



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson, Greg Landsman
Vice Chairperson, Reggie Harris
Councilmember Jeff Cramerding
Councilmember Mark Jeffreys
Councilmember Scotty Johnson
Vice Mayor Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Meeka Owens
President Pro Tem Victoria Parks

Monday, June 27, 2022

1:00 PM

Council Chambers, Room 300

ROLL CALL

AGENDA

1. [202201480](#) MOTION, submitted by Councilmember Cramerding, WE MOVE that the City of Cincinnati offer a \$50,000 reward for information leading to the safe return of the historic Romulus and Remus Statue (aka Capitoline Wolf) statue in Eden Park. This statue was a gift from the City of Rome in 1932 and holds historic and artistic value. This was a crime against art, a crime against Parks, and a crime against all the citizens of Cincinnati. We hope to see it safely returned to its original place in Eden Park.

Sponsors: Cramerding

Attachments: [Motion](#)

2. [202201454](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to accept and appropriate a donation in an amount of up to \$5,000 from the Microsoft Corporation to the Cincinnati Recreation Commission for the purpose of providing funding for youth programming at the Over-the-Rhine Recreation Center; and AUTHORIZING the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

3. [202201455](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the Ohio Department of Public Safety, Division of Emergency Medical Services, in the amount of up to \$5,000, effective FY 2023, for the purpose of providing funding for Emergency Medical Services Board approved training and equipment to improve the City's emergency medical services operations; and AUTHORIZING the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
4. [202201456](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$342,514, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency for a grant from the FY 2022 Port Security Grant Program (ALN 97.056), for the purpose of funding the Cincinnati Police Department's Patrol Boat Program and maintaining the Police Department's Ohio River Port Security Camera Network, as well as providing funding to the Cincinnati Fire Department for swiftwater and surface rescue training and the Cold Weather Gear Project; and AUTHORIZING the Director of Finance to deposit the grant funds for the Police Department into Law Enforcement Grant Fund 368, program code 22PORT, and the grant funds for the Fire Department into Fire Grant Fund 472, effective FY 2023.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
5. [202201457](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to apply for and accept a grant of up to \$1,000 from the Greater Cincinnati Foundation in FY 2022, and appropriate this amount, effective FY 2023, for the purpose of providing resources to fund the Cincinnati Recreation Commission's Winton Hills Summertime field trip to the Indianapolis Children's Museum for children residing in the Winton Hills neighborhood; and AUTHORIZING the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319x8571.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)

6. [202201458](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to accept an in-kind donation from the Cincinnati Blue Line Foundation of exercise equipment valued at \$52,500 for use by the Cincinnati Police Department to ensure the physical fitness and health of sworn police officers and professional staff.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
7. [202201459](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the State of Ohio Office of First Responder Wellness in the amount of up to \$404,917.22, effective FY 2023, for the purpose of funding the salary and benefits of a peer support coordinator for up to 24 months and the cost of up to four peer support training sessions for the Cincinnati Fire Department; and AUTHORIZING the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
8. [202201460](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2022 Patrick Leahy Bulletproof Vest Partnership Program, which would provide the Cincinnati Police Department with reimbursement of up to \$229,450 effective FY 2023, for bulletproof vest body armor expenditures related to the projected departmental expenditures in Fiscal Years 2023 and 2024 for bulletproof vest body armor that is approximated to be \$458,900; and AUTHORIZING the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VEST.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)

9. [202201461](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$42,000, effective FY 2023, from the State of Ohio, Office of the Attorney General, for the purpose of providing funds for the Cincinnati Police Department Homicide Unit's Victim Advocate in the State Victims Assistance Act and the federal Victims of Crime Act grant programs; and AUTHORIZING the Director of Finance to deposit the grant funds in Law Enforcement Grant Fund 368, Project Account No. 23VALU.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

10. [202201462](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, ESTABLISHING new capital improvement program project account no. 980x233x222365, "Dutch Colony TA Grant"; AUTHORIZING the City Manager to accept and appropriate grant resources in the amount of up to \$97,243 from the Transportation Alternatives grant program, awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, to newly established capital improvement program project account no. 980x233x222365, "Dutch Colony TA Grant"; AUTHORIZING the Director of Finance to deposit the grant resources into newly established capital improvement program project account no. 980x233x222365, "Dutch Colony TA Grant," for the purpose of constructing a sidewalk and safety improvements along Dutch Colony Drive from Winton Road to Winton Ridge Lane; and further AUTHORIZING the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

11. [202201463](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the establishment of new capital improvement program project account no. 980x164x221603, "Shillito's West Remediation," for the purpose of providing resources for necessary asbestos abatement in the Shillito's West Building; AUTHORIZING the City Manager to accept and appropriate a grant in an amount of up to \$900,000 from the Ohio Department of Development, through a subaward from the Port of Greater Cincinnati Development Authority, to newly established capital improvement program project account no. 980x164x221603, "Shillito's West Remediation," for the purpose of providing resources for necessary asbestos abatement in the Shillito's West Building; and DECLARING the expenditures from capital improvement program project account no. 980x164x221603, "Shillito's West Remediation," to be for a public purpose.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
12. [202201464](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the establishment of new capital improvement program project account no. 980x162x221601, "OTR Mixed Income Housing - TIF," for the purpose of providing resources for a mixed-income housing project that will result in the renovation of five vacant, historic buildings into a mixed-use development, containing street-level commercial space and mixed-income residential units in the Over-the-Rhine ("OTR") neighborhood; AUTHORIZING the transfer and appropriation of \$1,227,259.95 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x162x221601, "OTR Mixed Income Housing - TIF"; AUTHORIZING the transfer and appropriation of \$347,740.05 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to newly established capital improvement program project account no. 980x162x221601, "OTR Mixed Income Housing - TIF"; and further DECLARING that expenditures from capital improvement program project account no. 980x162x221601, "OTR Mixed Income Housing - TIF," will serve a public purpose because the project will provide new housing availability in the OTR neighborhood, foster local improvements and investment, and increase neighborhood vitality. (Subject to the Temporary Prohibition List <<https://www.cincinnati-oh.gov/law/ethics/city-business>>)
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinances](#)

13. [202201465](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/23/2022, AUTHORIZING the City Manager to accept and appropriate a grant of up to \$7,500 from the United States Tennis Association for the purpose of providing resources to fund the development of an elite tennis program in Cincinnati; and AUTHORIZING the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
14. [202201466](#) ORDINANCE submitted by John P. Curp, Interim City Manager, on 6/23/2022, AMENDING Ordinance No. 13-2008, to remove certain real property located at 2117 Dana Avenue in the Evanston neighborhood of Cincinnati from the tax increment financing (TIF) exemption area created by that ordinance.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
[Attachment](#)
15. [202201409](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/15/2022, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with OTR Holdings, Inc., or affiliate acceptable to the City, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 1701-1705 Race Street and 1338 and 1401 Main Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of five vacant buildings into a mixed-use development containing approximately 6,583 square feet of ground floor commercial retail space and approximately 24,271 square feet of residential space consisting of approximately 38 residential rental units, at a total construction cost of approximately \$8,595,106. (Subject to the Temporary Prohibition List <<https://www.cincinnati-oh.gov/law/ethics/city-business>>)
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
[Attachment](#)

16. [202201411](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/15/2022, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Fountain Residential Partners, LLC, or an affiliate acceptable to the City, thereby authorizing a 13-year tax exemption for 100% of the value of improvement made to the real property located at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property in the Camp Washington and CUF neighborhoods of Cincinnati, in connection with the construction of 3 new residential buildings into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building challenge standards, at a total construction cost of approximately \$25,000,000. (Subject to the Temporary Prohibition List
<<https://www.cincinnati-oh.gov/law/ethics/city-business>>)
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
[Attachment](#)
17. [202201494](#) ORDINANCE, (EMERGENCY), dated 06/23/2022, submitted by Councilmember Landsman, from Andrew W. Garth, City Solicitor, AUTHORIZING the transfer and appropriation of the sum of \$5,000 from the unappropriated surplus of General Fund 050 to the City Manager's Office non-personnel operating budget account no. 050x101x7400, effective July 1, 2022, for the purpose of providing additional one-time leveraged support funding for the St. Vincent de Paul Society's Evection Prevention Initiative in fiscal year 2023.
- Sponsors:** Landsman
- Attachments:** [Transmittal](#)
[Emergency Ordinance](#)

18. [202201490](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/27/2022, AUTHORIZING the transfer and return to source of the sum of \$10,000 from the Law Department non-personnel operating budget account no. 050x112x2000x7281 to the unappropriated surplus of the General Fund; and AUTHORIZING the transfer and return to source of the sum of \$25,000 from Department of Buildings and Inspections non-personnel operating budget account no. 050x212x1000x7289 to the unappropriated surplus of the General Fund; AUTHORIZING the transfer and appropriation of the sum of \$35,000 from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x112x221108, "Replace Audio Equipment for Public Hearings."
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
19. [202201491](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/27/2022, AMENDING Ordinance No. 0065-2022 to increase the amount of a grant award from the Ohio Department of Education from \$500,000 to \$1,096,596.87; AUTHORIZING the City Manager to accept and appropriate a grant in an amount of up to \$1,096,596.87, effective FY 2023 from the Ohio Department of Education for the purpose of providing resources to fund the expansion of the Cincinnati Recreation Commission's Summer Learning and Afterschool Opportunities programs; and AUTHORIZING the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
20. [202201492](#) ORDINANCE (EMERGENCY) submitted by John P. Curp, Interim City Manager, on 6/27/2022, AUTHORIZING the transfer of the sum of \$1,396,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of the Health Network Fund for the purpose of providing funds for the ongoing needs of the Cincinnati Health Department through the end of FY 2022.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)

21. [202201496](#) ORDINANCE (EMERGENCY), dated 06/24/2022, submitted by Mayor Aftab Pureval, from Andrew W. Garth, City Solicitor, REPEALING Ordinance No. 305-2001; and AUTHORIZING the City Manager to take all necessary action required to amend the City of Cincinnati's health insurance plans administered by Anthem Blue Cross and Blue Shield to include coverage for elective abortion-related health services.

Sponsors: Pureval

Attachments: [Transmittal](#)
[Emergency Ordinance](#)

22. [202201451](#) ORDINANCE (EMERGENCY) submitted by Councilmember Keating, from Andrew Garth, City Solicitor, AUTHORIZING the transfer and appropriation of the sum of \$4,245 from the unappropriated surplus of General Fund 050 to the City Manager's Office non-personnel operating budget account no. 050x101x7200, effective July 1, 2022, for the purpose of providing resources for the Cintrifuse Hackathon in fiscal year 2023.

Sponsors: Keating

Attachments: [Transmittal](#)
[Ordinance](#)

ADJOURNMENT



202201420

Jeff Cramerding
Councilmember

June 21, 2022

MOTION

WE MOVE that the City of Cincinnati offer a \$50,000 reward for information leading to the safe return of the historic Romulus and Remus Statue (aka Capitoline Wolf) statue in Eden Park. This statue was a gift from the City of Rome in 1932 and holds historic and artistic value. This was a crime against art, a crime against Parks, and a crime against all the citizens of Cincinnati. We hope to see it safely returned to its original place in Eden Park.

Jeff Cramerding

CAL-6/21

H.N.

08/10/08

[Faint handwritten signature]

June 23, 2022

To: Mayor and Members of City Council

From: John P. Curp, Interim City Manager

202201454

Subject: Ordinance – Cincinnati Recreation Commission (CRC): Over-the-Rhine (OTR) Youth Programming Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation in an amount of up to \$5,000 from the Microsoft Corporation to the Cincinnati Recreation Commission for the purpose of providing funding for youth programming at the Over-the-Rhine Recreation Center; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Approval of this Ordinance will authorize the City Manager to accept and appropriate a donation in an amount up to \$5,000 from the Microsoft Corporation to the Cincinnati Recreation Commission for the purpose of providing funding for youth programming at the Over-the-Rhine Recreation Center.

This donation requires no matching funds. There are no FTEs associated with the donation.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept and appropriate a donation in an amount of up to \$5,000 from the Microsoft Corporation to the Cincinnati Recreation Commission for the purpose of providing funding for youth programming at the Over-the-Rhine Recreation Center; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

WHEREAS, the Microsoft Corporation has graciously offered a donation to the Cincinnati Recreation Commission in an amount of up to \$5,000 for the purpose of providing resources for youth programming at the Over-the-Rhine Recreation Center; and

WHEREAS, acceptance of the donation requires no matching funds, and there are no FTEs associated with the donation; and

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 207-212 of Plan Cincinnati (2012); 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 accept and appropriate a donation in an amount of up to \$5,000 from the Microsoft Corporation to the Cincinnati Recreation Commission for the purpose of providing funding for youth programming at the Over-the-Rhine Recreation Center.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the donation and Sections 1 through 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council

202201455

From: John P. Curp, Interim City Manager

Subject: Ordinance – Fire: Ohio Public Safety EMS Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the Ohio Department of Public Safety, Division of Emergency Medical Services, in the amount of up to \$5,000, effective FY 2023, for the purpose of providing funding for Emergency Medical Services Board approved training and equipment to improve the City’s emergency medical services operations; and **AUTHORIZING** the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

Approval of this Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant from the Ohio Department of Public Safety (ODPS), Division of Emergency Medical Services, in the amount of up to \$5,000, effective FY 2023, for the purpose of providing funding for Emergency Medical Services (“EMS”) Board approved training and equipment to improve EMS operations. This Ordinance further authorizes the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

The grant application deadline was April 1, 2022, so the Cincinnati Fire Department has already applied for this grant, but grant funds will not be accepted without City Council approval.

There is no local match required and no FTEs are associated with this grant.

This Ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the Ohio Department of Public Safety, Division of Emergency Medical Services, in the amount of up to \$5,000, effective FY 2023, for the purpose of providing funding for Emergency Medical Services Board approved training and equipment to improve the City’s emergency medical services operations; and **AUTHORIZING** the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

WHEREAS, the Cincinnati Fire Department (“CFD”) performs valuable services for the City of Cincinnati and its residents, including administration of the Department’s Emergency Medical Services (“EMS”); and

WHEREAS, a grant is available from the Ohio Department of Public Safety, Division of Emergency Medical Services, in the amount of up to \$5,000, effective FY 2023, for the purpose of providing funding for Emergency Medical Services Board approved training and equipment to improve EMS operations; and

WHEREAS, the grant application deadline was April 1, 2022, so CFD already applied for the grant, but grant funds will not be accepted without City Council approval; and

WHEREAS, there is no local match required and no FTEs are associated with this grant; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); 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 apply for, accept, and appropriate a grant from the Ohio Department of Public Safety, Division of Emergency Medical Services, in the amount of up to \$5,000, effective FY 2023, for the purpose of providing funding for Emergency Medical Services Board approved training and equipment to improve the City’s emergency medical services operations.

