

December 7, 2022

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager  202202143

Subject: Emergency Ordinance – Southwest Ohio Regional Transit Authority (SORTA): Queensgate SORTA Easement Improvements Project and Income Tax-Transit Fund Final Reconciliation

Attached is an Emergency Ordinance captioned:

ESTABLISHING capital improvement program project account no. 980x233x232355, "Queensgate SORTA Easement Improvements," for the purpose of providing Income Tax-Transit Fund 759 resources for easement access improvements to the vacated right-of-way formerly known as McClean Street, adjacent to the Southwest Ohio Regional Transit Authority ("SORTA") facility in the Queensgate neighborhood, and to provide resources for eligible labor, materials, tools, and technologies needed to plan, design, build, and inspect these improvements; **AUTHORIZING** the transfer and appropriation of \$1,500,000 from the unappropriated surplus of Income Tax-Transit Fund 759 to newly created capital improvement program project account no. 980x233x232355, "Queensgate SORTA Easement Improvements"; and further **AUTHORIZING** the appropriation of \$9,064,004.89 from the unappropriated surplus of Income Tax-Transit Fund 759 to the SORTA non-personnel operating budget account no. 759x081x7200 for the purpose of implementing the provisions of Ordinance No. 0247-2020 that authorized the City Manager to execute an Amendment to the City-SORTA Agreement for the transfer of funds from Income Tax-Transit Fund 759 to SORTA.

Approval of this Emergency Ordinance authorizes the establishment of new capital improvement program project account no. 980x233x232355, "Queensgate SORTA Easement Improvements," for the purpose of providing Income Tax-Transit Fund 759 resources for easement access improvements to the vacated right-of-way formerly known as McClean Street, adjacent to the SORTA facility in the Queensgate neighborhood, and to provide resources for eligible labor, materials, tools, and technologies needed to plan, design, build, and inspect these improvements. Approval of this Emergency Ordinance further authorizes the transfer and appropriation of \$1,500,000 from the unappropriated surplus of Income Tax-Transit Fund 759 to newly created capital improvement program project account no. 980x233x232355, "Queensgate SORTA Easement Improvements".

Ordinance No. 0407-2016 authorized the City Manager to execute an Agreement of Lease with the United States Postal Service (USPS) for two sections of the City-owned former right-of-way known as McClean Street in the Queensgate neighborhood. On October 26, 2016, SORTA consented to this Agreement of Lease, Contract No. 75x0099, regarding a portion of the vacated right-of-way formerly known as McClean Street, adjacent to the SORTA facility in the Queensgate neighborhood.

Capital improvement program project account no. 980x233x232355, "Queensgate SORTA Easement Improvements," will provide Income Tax-Transit Fund 759 resources for easement access improvements to the vacated right-of-way, formerly known as McClean Street, which SORTA also benefits from as it is adjacent to their facility in the Queensgate neighborhood.

Additionally, approval of this Emergency Ordinance authorizes the appropriation of \$9,064,004.89 from the unappropriated surplus of Income Tax-Transit Fund 759 to the SORTA non-personnel operating budget account no. 759x081x7200 for the purpose of implementing the provisions of Ordinance No. 0247-2020 that authorized the City Manager to execute an Amendment to the City-SORTA Agreement for the transfer of funds from Income Tax-Transit Fund 759 to SORTA.

Ordinance No. 0247-2020 authorized the City Manager to execute an Amendment to the 1973 City-SORTA Agreement for the transfer of funds from Income Tax-Transit Fund 759 and the transfer of real property to SORTA. On August 28, 2020, the City Manager and SORTA executed an Amendment to the 1973 City-SORTA Agreement.

Ordinance No. 0299-2020 authorized the appropriation of \$3,000,000 to SORTA for the initial reconciliation of Income Tax-Transit Fund 759.

Ordinance No. 0408-2020 authorized the appropriation of \$5,724,193.76 to SORTA for the second reconciliation of Income Tax-Transit Fund 759.

The sum of \$9,064,004.89 represents the remaining resources available in Income Tax-Transit Fund 759 as well as the third and final reconciliation, which will be paid to SORTA pursuant to the 1973 City-SORTA Agreement, as amended.

The reasons for the emergency are the immediate need to provide resources for Queensgate SORTA easement improvements and for the finalization of the Income Tax-Transit Fund 759 reconciliation with SORTA so SORTA is paid in a timely manner in compliance with the Amendment to the 1973 City-SORTA Agreement.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment