD DR GRAND RAPIDS MI 49508
GINN FAMILY INVESTMENTS LLC 1845 TEWKSBURY RD COLUMBUS OH 43221	LARKINS VENTURES LLC 185 ST ANNES NORTH BEND OH 45052	PRUES GABRIEL 1936 SUTTON AVE CINCINNATI OH 45230
BELAY SOLOMON &TSEGEREDA KASSAYE BELAY 201 HEARNE AVE CINCINNATI OH 45229-2815	HAMILTON COUNTY COMMUNITYMENTAL HEALTH BOARD 2350 AUBURN AVE CINCINNATI OH 45219	OHARA JOHN & AMRITHA 239 W 13TH ST APT #3 NEW YORK NY 10011
MAJ HOMES LLC 244 GILEA CT SANTA MARIA CA 93455	MV3 RE LLC 2610 E CRESCENTVILLE RD WEST CHESTER OH 45069	BARHORST TERRY 2925 PORTSMOUTH AVE CINCINNATI OH 45208
NREA VB I LLC 300 CRESCENT COURTSTE 700 DALLAS TX 75201	DENTON RUBE JR & JEFFREY 3693 SECTION RD APT4 CINCINNATI OH 45237	CINCY LIVING LLC 3736 FALLON RD#230 DUBLIN CA 94568
ROGERS JEFFREY 3748 DAVENANT AVE CINCINNATI OH 45213	MADISON VILLA LIMITED PARTNERSHIP 3870 VIRGINIA AVE CINCINNATI OH 45227	ST PAUL VILLAGE II LIMITED PARTNERSHIP 3870 VIRGINIA AVE CINCINNATI OH 45227
MAD PROPERTIES LLC 4905 WHETSEL AVEFLOOR 3 CINCINNATI OH 45227	CASH WALTER JR 4908 STEWART AVE CINCINNATI OH 45227-2210	KAYLOR SCOTT& ROBERT P MARKWELL 4911 STEWART RD CINCINNATI OH 45227
GREENLEE KITHER R &FLORA L 4912 STEWART AVE CINCINNATI OH 45227	MOWERY ROBERT E 4916 STEWART AVENUE CINCINNATI OH 45227	KIRIEVICH KRISTA MARIE 4920 STEWART AVE CINCINNATI OH 45227

