

EMERGENCY

City of Cincinnati

KMG/B

AWB

An Ordinance No. 27

- 2021

**AUTHORIZING** the City Manager to execute a *Development Agreement* with OTR Project Partners, LLC, pertaining to the development and construction of residential rental units and commercial space at 1617 Elm Street and 1621 Logan Street in the Over-the-Rhine neighborhood of Cincinnati, and providing for City assistance to the project in the form of a rebate of a portion of the service payments in lieu of taxes imposed in connection with a proposed 30-year property tax exemption for improvements pursuant to Ohio Revised Code Section 5709.41, subject to the passage by this Council of a separate ordinance authorizing such tax exemption.

WHEREAS, OTR Project Partners, LLC (“Developer”) desires to enter into a *Development Agreement* with the City of Cincinnati (the “Development Agreement”) pertaining to the development of 1617 Elm Street and 1621 Logan Street in Cincinnati (the “Project Site”), which development will be comprised of approximately 10,000 square feet of commercial space, 278 residential rental units, and structured parking with about 220 parking spaces, at an estimated aggregate development cost of \$77,000,000 (the “Project”); and

WHEREAS, Developer anticipates that the Project will result in (i) the creation of approximately 4 full-time equivalent permanent employees with an annual payroll of approximately \$300,000; and (ii) the creation of approximately 200 temporary employees with an estimated total payroll of \$10,065,000 during the construction period; and

WHEREAS, as further described in the Development Agreement, Developer will contribute \$750,000 to a City-designated third-party organization, which funds must be used to develop and preserve affordable housing in the City; and

WHEREAS, as further described in the Development Agreement, Developer acknowledges and agrees that either it or its affiliate will use commercially reasonable efforts to apply for low income housing tax credits and if successful, construct at least 5% of the aggregate units of the Project and the KEAN Redevelopment Project (as defined in the Development Agreement) in accordance with the affordability requirements associated with such low income housing tax credits at the site of the KEAN Redevelopment Project (as defined in the Development Agreement); and

WHEREAS, the City’s Department of Community and Economic Development has recommended a 30-year real property tax exemption for the Project pursuant to Ohio Revised Code Section 5709.41, subject to the passage by this Council of a separate ordinance authorizing such exemption (the “Project TIF” and the “TIF Ordinance,” as applicable); and

WHEREAS, in order to create the Project TIF, the City must have held fee title to the Project Site prior to the enactment of the TIF Ordinance; therefore, pursuant to the Development

Agreement: (i) Developer will first sell and convey (or cause to be sold and conveyed) the Project Site to the City for \$1.00; and (ii) immediately thereafter, the City will reconvey the Project Site to Developer (or its affiliate) for \$1.00; and

WHEREAS, upon passage of the TIF Ordinance, Developer desires to enter into a *Service Agreement* with the City, in substantially the form attached as an exhibit to the Development Agreement, pursuant to which Developer will make service payments in lieu of real property taxes; and

WHEREAS, the parties anticipate that the service payments in lieu of taxes will be used: (i) to make payments to the Board of Education of the Cincinnati City School District (the "School Board") under the City's *Tax Incentive Agreement* with the School Board effective as of April 28, 2020; (ii) for the City to maintain and operate the streetcar; (iii) to pay certain administration fees to the Hamilton County, Ohio Auditor and the City; (iv) to make rebate payments to Developer with respect to the Project; and (v) to support urban redevelopment purposes, in each case in the manner and in the respective amounts set forth in the Development Agreement; and

WHEREAS, the City has determined that it is in the best interest of the City to rebate the aforementioned portion of the service payments to Developer because the City will receive substantial economic and non-economic benefits from the Project in that the Project will create jobs, stimulate economic growth in Over-the-Rhine, increase the City's housing stock, and enable the Project Site to be put to its highest and best use, for the benefit of the people of the City; and

WHEREAS, the Project Site is located in the "District 3 – OTR West District Incentive District" TIF district; 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 lend aid or credit for industry, commerce, distribution, and research; and

WHEREAS, Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing; and

WHEREAS, the City believes that the Project will promote urban redevelopment in the Over-the-Rhine neighborhood of Cincinnati, is in the vital and best interests of the City and the health, safety, and welfare of its residents, and is in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; and

WHEREAS, the City Planning Commission approved the City's acquisition and reconveyance of the Project Site at its meeting on October 2, 2020; 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 *Development Agreement* with OTR Project Partners, LLC (“Developer”), in substantially the form attached as Attachment A to this ordinance (the “Development Agreement”), pertaining to the development of 1617 Elm Street and 1621 Logan Street in Cincinnati (the “Project Site”), which development will consist of approximately 278 residential rental units, 10,000 square feet of commercial space, and structured parking with about 220 parking spaces (the “Project”), at an estimated aggregate development cost of \$77,000,000.

Section 2. That, pursuant to the Development Agreement, Council (i) finds that the City is engaging in urban redevelopment; and (ii) authorizes the City to accept title to the Project Site and to promptly thereafter reconvey the same to Developer or its affiliate, in each instance for \$1.00, in order to facilitate the subsequent creation of a real property tax exemption for the Project Site under Ohio Revised Code Section 5709.41.

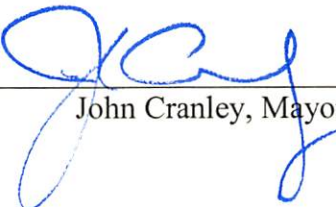
Section 3. That Council authorizes the appropriate City officials to take all necessary and proper actions to fulfill the terms of this ordinance, the Development Agreement, any and all Project-related documents described in the Development Agreement, and all ancillary agreements, amendments, property deeds, plats, and other documents to create new encumbrances and release existing encumbrances on the title to the Project Site, all as deemed necessary or appropriate by the City Manager.

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 enable the parties to execute the Development Agreement as

soon as possible so that Developer can promptly move forward with the Project, thereby creating a significant economic benefit and enhancement to the City at the earliest possible time.

Passed: February 3, 2021

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 27.2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 2-16-2021  
Melissa Bentley  
CLERK OF COUNCIL