Section 2. That the Finance Director is authorized to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022
202201456

To: Mayor and Members of City Council

From: John P. Curp, Interim City Manager

Subject: Emergency Ordinance – Police: FY 2022 Port Security Grant Program

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$342,514, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency for a grant from the FY 2022 Port Security Grant Program (ALN 97.056), for the purpose of funding the Cincinnati Police Department's Patrol Boat Program and maintaining the Police Department's Ohio River Port Security Camera Network, as well as providing funding to the Cincinnati Fire Department for swiftwater and surface rescue training and the Cold Weather Gear Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds for the Police Department into Law Enforcement Grant Fund 368, program code 22PORT, and the grant funds for the Fire Department into Fire Grant Fund 472, effective FY 2023.

This Emergency Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of \$342,514, effective FY 2023, from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), for a grant from the FY 2022 Port Security Grant Program (ALN 97.056) for the purpose of funding support of the Patrol Boat Program and maintenance of the Ohio River Port Security Camera Network for the Police Department (CPD), and swiftwater and surface rescue training as well as support of the Cold Weather Gear Project for the Fire Department (CFD).

The grant requires matching funds of up to \$113,619. Of that amount, \$107,744 would come from CPD and \$5,875 from CFD. For the Patrol Boat Program, the Police Department intends to use the unappropriated surplus of Federal Asset Forfeiture Fund 367 for \$25,000 of the required matching funds. The Police Department would pursue donations for the remaining \$62,447 needed in matching funds. The grant funds will not be accepted without the required matching funds. CPD will submit an Ordinance to accept any donated funds received. Designated CPD staff time will serve as an in-kind match for the Ohio River Port Security Camera Network in the amount of \$20,297. The source of the CFD matching funds of \$5,875 will be provided by General Fund operating budget non-personnel account no. 050x271x5200x7369.

This Emergency Ordinance is in accordance with the Live goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure the City’s timely acceptance of the grant funds.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

CFG

-2022

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$342,514, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency for a grant from the FY 2022 Port Security Grant Program (ALN 97.056), for the purpose of funding the Cincinnati Police Department’s Patrol Boat Program and maintaining the Police Department’s Ohio River Port Security Camera Network, as well as providing funding to the Cincinnati Fire Department for swiftwater and surface rescue training and the Cold Weather Gear Project; and **AUTHORIZING** the Director of Finance to deposit the grant funds for the Police Department into Law Enforcement Grant Fund 368, program code 22PORT, and the grant funds for the Fire Department into Fire Grant Fund 472, effective FY 2023.

WHEREAS, through the FY 2022 Federal Emergency Management Agency (“FEMA”) Port Security Grant Program (ALN 97.056), up to \$342,514 is available for use by the Cincinnati Police Department (“CPD”) and the Cincinnati Fire Department (“CFD”) to fund the Patrol Boat Program, to maintain the Ohio River Port Security Camera Network, provide swiftwater and surface rescue training, and support the Cold Weather Gear Project; and

WHEREAS, the grant requires matching funds of up to \$114,172; and

WHEREAS, CPD would provide \$25,000 of the matching funds for the Patrol Boat Program from the unappropriated surplus of Federal Asset Forfeiture Fund 367, and pursue donations for the remaining \$62,500 in required matching funds; and

WHEREAS, no grant funds would be accepted without obtaining the necessary matching funds; and

WHEREAS, CPD would provide an in-kind match of donated staff time in the amount of \$20,297 for the Ohio River Port Security Camera Network; and

WHEREAS, CFD will provide matching funds in the amount of \$6,375, including \$3,000 for the swiftwater and surface rescue training from CFD General Fund non-personnel operating budget account no. 050x271x7200 and \$3,375 for the Cold Weather Gear Project from CFD General Fund operating budget non-personnel account no. 050x271x7300; and

WHEREAS, the grant application deadline is June 13, 2022, and CPD and CFD will have already applied for the grant by that date, but grant funds will not be accepted without Council approval; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); 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 apply for, accept, and appropriate a grant in an amount up to \$342,514, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency, for a grant from the FY 2022 Port Security Grant Program (ALN 97.056) for the purpose of funding the Cincinnati Police Department's Patrol Boat Program and maintaining the Police Department's Ohio River Port Security Camera Network, as well as providing funding to the Cincinnati Fire Department for swiftwater and surface rescue training and the Cold Weather Gear Project.

Section 2. That the Director of Finance is authorized to deposit the grant funds for the Police Department into Law Enforcement Grant Fund 368, program code 22PORT, effective FY 2023.

Section 3. That the Director of Finance is further authorized to deposit the grant funds for the Fire Department into Fire Grant Fund 472, effective FY 2023.

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

Section 5. 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 need to ensure the City's timely acceptance of the grant funds.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201457
From: John P. Curp, Interim City Manager
Subject: Ordinance – Cincinnati Recreation Commission (CRC): Winton Hills Summertime Kids Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for and accept a grant of up to \$1,000 from the Greater Cincinnati Foundation in FY 2022, and appropriate this amount, effective FY 2023, for the purpose of providing resources to fund the Cincinnati Recreation Commission’s Winton Hills Summertime field trip to the Indianapolis Children’s Museum for children residing in the Winton Hills neighborhood; and **AUTHORIZING** the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319x8571.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant of up to \$1,000 from the Greater Cincinnati Foundation (GCF) for the purpose of providing resources to fund a summer day camp field trip to the Indianapolis Children's Museum for children who reside in the Winton Hills neighborhood. This Winton Hills Summertime field trip is scheduled for August 4, 2022. This field trip will give the children of Winton Hills an opportunity to travel outside of their own neighborhood and have an experience that they may not otherwise be afforded. The grant award will be used to offset the cost of museum admission and transportation to and from the museum.

This Ordinance will also authorize the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319. There is no local match required and acceptance of the grant will not require the addition of any FTEs.

The Winton Hills Summertime field trip is in accordance with the "Collaborate" goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities” as described on pages 207-212 of Plan Cincinnati.

The Administration recommends passage of this Ordinance.

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



Attachment



City of Cincinnati

LES

AWB

An Ordinance No. _____

- 2022

AUTHORIZING the City Manager to apply for and accept a grant of up to \$1,000 from the Greater Cincinnati Foundation in FY 2022, and appropriate this amount, effective FY 2023, for the purpose of providing resources to fund the Cincinnati Recreation Commission’s Winton Hills Summertime field trip to the Indianapolis Children’s Museum for children residing in the Winton Hills neighborhood; and AUTHORIZING the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319x8571.

WHEREAS, the Cincinnati Recreation Commission’s Winton Hills Summertime field trip is scheduled for August 4, 2022; and

WHEREAS, the field trip will provide the children of Winton Hills an opportunity to travel outside of their own neighborhood and an experience they may not otherwise be afforded; and

WHEREAS, the Greater Cincinnati Foundation is offering up to \$1,000 in grant funds to support the Winton Hills Summertime field trip; and

WHEREAS, the grant award will be used to offset the cost of museum admission and yellow bus transportation to and from the museum; and

WHEREAS, there are no additional FTEs associated with this grant, and there are no matching fund requirements; and

WHEREAS, providing resources for the Winton Hills Summertime field trip is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for and accept a grant of up to \$1,000 from the Greater Cincinnati Foundation in FY 2022, and appropriate this amount, effective FY 2023, for the purpose of providing resources to fund the Cincinnati Recreation Commission’s Winton Hills Summertime field trip to the Indianapolis Children's Museum for children residing in the Winton Hills neighborhood.