DIXIE MARY
5010 STEWART AVE
CINCINNATI OH 45202

TAGGART RYAN P
5016 ANDERSON PL
CINCINNATI OH 45227

5016 STEWART ROAD LLC
5016 STEWART RD
CINCINNATI OH 45227

GORDON RICHARD F JR
5017 ANDERSON PL
CINCINNATI OH 45227-1601

LOGAN RICKEY& NANCY
5017 EBERSOLE AVE
CINCINNATI OH 45227

BARKLEY JOHN E
5018 STEWART AVE
CINCINNATI OH 45227-1617

JACKSON JACQUELINE A
5020 ANDERSON PL
CINCINNATI OH 45227

NESTER KEVIN DUANE
5020 STEWART AVE
CINCINNATI OH 45227-1617

JUENGER ANDREW J
5021 ANDERSON PL
CINCINNATI OH 45227-1601

BARKLEY JOHN ERIC
5021 EBERSOLE AVE
CINCINNATI OH 45227-1608

PROFFIT JAMES E
5026 ANDERSON PL
CINCINNATI OH 45227-1602

KNOTT ARTHUR JAMES II
5028 STEWART AVE
CINCINNATI OH 45227

BARBER GARY N
5029 ANDERSON PL
CINCINNATI OH 45227-1601

BENDIK ELISE
5032 ANDERSON PL
CINCINNATI OH 45227

MIDDLETON WILLIAM III
5038 ANDERSON PLACE
CINCINNATI OH 45227

NEWHOUSE KARA & LISA FRIEDMAN
5039 ANDERSON PL
CINCINNATI OH 45227

MATERN JOHN B
5042 ANDERSON PL
CINCINNATI OH 45227-1602

SANDFORD GRETTA& CAROLYN COLEMAN
5043 ANDERSON PL
CINCINNATI OH 45227-1601

WITTKOPF LOTUS A & JAMES W
5046 ANDERSON PL
CINCINNATI OH 45227

ROWLAND ESTHER M
5054 ANDERSON PL
CINCINNATI OH 45227-1602

IGOE ROBERT R & ELIZABETH
5055 ANDERSON PL
CINCINNATI OH 45227-1601

PLEAR THOMAS TR
5058 ANDERSON PL
CINCINNATI OH 45227-1602

OVERBECK ROBERT & KRISTEN
5059 ANDERSON PLACE
CINCINNATI OH 45227

KANG JOSEPH & NARA YUN
5062 ANDERSON PL
CINCINNATI OH 45227

FLICK JAMES J& KISTYIANNA D BEAGLE
5063 ANDERSON PL
CINCINNATI OH 45227-1601

BARKLEY JOHN ERIC
5103 EBERSOLE AVE
CINCINNATI OH 45227

ROBINSON EDITH M
5109 EBERSOLE AVE
CINCINNATI OH 45227-1610

WALTON JOYCE B
5110 STEWART AVE
CINCINNATI OH 45227-1619

REYES SALOMON & MARICELA SAMANO
5113 EBERSOLE AVE
CINCINNATI OH 45227

LEWIS TESS M WARNER& NATHAN
5114 STEWART AVE
CINCINNATI OH 45227-1619

WILLIAMS CEDRIC & RASHAD ABDULLAH
5117 LILLIAN DR
CINCINNATI OH 45237

BROWENING CURLIE M
5120 STEWART AVE
CINCINNATI OH 45227

BRANDT ANGELA
5123 STEWART AVE
CINCINNATI OH 45227

BEVERLY THOMAS JR @5
5125 STEWART AVE
CINCINNATI OH 45227

DARE DIGITAL MEDIA LLC
5142 CHUKKER POINT LANE
CINCINNATI OH 45244

5022 EBERSOLE LLC
5152 RIVERVIEW AVE
CINCINNATI OH 45226

DICKS VANESSA J
5205 STEWART AVE
CINCINNATI OH 45227

WARD RICHARD LEE & ELIZABETH DELL
WARD
5206 STEWART AVE
CINCINNATI OH 45227-1621

DONALDSON RONALD & SANDRA
5207 STEWART AVE
CINCINNATI OH 45227-1620

COOPER CYNTHIA A
5208 STEWART AVE
CINCINNATI OH 45227

MCFADDEN HOLLY
5210 STEWART AVE
CINCINNATI OH 45227

MILLER MYRTLE A
5211 EBERSOLE AVE
CINCINNATI OH 45227-1612

BALLARD BILLY R & BETTY E
5211 STEWART AVE
CINCINNATI OH 45227-1620

ROBINSON BETTY
5215 EBERSOLE AVE
CINCINNATI OH 45227-1612

JOHNSON SANDRA JEAN
5219 STEWART AVE
CINCINNATI OH 45227-1620

GREEN MEREDITH STARGEL
5223 STEWART AVE
CINCINNATI OH 45227-1620

GARDNER JOHN T
5224 STEWART AVE
CINCINNATI OH 45227

SPENCER ALEX
5227 STEWART AVE
CINCINNATI OH 45227

MADISON ROAD REAL ESTATE LLC
5375 MEDPACE WAY
CINCINNATI OH 45227

ST PAULS LUTHERAN CHURCH OF
MADISONVILLE
5433 MADISON RD
CINCINNATI OH 45227

SMITH PAULETTE E
5521 CHANDLER ST
CINCINNATI OH 45227-1637

GILLISPIE VAUGHN A
5525 MADISON RD
CINCINNATI OH 45227-1634

PARKER KATHERINE W
5529 CHANDLER ST
CINCINNATI OH 45227

MEEKER MARY ANNE TR
5615 CHANDLER ST
CINCINNATI OH 45227

YURKOWSKI DANIEL & SHARON
5701 SIERRA PARK PL
CINCINNATI OH 45227

ZC HOME LLC
5726 SALEM RD
CINCINNATI OH 45230

MADISON AND STEWART LLC
5905 E GALBRAITH RDSUITE 4100
CINCINNATI OH 45236

PLK Communities
5905 E. Galbraith Road Suite 4100
Cincinnati, OH 45236

MADISONVILLE COMMUNITY URBAN
REDEVELOPMENT CORPORATION
6111 Madison Rd.
Cincinnati, OH 45227

BOGNER NICHOLAS GRANT
6309 CHANDLER ST
CINCINNATI OH 45227

I AND EYE PRODUCTIONS INC
6700 MADISON RD
CINCINNATI OH 45227

MCCULLOUGH PROPERTY MGMT LLC
787 GRENOBLE CT
CINCINNATI OH 45255

THOMAS DIANE L LLC
8804 APPLEKNOLL LN
CINCINNATI OH 45236

MASON PROPERTIES LLC
P O BOX 36111
CINCINNATI OH 45227

MADISONVILLE COMMUNITY COUNCIL
P.O. Box 9514
CINCINNATI OH 45209

FARRIER MARY J
PO BOX 19361
CINCINNATI OH 45219

GILLESPIE MARK & SHIRLEY
PO BOX 30253
CINCINNATI OH 45230

BOARD OF EDUCATION OF THE CITY
SCHOOLDISTRICT OF THE CITY OF
CINCINNATI OHIO
PO BOX 5384
CINCINNATI OH 45201-5384

CARR C J
PO BOX 54
LOVELAND OH 45140

DEM CINCY PROPERTIES LLC
PO BOX 9493
CINCINNATI OH 45209

February 9, 2022



Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

DESIGNATING the Benjamin Stewart Home located at 5540 Madison Road in the Madisonville neighborhood as a historic landmark.

Summary:

The Applicant Team, which consists of the Madisonville Community Council and PLK Communities, are requesting that the Benjamin Stewart Home is designated as a historic landmark. On November 2, 2021, a complete application for the Local Historic Landmark designation of the Benjamin Stewart Home was submitted by the Madisonville Community Council. This was done in conjunction with PLK Communities in response to a community benefits agreement that was signed between the two parties, in association with the new development (The Jameson) on the same parcel as the proposed landmarked building. According to the Cincinnati Zoning Code (§1435-07-2-B), an application for the designation of a Local Historic Landmark shall be forwarded to the City Planning Commission following a public hearing of the Historic Conservation Board.

On December 20, 2021, the Historic Conservation Board (HCB) held a public hearing on the Local Historic Landmark designation application. After receiving evidence and testimony from the Urban Conservator and proponents of the designation, a quorum of five board members voted unanimously to approve and recommend the Benjamin Stewart Home to City Planning Commission and City Council for approval.

The designation is consistent with both *Madisonville Neighborhood Business District Urban Renewal Plan (2002)* and *Plan Cincinnati (2012)*.

City Planning Commission and the Administration recommends approval of this Ordinance.

Motion to Approve:	Ms. Sesler	Ayes:	Mr. Juech
			Ms. Kearney
Seconded:	Ms. Kearney		Ms. McKinney
			Mr. Eby
			Mr. Stallworth
			Mr. Samad
			Ms. Sesler

THE CITY PLANNING COMMISSION

Katherine Keough-Jurs, AICP, Director
Department of City Planning and Engagement

KKJ: jmu
Encl.: Staff Report, Ordinance

February 9, 2022

To: Office of the Clerk of Council

From: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement *KJS*

Copies to: Jesse Urbancsik, City Planner

Subject: **Ordinance – Benjamin Stewart Home – Local Historic Landmark Designation**

The above referenced Ordinance is ready to be scheduled for Committee. We are requesting that this item be scheduled for the next available the Equitable Growth and Housing Committee meeting. This item requires a public hearing and notice in the City Bulletin 14 days before the public hearing.

