

EMERGENCY

Legislative Resolution

AWB

RESOLUTION NO. 23 - 2021

**DECLARING** by legislative resolution the necessity of improving Walworth Avenue by constructing an extension thereto, together with curbs, street lighting, streetscaping, sidewalks, water mains, and storm and sanitary sewer; necessary remediation of soil in the related right-of-way; installing retaining walls; acquiring land necessary to construct and install the foregoing; and acquiring, constructing, and installing other related improvements, and of assessing certain lots adjacent to Walworth Avenue, as extended, for costs of those improvements, in accordance with Chapter 727 of the Ohio Revised Code.

WHEREAS, the owners of one hundred percent (100%) of the lands to be assessed for the construction of an extension of Walworth Avenue, together with curbs, street lighting, streetscaping, sidewalks, water mains, and storm and sanitary sewer; necessary remediation of soil in the related right-of-way; installation of retaining walls; acquisition of land necessary to construct and install the foregoing; and acquisition, construction, and installation of other related improvements (collectively, the "Public Infrastructure Improvements"), have executed and filed with this Council a *Petition* dated as of February 17, 2021 (the "Petition"), proposing the necessity of special assessments to pay the costs of the Public Infrastructure Improvements; and

WHEREAS, the plans, specifications, profiles, and estimates of cost related to the Public Infrastructure Improvements are on file with the Clerk of Council; and

WHEREAS, (i) it is necessary and desirable to undertake and carry out the Public Infrastructure Improvements to improve the City's transportation network and accessibility, to increase the amount of developable land within the City, to promote the public's health, safety and welfare, and for the other public purposes identified herein; (ii) the property to be assessed is specially benefited by the special assessments; and (iii) the special assessments have been petitioned for by the owners of 100% of the property to be assessed; now, therefore,

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

Section 1. That the recitals hereof are hereby incorporated by reference, and each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition, which Petition is hereby approved and accepted, and a copy of which is attached to this Resolution as Attachment A.

Section 2. That it is hereby declared necessary, and a public purpose of the City, to improve Walworth Avenue, located in the East End neighborhood of Cincinnati by constructing an extension thereof, together with curbs, street lighting, streetscaping, sidewalks, water mains, and storm and sanitary sewer; necessary remediation of soil in the related right-of-way; installing retaining walls; acquiring land necessary to construct and install the foregoing; and acquiring, constructing, and installing other related improvements, as further described in the Petition submitted by the owners of one hundred percent (100%) of the lands to be assessed and the profile, plans, and specifications therefor, each of which are on file with the Clerk of Council (the "Public Infrastructure Improvements"). The Petition, profile, plans and specifications have been, and will remain, open to inspection by all interested persons.

Section 3. That Council finds and determines that (a) all of the Public Infrastructure Improvements are so situated in relation to each other that in order to complete the Public Infrastructure Improvements in the most practical and economical manner, they should be constructed and improved at the same time, with the same kind of materials, and in the same manner; and (b) the Public Infrastructure Improvements shall be treated as a single improvement, pursuant to Section 727.09 of the Ohio Revised Code ("ORC").

Section 4. That Council determines and declares that (a) the Public Infrastructure Improvements are an essential and vital public, municipal governmental purpose of the City, necessary in order to improve the City's transportation network and accessibility, to increase the amount of developable land within the City, and to promote the public's health, safety, and welfare; and (b) in order to fulfill these public purposes of the City, it is necessary and proper to provide for the construction of the Public Infrastructure Improvements.

Section 5. That the plans, specifications, profiles, and estimates of the costs of the Public Infrastructure Improvements, all now on file in the office of the Clerk of Council, are hereby

approved. The Public Infrastructure Improvements shall be made in accordance with the plans, specifications, profiles, and estimates of the costs of the Public Infrastructure Improvements.