Section 2. That the Finance Director is authorized to deposit the funds into Contributions for Recreational Purposes Fund 319x8571.

Section 3. That the proper City Officials are authorized to do all things necessary and proper to carry out the terms of the Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201458

From: John P. Curp, Interim City Manager

Subject: **Ordinance – Police: Acceptance of In-Kind Donation from the Cincinnati Blue Line Foundation**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation from the Cincinnati Blue Line Foundation of exercise equipment valued at \$52,500 for use by the Cincinnati Police Department to ensure the physical fitness and health of sworn police officers and professional staff.

This Ordinance would authorize the City Manager to accept an in-kind donation from the Cincinnati Blue Line Foundation of exercise equipment valued at \$52,500 for use by the Cincinnati Police Department to ensure the physical fitness and health of sworn police officers and professional staff.

Planet Fitness donated 35 pieces of exercise equipment valued at \$52,500 to the Cincinnati Blue Line Foundation to be donated to Cincinnati Police Department. The donated equipment includes treadmills (13), ellipticals (11), bikes (7), and arc trainers (4).

This donation does not require additional FTE or matching funds.

Accepting this donation is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept an in-kind donation from the Cincinnati Blue Line Foundation of exercise equipment valued at \$52,500 for use by the Cincinnati Police Department to ensure the physical fitness and health of sworn police officers and professional staff.

WHEREAS, the Cincinnati Blue Line Foundation (“CBLF”) is an independent non-profit organization founded by local police, business, and civic leaders to promote safe neighborhoods and support a highly skilled and equipped police force; and

WHEREAS, Planet Fitness donated 35 pieces of exercise equipment to the CBLF, including thirteen treadmills, eleven ellipticals, seven bikes, and four arc trainers, which CBLF would like to donate to the City for use by Cincinnati Police Department (“CPD”) staff; and

WHEREAS, if this donation is accepted, CPD will evenly distribute the donated exercise equipment across various CPD locations for use by sworn police officers and professional staff; and

WHEREAS, the exercise equipment will assist in ensuring the physical fitness, health, and readiness of sworn police officers and professional staff; and

WHEREAS, accepting this donation is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012); 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 accept an in-kind donation from the Cincinnati Blue Line Foundation of exercise equipment valued at \$52,500 for use by the Cincinnati Police Department to ensure the physical fitness and health of sworn police officers and professional staff.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 hereof.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201459

From: John P. Curp, Interim City Manager

Subject: Ordinance – Fire: State of Ohio Office of First Responder Wellness Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the State of Ohio Office of First Responder Wellness in the amount of up to \$404,917.22, effective FY 2023, for the purpose of funding the salary and benefits of a peer support coordinator for up to 24 months and the cost of up to four peer support training sessions for the Cincinnati Fire Department; and **AUTHORIZING** the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

Approval of this Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant from the State of Ohio Office of First Responder Wellness, in the amount of up to \$404,917.22, effective FY 2023, for the purpose of funding the salary and benefits of a peer support coordinator for up to 24 months and up to four peer support training sessions for the Cincinnati Fire Department. This Ordinance further authorizes the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

The grant application deadline is June 17, 2022, and CFD has already applied for the grant, but grant funds will not be accepted without City Council approval.

There is no local match required by this grant and no FTEs are associated with this grant.

This Ordinance is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on page 189 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment



City of Cincinnati

KKF

AWG

An Ordinance No. _____

- 2022

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the State of Ohio Office of First Responder Wellness in the amount of up to \$404,917.22, effective FY 2023, for the purpose of funding the salary and benefits of a peer support coordinator for up to 24 months and the cost of up to four peer support training sessions for the Cincinnati Fire Department; and AUTHORIZING the Finance Director to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

WHEREAS, a grant is available from the State of Ohio Office of First Responder Wellness in the amount of up to \$404,917.22, effective FY 2023, for the purpose of funding the salary and benefits of a peer support coordinator for up to 24 months and the cost of up to four peer support training sessions for the Cincinnati Fire Department (“CFD”); and

WHEREAS, the grant application deadline is June 17, 2022, and CFD has already applied for the grant, but grant funds will not be accepted without Council approval; and

WHEREAS, there is no local match required by this grant, and no FTEs are associated with this grant; and

WHEREAS, this ordinance is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati,” as described on page 189 of Plan Cincinnati (2012); 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 apply for, accept, and appropriate a grant from the State of Ohio Office of First Responder Wellness in the amount of up to \$404,917.22, effective FY 2023, for the purpose of funding the salary and benefits of a peer support coordinator for up to 24 months and the cost of up to four peer support training sessions for the Cincinnati Fire Department.

Section 2. That the Finance Director is authorized to deposit the grant resources into Fire Grant Fund 472, effective FY 2023.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk



June 23, 2022

To: Mayor and Members of City Council 202201460
From: John P. Curp, Interim City Manager
Subject: **Ordinance – Police: FY 2022 Patrick Leahy Bulletproof Vest Partnership Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2022 Patrick Leahy Bulletproof Vest Partnership Program, which would provide the Cincinnati Police Department with reimbursement of up to \$229,450 effective FY 2023, for bulletproof vest body armor expenditures related to the projected departmental expenditures in Fiscal Years 2023 and 2024 for bulletproof vest body armor that is approximated to be \$458,900; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VEST.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of to \$229,450 from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), FY 2022 Patrick Leahy Bulletproof Vest Partnership (BVP) Program, which would provide the Cincinnati Police Department with reimbursement of up to \$229,450 effective FY 2023, for bulletproof vest body armor expenditures related to the projected departmental expenditures in Fiscal Years 2023 and 2024 for bulletproof vest body armor that is approximated to be \$458,900. The Ordinance would further authorize the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VEST.

The Cincinnati Police Department (CPD) estimates spending up to \$458,900 for bulletproof vests over Fiscal Years 2024 and 2025. If awarded, the BVP program will reimburse the CPD for 50% of the cost of each unit of body armor or up to \$229,450.

The grant application deadline is June 27, 2022, and CPD intends to apply by this date, but no grant funds will be accepted before approval by the City Council.

The Patrick Leahy Bulletproof Best Partnership Program Grant is in accordance with the Live goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the City Manager to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2022 Patrick Leahy Bulletproof Vest Partnership Program, which would provide the Cincinnati Police Department with reimbursement of up to \$229,450, effective FY 2023, for bulletproof vest body armor expenditures related to the projected departmental expenditures in Fiscal Years 2023 and 2024 for bulletproof vest body armor that is approximated to be \$458,900; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VEST.

WHEREAS, a grant is available from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Patrick Leahy Bulletproof Vest Partnership Program (ALN 16.607), which would provide the Cincinnati Police Department (“CPD”) with a maximum allowable reimbursement amount of up to 50 percent of the departmental expenditure for bulletproof vest body armor up to a maximum of \$229,450; and

WHEREAS, the departmental expenditure for bulletproof vest body armor is expected to be \$458,900 for the next two fiscal years; and

WHEREAS, the grant application deadline is June 27, 2022 and CPD intends to apply by this date, but no grant funds will be accepted before approval by Council; and

WHEREAS, the grant does not require local matching funds; and

WHEREAS, there are no additional FTEs associated with the grant; and

WHEREAS, the Patrick Leahy Bulletproof Vest Partnership Program Grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2022 Patrick Leahy Bulletproof Vest Partnership Program, which would provide the Cincinnati Police Department with reimbursement of up to \$229,450, effective FY 2023, for

bulletproof vest body armor expenditures relating to the projected departmental expenditures in Fiscal Years 2023 and 2024 for bulletproof vest body armor that is estimated to be \$458,900.

