

EMERGENCY

City of Cincinnati

JRS

AWB

- 2021

An Ordinance No. _____

DETERMINING to proceed with the assessment of properties located on the southern side of the street between 49 and 67 Mulberry Street in the Over-the-Rhine neighborhood in the City of Cincinnati to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, pursuant to Ohio Revised Code Section 727.23.

WHEREAS, 49 Mulberry Street through 67 Mulberry Street are properties in the Over-the-Rhine neighborhood situated along the north side of Peete Street, between Peete and Mulberry Streets, which collectively have been impacted by the failure of a downhill retaining wall; and

WHEREAS, pursuant to Ohio Revised Code (“ORC”) Section 727.06, the owners of these properties petitioned the City to construct a replacement retaining wall and to assess the costs of its construction to their properties; and

WHEREAS, the proposed retaining wall constitutes a public improvement whose costs may properly be assessed to adjacent owners under Chapter 727 of the Ohio Revised Code; and

WHEREAS, on April 10, 2019, pursuant to Ohio Revised Code Section 727.12, City Council adopted Resolution No. 23-2019 (“Resolution”) and declared the necessity of assessing the properties between 49 and 67 Mulberry Street for the construction of a retaining wall; and

WHEREAS, pursuant to the Resolution, the estimated assessments for the public improvements were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, pursuant to ORC Section 727.13, the affected property owners have been given notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, no objection to the proposed assessments has been received; and

WHEREAS, Council hereby determines to proceed with the assessment to pay for the costs of the retaining wall; now, therefore,

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

Section 1. That, pursuant to Ohio Revised Code (“ORC”) Section 727.23, City Council hereby determines to proceed with the assessment of the properties set forth in Exhibit A hereto,

incorporated herein by refence, for the costs of the public improvement described in Resolution No. 23-2019.

Section 2. That City Council hereby adopts the assessments on file with the Clerk of Council in accordance with the Resolution, which assessments have been finally calculated and apportioned in the manner provided in Resolution No. 23-2019 and passed by Council on April 10, 2019.

Section 3. That no claim for damages has been filed pursuant to ORC Section 727.18.

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 begin the process for levying the assessments for the amounts of the public improvement described in Resolution No. 23-2019.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

EXHIBIT A

Final Cost for Peete Street Retaining Wall

Design/Build Contract	\$280,148.00
Graffiti Protection	\$0.00
Change Order	\$12,407.50
City Service ("soft cost")	\$32,632.43
2.0% City Contribution	<u>-\$6,503.76</u>
Cost to Homeowners	\$318,684.17

Total Sq. Ftg., Of Wall	2050.9
Est. Homeowner Cost per sq. ft.	\$155.39

Annual Assessment Costs per SF

Upfront Payment ¹	\$156.94
Level Payments on 10 Year Loan ²	\$19.17
Level Payments on 20 Year Loan ²	\$11.88

Option 1 - Does NOT include 69 Mulberry Street							Payment Options		
Mulberry Street Address	Owner	Peete Street Frontage (ft.)*	Average Height of Wall Along Frontage (ft.)	Square Footage of Wall (sq. ft.)	Percentage of Project Area, Option 1	Total Assessment	Upfront Payment	Annual Assessment on 10 yr. Loan	Annual Assessment on 20 yr. Loan
49	First Born Church of the Living God	40.00	11.5	460.0	22.43%	\$71,480.86	\$72,192.40	\$8,818.20	\$5,464.80
53	Smith, Rodney C.	30.12	11.5	346.4	16.89%	\$53,825.76	\$54,360.88	\$6,640.10	\$4,114.99
55	Foster, James R.	14.78	9.7	143.4	6.99%	\$22,276.02	\$22,500.49	\$2,748.40	\$1,703.24
57	Rose, Shannon	22.00	9.0	198.0	9.65%	\$30,753.02	\$31,074.12	\$3,795.66	\$2,352.24
59	Cohen, Leah	20.00	9.0	180.0	8.78%	\$27,980.47	\$28,249.20	\$3,450.60	\$2,138.40
61	Hartman, Kevin L.	13.45	9.0	121.1	5.90%	\$18,802.37	\$18,997.59	\$2,320.53	\$1,438.07
63	Hilton, Jerome and Lawrence	30.12	9.0	271.1	13.22%	\$42,130.05	\$42,543.30	\$5,196.60	\$3,220.43
65	4B Capital, Inc.	20.78	9.0	187.0	9.12%	\$29,064.00	\$29,350.92	\$3,585.17	\$2,221.80
67	Gorman, Joseph T.	16.00	9.0	144.0	7.02%	\$22,371.63	\$22,599.36	\$2,760.48	\$1,710.72
TOTALS		207.25		2050.9	100.00%	\$318,684.18			

* Frontage lengths do not account for wall returns at ends of project (considered incidental to overall costs)

¹Upfront Payment option includes a 1% City processing fee.

²Annual Assessment costs include estimated construction costs plus interest. The annual interest rate charged is 5%. **NOTE THAT THESE COSTS DO NOT INCLUDE THE HAMILTON COUNTY AUDITOR'S COLLECTION FEE. PROPERTY OWNERS SHOULD CONTACT THE HAMILTON COUNTY AUDITOR'S OFFICE WITH ANY QUESTIONS ABOUT THIS FEE OR THE COLLECTION PROCESS.**