Section 6. That Council hereby determines that (a) the Petition has been signed by 100% of the owners of the lands specially benefited by the Public Infrastructure Improvements, and (b) the Public Infrastructure Improvements constitute street improvements petitioned for by 100% of the owners of the property benefited and to be specially assessed for the costs thereof. In accordance with the Petition, \$3,073,661.83 of the “Assessable Cost” (as defined and described in the Petition) of the Public Infrastructure Improvements, together with financing and interest costs in connection with the issuance and repayment of related indebtedness by the City, shall be paid by the assessments levied against such specially benefited properties beginning with tax year 2022 and first collectable in 2023.

Section 7. That the method of levying said special assessments shall be in proportion to the benefits received, as set forth in the Petition. The portion of the costs of the Assessment Project allocable to the City will be 0%.

Section 8. That the lots to be assessed for the Public Infrastructure Improvements shall include numbered lots 1 through 27, 29, 31 through 33, 36, and 38, as more particularly described on Exhibit A to the Petition, and depicted on Exhibit C to the Petition (the “Assessed Property”), all of which are hereby determined to be specially benefited by the Public Infrastructure Improvements, and shall exclude the common areas and right-of-way described on Exhibit A to the Petition, and depicted on Exhibit C to the Petition.

Section 9. That the costs of the Public Infrastructure Improvements to be paid for directly or indirectly, in whole or in part, by funds derived from the special assessments may include but is not limited to those “Direct Costs” and “Indirect Costs” identified in the Petition, all together with interest thereon, administrative expenses with respect thereto, and

other allowable costs of the Public Infrastructure Improvements, as provided in ORC Chapter 727.

Section 10. That the special assessments for the Public Infrastructure Improvements to be levied shall be paid in 30 semi-annual installments beginning in 2023 (with respect to tax year 2022, the first tax year for which the assessments for the Public Infrastructure Improvements are to be levied) or otherwise in the manner provided by the Hamilton County Treasurer. One hundred percent (100%) of the owners of the Assessed Property have waived the right to pay the assessments in cash within thirty (30) days after the first publication of the notice of the assessing ordinance.

Section 11. That Council hereby accepts and approves the waivers contained in the Petition of all further notices, hearings, claims for damages, rights to appeal, and other rights of property owners under the law, including, but not limited to, those specified in ORC Chapter 727, and consents to the immediate imposition of the special assessments upon the Assessed Property.

Section 12. That the Port of Greater Cincinnati Development Authority, in cooperation with the City, and pursuant to a separate City ordinance, intends to issue bonds to finance the construction of the Public Infrastructure Improvements, a portion of which the City anticipates will be repaid via the special assessments collected.

Section 13. That the estimated assessments of the Assessable Costs of the Public Infrastructure Improvements in accordance with the method of assessment set forth in the Petition and this resolution, showing the amount of the assessment against each lot of land to be assessed, are now on file with the Clerk of Council.

Section 14. That the assessments shall be used to construct the Public Infrastructure Improvements, to repay indebtedness incurred in order to finance the construction of the Public

Infrastructure Improvements, and to cover administrative and other expenses related to the foregoing.

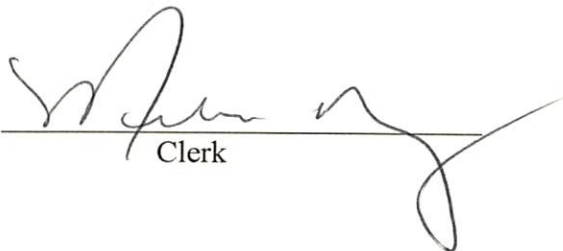
Section 15. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

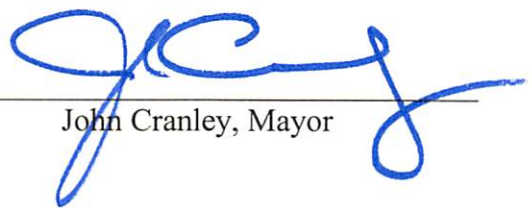
Section 16. That notice of the passage of this resolution has been waived by the owners of 100% of the Assessed Property.

Section 17. That this resolution 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 improve the City's transportation network and accessibility and increase the amount of developable land within Cincinnati as soon as possible.

Passed: March 17, 2021

Attest:

  
Clerk

  
John Cranley, Mayor