Section 2. That the Finance Director is authorized to deposit the grant funds in Law Enforcement Grant Fund 368, Project Account No. 23VEST.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201461

From: John P. Curp, Interim City Manager

Subject: **Emergency Ordinance – Police: FY 2022-2023 State Victims Assistance Partnership Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$42,000, effective FY 2023, from the State of Ohio, Office of the Attorney General, for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate in the State Victims Assistance Act and the federal Victims of Crime Act grant programs; and **AUTHORIZING** the Director of Finance to deposit the grant funds in Law Enforcement Grant Fund 368, Project Account No. 23VALU.

This Emergency Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of \$42,000, effective FY 2023, from the State of Ohio, Office of the Attorney General, for the purpose of providing funds for the Homicide Unit’s Victim Advocate in the State Victims Assistance Act (SVAA) and the federal Victims of Crime Act (VOCA) grant programs. This Emergency Ordinance will also authorize the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VALU.

The Victim Advocate provides support and advocacy to survivors of victims whose deaths are investigated by the Cincinnati Police Department’s (CPD) Homicide Unit.

The grant application deadline is June 29, 2022, and CPD will have applied for the grant prior to the City Council’s approval of this Emergency Ordinance, but no grant funding will be accepted without approval of the City Council. The grant does not require any additional FTEs. The grant requires a 25% “in-kind” match, which will be provided by student volunteers utilized by CPD.

This grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure the City’s timely acceptance of the funds.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



EMERGENCY

CFG

-2022

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$42,000, effective FY 2023, from the State of Ohio, Office of the Attorney General, for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate in the State Victims Assistance Act and the federal Victims of Crime Act grant programs; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VALU.

WHEREAS, the State Victims Assistance Act and Victims of Crime Act grant programs will fund the Homicide Unit’s Victim Advocate, who provides support and advocacy to the survivors of victims whose deaths are investigated by the Cincinnati Police Department’s (“CPD”) Homicide Unit; and

WHEREAS, the grant application deadline is June 29, 2022, and CPD will have applied for the grant prior to Council’s approval of this ordinance, but no grant funding will be accepted without approval of Council; and

WHEREAS, the grant requires a 25 percent in-kind local match, which will be provided by student volunteers utilized by CPD; and

WHEREAS, acceptance of the grant will not require any additional FTEs; and

WHEREAS, the grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant in an amount up to \$42,000, effective FY 2023, from the State of Ohio, Office of the Attorney General, for the purpose of providing funds for the Cincinnati Police Department Homicide Unit’s Victim Advocate in the State Victims Assistance Act and the federal Victims of Crime Act grant programs.

Section 2. That the Director of Finance is authorized to deposit the grant funds in Law Enforcement Grant Fund 368, Project Account No. 23VALU.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2 hereof.

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 need to ensure the City's timely acceptance of the funds.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council

From: John P. Curp, Interim City Manager

202201462

Subject: Ordinance – DOTE: TA Grant for Dutch Colony Drive

Attached is an Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x233x222365, “Dutch Colony TA Grant”; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$97,243 from the Transportation Alternatives grant program, awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, to newly established capital improvement program project account no. 980x233x222365, “Dutch Colony TA Grant”; **AUTHORIZING** the Director of Finance to deposit the grant resources into newly established capital improvement program project account no. 980x233x222365, “Dutch Colony TA Grant,” for the purpose of constructing a sidewalk and safety improvements along Dutch Colony Drive from Winton Road to Winton Ridge Lane; and further **AUTHORIZING** the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

This Ordinance establishes new capital improvement program project account no. 980x233x222365, “Dutch Colony TA Grant” and authorizes the City Manager to accept and appropriate grant resources totaling up to \$97,243 from the Transportation Alternatives (TA) grant program, awarded by the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments, to the “Dutch Colony TA Grant” capital improvement program project account. This Ordinance also authorizes the Director of Finance to deposit the grant resources into the “Dutch Colony TA Grant” capital improvement program project account for the purpose of constructing a sidewalk and safety improvements along Dutch Colony Drive from Winton Road to Winton Ridge Lane. This Ordinance authorizes the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

City Council authorized the TA grant application in Ordinance No. 0205-2021, and City Council authorization is now required to accept and appropriate grant resources.

This grant requires local matching resources totaling \$97,243, which are available in existing capital improvement program project accounts. No new FTEs are required.

The Dutch Colony TA Grant sidewalk and safety improvements are in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” and the strategy to “[e]xpand options for non-automotive travel,” as described on pages 129-134 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

ESTABLISHING new capital improvement program project account no. 980x233x222365, “Dutch Colony TA Grant”; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$97,243 from the Transportation Alternatives grant program, awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, to newly established capital improvement program project account no. 980x233x222365, “Dutch Colony TA Grant”; **AUTHORIZING** the Director of Finance to deposit the grant resources into newly established capital improvement program project account no. 980x233x222365, “Dutch Colony TA Grant,” for the purpose of constructing a sidewalk and safety improvements along Dutch Colony Drive from Winton Road to Winton Ridge Lane; and further **AUTHORIZING** the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

WHEREAS, there are available grant resources in the amount of up to \$97,243 from the Transportation Alternatives (“TA”) grant program, awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, which funds would be used by the City of Cincinnati for the purpose of providing resources for constructing a sidewalk and safety improvements along Dutch Colony Drive from Winton Road to Winton Ridge Lane in the Winton Hills neighborhood of Cincinnati; and

WHEREAS, the City applied for these grant resources as previously authorized by City Council via Ordinance No. 0205-2021; and

WHEREAS, the required local match resources in the amount of \$97,243 are currently available in existing capital improvement program project accounts; and

WHEREAS, no additional FTEs are associated with this project; and

WHEREAS, the Dutch Colony TA Grant sidewalk and safety improvements are in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and the strategy to “[e]xpand options for non-automotive travel” as described on pages 129-134 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish new capital improvement program project account number 980x233x222365, “Dutch Colony TA Grant,” for the purpose of constructing a sidewalk and safety improvements along Dutch Colony Drive from Winton Road to Winton Ridge Lane.

Section 2. That the City Manager is hereby authorized to do all things necessary to accept and appropriate grant resources in the amount of up to \$97,243 from the Transportation Alternatives grant program, awarded by the Ohio-Kentucky-Indiana Regional Council of Governments, to newly established capital improvement program project account no. 980x233x222365, "Dutch Colony TA Grant."

Section 3. That the Director of Finance is authorized to deposit the grant resources into newly established capital improvement program account no. 980x233x222365, "Dutch Colony TA Grant," for the purpose of constructing a sidewalk and safety improvements along Dutch Colony Drive from Winton Road to Winton Ridge Lane.

Section 4. That the City Manager is hereby authorized to execute any agreements necessary for the receipt and administration of these grant resources.

Section 5. That the proper City officials are hereby authorized to do all things necessary and proper to implement Sections 1 through 4 hereof.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201463
From: John P. Curp, Interim City Manager
Subject: Ordinance – DCED: Shillito’s West Asbestos Remediation

Attached is an Ordinance captioned:

AUTHORIZING the establishment of new capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” for the purpose of providing resources for necessary asbestos abatement in the Shillito’s West Building; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$900,000 from the Ohio Department of Development, through a subaward from the Port of Greater Cincinnati Development Authority, to newly established capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” for the purpose of providing resources for necessary asbestos abatement in the Shillito’s West Building; and **DECLARING** the expenditures from capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” to be for a public purpose.