Included in this submission are the following items:

- 1) The transmittal letter to the Equitable Growth and Housing Committee;
- 2) A copy of the Planning Commission staff report dated February 4, 2022;
- 3) The Ordinance to designate the Benjamin Stewart Home as a Local Historic Landmark in Madisonville;
- 4) The mailing labels for notification of all property owners within 400 feet, Madisonville Community Urban Redevelopment Corporation and the Madisonville Community Council; and
- 5) A copy of the mailing labels for your records.

Date: February 16, 2022

To: Mayor Aftab Pureval
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Modifying Chapter 209 of CMC Housing Advisory Board to Increase Housing Advisory Board to 14 Members**

Transmitted herewith is an emergency ordinance captioned as follows:

MODIFYING a provision of Chapter 209 of the Cincinnati Municipal Code, “Housing Advisory Board,” by AMENDING Section 209-5, “Composition of Board,” for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

AWG/KKF(lnk)
Attachment
357831

EMERGENCY

City of Cincinnati

An Ordinance No. _____

KKF

AWB

- 2022

MODIFYING a provision of Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," by **AMENDING** Section 209-5, "Composition of Board," for the purpose of increasing the membership of the Housing Advisory Board to consist of up to 14 members for the purpose of broadening community engagement by ensuring deeper representation of community, business, and neighborhood stakeholders.

WHEREAS, Ordinance No. 15-2007, passed February 18, 2007, enacted Chapter 209 of the Cincinnati Municipal Code, "Housing Advisory Board," ("Board"), establishing the initial number of members of the Board at eleven members; and

WHEREAS, pursuant to state and local law, the Board consists of representatives from specified groups including (1) institutions that lend money for housing, (2) for-profit and non-profit builders and developers of housing (including rental housing), (3) real estate brokers, (4) persons with professional knowledge regarding local housing needs and fair housing issues within the City, (5) residents of the City who could receive housing assistance from the City, (6) the Cincinnati Metropolitan Housing Authority, (7) elected officials of the City, and (8) additional groups and individuals who are necessary to provide balanced advice on housing plans and programs, each of whom have unique expertise in developing affordable housing strategies; and

WHEREAS, Council desires to increase the number of members on the Board to broaden community engagement and ensure deeper representation of community, business, and neighborhood stakeholders; now, therefore,

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

Section 1. That Section 209-5 of the Cincinnati Municipal Code is hereby amended as follows:

Section 209-5. – Composition of Board.

The Cincinnati Housing Advisory Board shall consist of ~~eleven~~ at least eleven and up to fourteen voting members, which shall be of diverse community leadership/representation.

The board shall include a balanced representation from each of the following groups located within the city as specified below and in accordance with Ohio Revised Code Section 176.01:

- (a) Institutions that lend money for housing;

- (b) Nonprofit builders and developers of housing;
- (c) For-profit builders and developers of housing;
- (d) For-profit builders and developers of rental housing;
- (e) Real estate brokers licensed under Ohio Revised Code Chapter 4735;
- (f) Other persons with professional knowledge regarding local housing needs and fair housing issues within the city;
- (g) Residents of areas of the city served by the board that could receive housing assistance from the city;
- (h) Any metropolitan housing authority operating within the city;
- (i) The elected officials of the city;
- (j) Such other groups or individuals that the appointing authority determines are necessary to provide balanced advice on housing plans and programs.

Section 2. That existing Section 209-5, "Composition of Board" of the Cincinnati Municipal Code is hereby repealed.

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 enable the appointment of additional members to the Housing Advisory Board so the Housing Advisory Board can meet and conduct business as soon as possible.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.



Mark Jeffreys
Councilmember

February 22, 2022

MOTION

WE MOVE that, the Administration report to Council with any criteria that communities may want to consider when pursuing landmark designations. These criteria may include best practices and any other, tangentially related considerations that may be pertinent to the landmark designation process.

STATEMENT

Cincinnati has a wonderful, historic housing stock, and unfortunately, we typically only begin to talk about preserving these buildings when they are slated for demolition. This motion is designed to help communities proactively identify historic assets and consider best practices when pursuing landmark status on those buildings.


Councilmember Mark Jeffreys

_____	_____
_____	_____
_____	_____