



# City of Cincinnati

CMZ

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## An Ordinance No. 9

-2023

**AUTHORIZING** the transfer of and return to source of the sum of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” to the unappropriated surplus of Downtown OTR East Equivalent Fund 483 for the purpose of closing out the capital improvement program project account; **AUTHORIZING** the transfer and appropriation of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway; and **DECLARING** that expenditures from the Emery Theatre-TIF project to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, the Emery Theatre is an important asset to the City and the community in the heart of Over-the-Rhine (“OTR”); and

WHEREAS, restoration of the Emery Theatre will provide a permanent performance space for The Children’s Theatre of Cincinnati, enhance the revitalization of OTR by connecting the Central Business District and OTR, and is estimated to create approximately 65 full-time temporary construction jobs over the fifteen-month construction period in addition to retaining 32 permanent FTEs; and

WHEREAS, the Department of Community and Economic Development presented the proposed Emery Theatre project to the OTR Community Council on July 25, 2022, and to the Pendleton Community Council on August 1, 2022, garnering support for the project; and

WHEREAS, the OTR Community Council and the Pendleton Community Council have each provided a letter of support for the project; and

WHEREAS, this ordinance is subject to the City's business list, as the development incentive value of \$1,000,000 exceeds \$100,000 in a given year; and

WHEREAS, investing in a permanent performance space for The Children’s Theatre of Cincinnati and the renovation of the Emery Theatre is in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity,” as described on pages 103-113 of Plan Cincinnati (2012); and

WHEREAS, it has been determined that the scope of work for the Emery Theatre project is more appropriately classified as an operating budget expense as opposed to a capital budget expense; now, therefore,

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

Section 1. That the transfer of and return to source of the sum of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, "Emery Theatre-TIF," to the unappropriated surplus of Downtown OTR East Equivalent Fund 483 is hereby authorized for the purpose of closing out the capital improvement program project account.

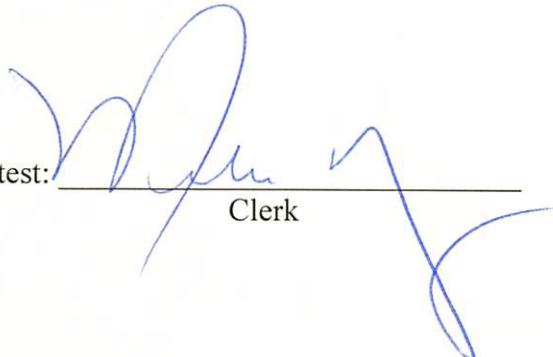
Section 2. That the transfer and appropriation of the sum of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 is hereby authorized for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway.

Section 3. That Council hereby declares that the Emery-Theatre-TIF project (a) constitutes a Public Infrastructure Improvement (as defined in Section 5709.40(A)(8) of the Ohio Revised Code) that will benefit and/or serve the District 4- Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43; and (b) serves a public purpose because the project will create jobs, enhance the revitalization of Over-the-Rhine, and provide a permanent space for The Children's Theatre of Cincinnati.

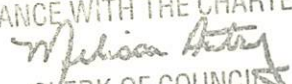
Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3 hereof.

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

Passed: January 11, 2023

Attest:   
Clerk

  
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 9.2023  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 1.24.2023  
  
CLERK OF COUNCIL