Approval of this Ordinance will authorize the acceptance and appropriation of a grant in an amount up to \$900,000 from the Ohio Department of Development, via the Port of Greater Cincinnati Development Authority (“Port Authority”), to newly established capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” for the purpose of providing resources for necessary asbestos abatement in the Shillito’s West Building. This Ordinance will also declare expenditures from the “Shillito’s West Remediation” capital improvement program project account to serve a public purpose.

A 2019 survey identified extensive quantities of asbestos throughout the Shillito’s West Building, including but not limited to, the drywall joint compound, floor mastic, floor tiles, pipe insulation, duct seam tape, and window glazing.

The Port Authority has been awarded a \$900,000 grant from the Ohio Department of Development. The City intends to enter a subaward agreement to implement the project and provide \$300,000 of matching funds from existing capital improvement program project accounts. The Shillito’s West building is a City owned property and the Department of Community and Economic Development (DCED) is seeking redevelopment or demolition.

The Shillito’s West asbestos remediation project is consistent with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” as described on page 103 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the establishment of new capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” for the purpose of providing resources for necessary asbestos abatement in the Shillito’s West Building; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$900,000 from the Ohio Department of Development, through a subaward from the Port of Greater Cincinnati Development Authority, to newly established capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” for the purpose of providing resources for necessary asbestos abatement in the Shillito’s West Building; and **DECLARING** the expenditures from capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” to be for a public purpose.

WHEREAS, a 2019 asbestos survey identified extensive quantities of asbestos throughout the Shillito’s West building located at 137 W. Seventh Street in the Central Business District, including but not limited to, the drywall joint compound, floor mastic, floor tiles, pipe insulation, duct seam tape, and window glazing; and

WHEREAS, the Shillito’s West building is a City-owned property, and the Department of Community and Economic Development is seeking redevelopment or demolition of the structure; and

WHEREAS, the Port of Greater Cincinnati Development Authority (“Port Authority”) has been awarded a \$900,000 grant from the Ohio Department of Development for the purpose of asbestos abatement of the Shillito’s West building; and

WHEREAS, the City intends to enter into a subaward agreement with the Port Authority to implement the project and provide \$300,000 of matching funds from existing capital improvement program project accounts nos. 980x164x211608, “Neighborhood Business Property Holding,” and 980x164x221608, “Neighborhood Business Property Holding”; and

WHEREAS, the Shillito’s West asbestos remediation project is consistent with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity,” as described on page 103 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the establishment of new capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” is hereby authorized for the purpose of providing resources for necessary asbestos abatement in the Shillito’s West building.

Section 2. That the City Manager is hereby authorized to accept and appropriate a grant in an amount of up to \$900,000 from the Ohio Department of Development, through a subaward from the Port of Greater Cincinnati Development Authority to newly established capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” for the purpose of providing resources for asbestos abatement in the Shillito’s West building.

Section 3. That Council hereby declares that expenditures from capital improvement program project account no. 980x164x221603, “Shillito’s West Remediation,” are for a public purpose because the project will enable the building to be restored to a productive use and increase economic vitality in the Central Business District, for the economic welfare of the people of Cincinnati.

Section 4. That the proper City officials are hereby authorized to take all necessary action to carry out the provisions of Sections 1 through 3 herein.

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

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201464
From: John P. Curp, Interim City Manager
Subject: **Emergency Ordinance – DCED: OTR Mixed Income Housing - TIF**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the establishment of new capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF,” for the purpose of providing resources for a mixed-income housing project that will result in the renovation of five vacant, historic buildings into a mixed-use development, containing street-level commercial space and mixed-income residential units in the Over-the-Rhine (“OTR”) neighborhood; **AUTHORIZING** the transfer and appropriation of \$1,227,259.95 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF”; **AUTHORIZING** the transfer and appropriation of \$347,740.05 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to newly established capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF”; and further **DECLARING** that expenditures from capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing – TIF,” will serve a public purpose because the project will provide new housing availability in the OTR neighborhood, foster local improvements and investment, and increase neighborhood vitality.

Approval of this Emergency Ordinance will authorize the transfer and appropriation of \$1,227,259.95 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 and \$347,740.05 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to newly established capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing – TIF” for the purpose of providing resources for a mixed-use development, containing street-level commercial space and mixed-income residential units in the Over-the-Rhine neighborhood. This Emergency Ordinance will also declare that expenditures from the “OTR Mixed Income Housing - TIF” capital project account will serve a public purpose.

The Over-the-Rhine neighborhood is experiencing substantial development activity, creating a significant need for quality housing. This mixed income housing project will result in the renovation of vacant, historic buildings located at 1701 Race Street, 1703 Race Street, 1705 Race Street, 1338 Main Street, and 1401 Main Street in the OTR neighborhood. This project will also create approximately 6,853 square feet of street-level commercial space and a total of thirty-eight mixed-income residential units.

The sum of \$1,500,000 will be allocated for housing construction costs and \$75,000 will be allocated for Project delivery costs.

The Developer, Cincinnati City Center Development Corporation (“3CDC”) wishes to include this gap financing in their application for New Market Tax Credits in July 2022. 3CDC is also returning the sum of \$620,000 left over from the Court Street Public Infrastructure project to the City’s Downtown/OTR East Equivalent Fund 483, which will be used as a part of this project. These funds were left over due to additional funding received by the project from the State of Ohio.

The Developer presented to and engaged with the Over-The-Rhine Community Council at their Economic Development & Housing committee on June 7, their Board of Directors on June 13, and will ask for a vote of support by the full Community Council at its meeting on June 27, 2022. The Developer also presented at the Community Engagement Meeting hosted by the Department of City Planning and Engagement on June 16, 2022. A summary of the Community Engagement Meeting can be found on the City Planning and Engagement website: <https://www.cincinnati-oh.gov/planning/community-engagement-meetings1/past-community-engagement-meetings/>.

The OTR Mixed Income Housing Project is in accordance with the “Live” goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” as described on pages 164 - 171 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to allow the developer to include gap financing in their application for New Market Tax Credits.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



E M E R G E N C Y

IMD

-2022

AUTHORIZING the establishment of new capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF,” for the purpose of providing resources for a mixed-income housing project that will result in the renovation of five vacant, historic buildings into a mixed-use development, containing street-level commercial space and mixed-income residential units in the Over-the-Rhine (“OTR”) neighborhood; **AUTHORIZING** the transfer and appropriation of \$1,227,259.95 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF”; **AUTHORIZING** the transfer and appropriation of \$347,740.05 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to newly established capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF”; and further **DECLARING** that expenditures from capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing – TIF,” will serve a public purpose because the project will provide new housing availability in the OTR neighborhood, foster local improvements and investment, and increase neighborhood vitality.

WHEREAS, the Over-the-Rhine (“OTR”) neighborhood is currently experiencing substantial development activity, creating a significant need for quality housing; and

WHEREAS, the OTR Mixed Income Housing - TIF project will result in the renovation of five vacant, historic buildings into a mixed-use development, containing approximately 6,853 square feet of street-level commercial space and a total of 38 residential units (the “Project”); and

WHEREAS, the five buildings are located at 1701 Race Street, 1703 Race Street, 1705 Race Street, 1338 Main Street, and 1401 Main Street in the OTR neighborhood; and

WHEREAS, the renovated residential units will include nine studios, 24 one-bedroom units, and five two-bedroom units; and

WHEREAS, the sum of \$1,500,000 will be allocated for Project construction costs, and \$75,000 will be allocated for Project delivery costs; and

WHEREAS, the developer, Cincinnati City Center Development Corporation (3CDC), wishes to include this gap financing in their application for New Market Tax Credits in July 2022; and

WHEREAS, the Project is in accordance with the “Live” goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” as described on pages 164-171 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF,” is hereby established for the purpose of providing resources for a mixed-income housing project that will result in the renovation of five vacant, historic buildings into a mixed-use development, containing approximately 6,853 square feet of street-level commercial space and a total of 38 mixed-income residential units (the “Project”) in the Over-the-Rhine (“OTR”) neighborhood.

Section 2. That the transfer and appropriation of the sum of \$1,227,259.95 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF,” to provide resources for construction and development costs associated with the Project is hereby authorized.

Section 3. That the transfer and appropriation of the sum of \$347,740.05 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to newly established capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF,” to provide resources for construction and development costs associated with the Project is hereby authorized.

Section 4. That Council hereby declares that expenditures from capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF,” constitute (a) a “Housing Renovation” (as defined in Section 5709.40(A)(3) of the Ohio Revised Code (“ORC”)) within the District 4-Downtown/OTR East TIF District Incentive District and the District 3-Downtown/OTR West District TIF Incentive District (“Districts 4 and 3”), and/or (b) a

“Public Infrastructure Improvement” (as defined in ORC Section 5709.40(A)(8)) that will benefit and/or serve Districts 4 and 3, subject to compliance with ORC Sections 5709.40 through 5709.43.

Section 5. That Council hereby declares that expenditures from capital improvement program project account no. 980x162x221601, “OTR Mixed Income Housing - TIF,” will serve a public purpose because the Project will create new housing in the OTR neighborhood, foster local improvements and investment, and increase neighborhood vitality.

Section 6. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 5 hereof.

Section 7. 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 allow the developer to include gap financing in their application for New Market Tax Credits.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201465
From: John P. Curp, Interim City Manager
Subject: Emergency Ordinance – CRC: United States Tennis Association Grant

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a grant of up to \$7,500 from the United States Tennis Association for the purpose of providing resources to fund the development of an elite tennis program in Cincinnati; and **AUTHORIZING** the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319.

Approval of this Emergency Ordinance authorizes the City Manager to accept and appropriate a grant in an amount up to \$7,500 from the United States Tennis Association (USTA) for the purpose of providing resources to fund the development of an Elite Tennis Program in Cincinnati.

This Emergency Ordinance should also authorize the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319.

There is no local match required and acceptance of the grant will not require the addition of any FTEs.

Providing resources for the Cincinnati Recreation Commission's elite tennis program is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" as well as the strategy to "[u]nite our communities" as described on pages 207-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to comply with the grant acceptance timeline established by the United States Tennis Association.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

CMZ

- 2022

AUTHORIZING the City Manager to accept and appropriate a grant of up to \$7,500 from the United States Tennis Association for the purpose of providing resources to fund the development of an elite tennis program in Cincinnati; and **AUTHORIZING** the Finance Director to deposit the grant funds into Contributions for Recreational Purposes Fund 319.

WHEREAS, the Cincinnati Recreation Commission is seeking resources to develop an elite tennis program; and

WHEREAS, the United States Tennis Association is granting funding of \$7,500 to the Cincinnati Recreation Commission (“CRC”) to develop an elite tennis program; and

WHEREAS, there are no additional FTEs associated with this grant, and there are no matching fund requirements; and

WHEREAS, providing resources for the CRC elite tennis program is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to accept and appropriate a grant of up to \$7,500 from the United States Tennis Association for the purpose of providing resources to fund a Cincinnati Recreation Commission elite tennis program.

Section 2. That the Finance Director is authorized to deposit the funds into Contributions for Recreational Purposes Fund 319.

Section 3. That the proper City Officials are authorized to do all things necessary and proper to carry out the terms of the Sections 1 and 2 hereof.

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 comply with the grant acceptance timeline established by the United States Tennis Association.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 23, 2022

To: Mayor and Members of City Council 202201466
From: John P. Curp, Interim City Manager
Subject: **Ordinance – Amend Ordinance No. 13-2008 - Keystone Parke TIF**

Attached is an Ordinance captioned:

AMENDING Ordinance No. 13-2008, to remove certain real property located at 2117 Dana Avenue in the Evanston neighborhood of Cincinnati from the tax increment financing (TIF) exemption area created by that ordinance.

BACKGROUND/CURRENT CONDITIONS

The subject legislation modifies the boundary of a Project TIF created in 2008 to support the Keystone Parke Phase I office development on Dana Avenue in Evanston, near I-71. In approximately 2010, Neyer Properties, Inc. was successful in completing a new office building and public parking garage at 2135 Dana Avenue. The subject of this legislation, an adjacent vacant property at 2117 Dana Avenue (“Property”), is a .79 acre outlot located on Dana Avenue next to Evanston Park. The Property was originally included in the TIF for the office building and was thought to be well suited for a small amenity development such as a stand-alone restaurant to support the office buildings at Keystone Parke. However, the Property has not yet been developed, except as a temporary parking lot.

In the meantime, the Keystone Parke I office building stabilized and has been generating sufficient statutory service payments to cover the City’s debt service payments on the Keystone Parke I public garage without requiring contributions from the Property.

The proposed legislation to remove the Property from the TIF boundary is being proposed because it would enable a non-profit end user, Cincinnati Public Radio (CPR), to develop its new office headquarters (“Project”) at the Property and benefit from its ability to file for a nonprofit property tax exemption. As a nonprofit that has to regularly raise donations to help cover its capital and operating costs, being able to utilize its nonprofit tax exemption is essential. No other incentive is being requested from the City in order to facilitate development of the Project.

DEVELOPER INFORMATION

The Property is currently owned by Keystone Parke I LLC, an affiliate of Neyer Properties, Inc., the master developer of the Keystone Parke office park. Cincinnati Public Radio proposes to acquire the Property from the current owner and develop its offices there.

Cincinnati Public Radio is the region's primary public radio organization, which owns and operates the local WGUC and WVXU public radio stations. Neyer Properties, Inc. has been developing office, industrial, and mixed-use real estate in the tristate for more than 27 years and has developed over 3,500 acres of land and hundreds of projects totaling over \$2 billion in value.

PROJECT DESCRIPTION

Cincinnati Public Radio's existing office location on Central Parkway has become insufficient for its current needs, so CPR has been fundraising and searching for a location to construct new offices. A previous downtown location was determined to no longer be feasible. CPR has identified the Property as a location where they can construct a modern, 2-story, 30,000 square foot facility that will house its office space, radio studios, recording studios, and performance space.

The Project will allow CPR to retain 40 existing FTE jobs with an annual payroll of approximately \$2,600,000, and the new location will additionally allow CPR to create 3 new FTE jobs with an annual payroll of \$175,000. Further, the construction phase will generate 50 temporary construction jobs during the 15 month construction period, with an annual payroll of approximately \$2,500,000.

CPR's project represents a \$26 million total investment, including \$23 million toward the real estate improvements and \$3 million towards machinery, equipment, and furnishings. The project is being funded by private donations and other private funds. Fundraising is ongoing, but has been sufficiently successful to date that CPR intends to close on the property purchase the summer and commence construction in the fall of 2022.

CPR has presented its plans to the Evanston Community Council, which is aware of the Project and has not indicated any concerns or opposition. Because the Property is surrounded on two sides by Evanston Park, there are ongoing conversations with Evanston Community Council and Cincinnati Recreation Commission to ensure that the edges of the Project fit in harmoniously with the surrounding park.

City support for the Project is consistent with the Plan Cincinnati goal to "grow our own" by focusing on retention, expansion, and relocation of existing businesses" (p. 104).

PROPOSED LEGISLATION

The way in which the City is being requested to support the Project is to (1) remove the Property from the Project TIF, and (2) to amend the Keystone Parke I Service Agreement to eliminate the Property owner's obligation to make service payments in lieu of property taxes, so that CPR is able to utilize its nonprofit tax exemption. Though the City's proposed involvement is not truly an incentive in the usual sense, it is worth noting that the benefits to the City from the Project, of private investment and payroll tax revenue, greatly exceed the risks to the City's infrastructure bonds. As mentioned previously, Keystone Parke I has been generating sufficient statutory service payments to cover the City's debt service payments on the Keystone Parke I public garage without

requiring contributions from the Property. In the event that future TIF revenue are insufficient to cover debt service, Keystone Parke I LLC would be required to make a minimum service payment to the City in order to cover any shortfall.

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the councilmember(s).

- Assistant City Manager: William Weber
- DCED Director: Markiea Carter
- Project Attorney: Samantha Brandenburg

The anticipated council timeline, which includes two Budget and Finance meetings if necessary is as follows:

- June 23, 2022: Introduction to City Council
- June 27, 2022: Budget and Finance (1)
- August 1, 2022: Budget and Finance (2)
- August 3, 2022: City Council for Final Approval

RECOMMENDATION

The Administration recommends approval of this Ordinance.

Attachment: A. Property location and photographs

Copy: Markiea L. Carter, Director, Department of Community & Economic Development



Rendering – rear (park) view

City of Cincinnati

SSB

AWB

An Ordinance No. _____

- 2022

AMENDING Ordinance No. 13-2008, to remove certain real property located at 2117 Dana Avenue in the Evanston neighborhood of Cincinnati from the tax increment financing (TIF) exemption area created by that ordinance.

WHEREAS, the City and Neyer Properties, Incorporated (“Developer”) are parties to a certain *Development Agreement* dated February 5, 2007, pertaining to the multi-phase mixed-use development commonly known as Keystone Parke located in the Evanston neighborhood of Cincinnati (the “Development Site”); and

WHEREAS, Developer now desires to convey a portion of the Development Site, being a vacant parcel located at 2117 Dana Avenue, as more particularly described on Attachment A hereto (the “Property”), to Cincinnati Public Radio (“CPR”) to facilitate the construction of a new office building to serve as CPR’s new headquarters (the “Project”); and

WHEREAS, on January 16, 2008, City Council passed Ordinance No. 13-2008 (the “TIF Ordinance”), to exempt certain real property, including, without limitation, the Property, from real property taxation pursuant to Section 5709.40(B) of the Ohio Revised Code (the “TIF Area”); and

WHEREAS, the City and Developer entered into a *Service Agreement* dated June 27, 2007, which was amended and supplemented by an *Amended and Restated Service Agreement* dated April 14, 2008, and a *Second Supplement to Service Agreement* dated April 25, 2016 (as amended, the “Service Agreement”), which requires owners of the parcels constituting the Development Site to make service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

WHEREAS, CPR desires to obtain a real property tax exemption for the Property based on its intent to exclusively use the Property for charitable purposes, and has; therefore, asked the City to remove the Property from the TIF Area; and

WHEREAS, in order to enable CPR to file for a separate real property tax exemption for the Property, Council has determined to amend the TIF Ordinance to remove the Property from the TIF Area, and authorize the City Manager to execute an amendment to the Service Agreement to remove the obligation of CPR to pay service payments in lieu of taxes as it relates to the Property; now, therefore,

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

Section 1. That Ordinance No. 13-2008, passed on January 16, 2008 (the “TIF Ordinance”), is hereby amended to remove certain real property located at 2117 Dana Avenue, as more particularly described on Attachment A hereto (the “Property”), from the property tax exemption area created thereby.

Section 2. That the TIF Ordinance, except as amended herein, shall remain in full force and effect.

Section 3. That the proper City officials are hereby authorized to take all necessary and appropriate actions to fulfill the provisions of this ordinance, including, without limitation, amending that certain Service Agreement dated June 27, 2007, which was amended and supplemented by an Amended and Restated Service Agreement dated April 14, 2008, and a Second Supplement to Service Agreement dated April 25, 2016, to remove the obligation to pay service payments in lieu of taxes as it relates to the Property.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A

Situated in Section 33, Town 4, Fractional Range 2, Columbia Township, in the City of Cincinnati, Hamilton County, Ohio and being all of the land as conveyed to Keystone Parke I, LLC, in Official Record 10783, Page 1600, and Official Record 10783, Page 1602 as recorded at the Hamilton County Recorder's Office and being more particularly described as follows:

Begin at the intersection of the existing South right-of-way line of Dana Avenue (Original 60' R/W) with the existing West right-of-way line of Realistic Avenue (50' R/W), said point also being the former Northeast corner of Lot 34 of Langdale Subdivision (Plat Book 11, Page 52) and referenced by a found 5/8" iron pin (S 0.71', E 0.97') and the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING, and with the existing West right-of-way line of Realistic Avenue, South 04°23'34" West, 220.67 feet to a set iron pin;

thence leaving the existing West right-of-way line of Realistic Avenue, and with the South line a 0.447 acre tract (O.R. 10783, Pg. 1602), North 85°36'26" West, 156.00 feet to a set iron pin;

thence with the West line of said 0.447 acre tract (Keystone Parke I, LLC), North 04°23'34" East, 220.67 feet to a set iron pin on the existing South right-of-way line of Dana Avenue;

thence with the existing South right-of-way line of Dana Avenue, South 85°36'26" East, 156.00 feet to the TRUE POINT OF BEGINNING.

Containing 0.7903 acres of land and subject to all easements and rights-of-way of record. The basis of bearings is O.D.O.T. right-of-way plans for HAM-71-4.58, Sheet 50 of 61.

The above description was prepared from a survey made on January 18, 2008 under the direction of Jerome F. Eisenmann, Ohio Professional Surveyor #S-8373.

Prior Instrument Reference: Official Record 10783, Page 1600 and Official Record 10783, Page 1602.

Attachment A

Situated in Section 33, Town 4, Fractional Range 2, Columbia Township, in the City of Cincinnati, Hamilton County, Ohio and being all of the land as conveyed to Keystone Parke I, LLC, in Official Record 10783, Page 1600, and Official Record 10783, Page 1602 as recorded at the Hamilton County Recorder's Office and being more particularly described as follows:

Begin at the intersection of the existing South right-of-way line of Dana Avenue (Original 60' R/W) with the existing West right-of-way line of Realistic Avenue (50' R/W), said point also being the former Northeast corner of Lot 34 of Langdale Subdivision (Plat Book 11, Page 52) and referenced by a found 5/8" iron pin (S 0.71', E 0.97') and the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING, and with the existing West right-of-way line of Realistic Avenue, South 04°23'34" West, 220.67 feet to a set iron pin;

thence leaving the existing West right-of-way line of Realistic Avenue, and with the South line a 0.447 acre tract (O.R. 10783, Pg. 1602), North 85°36'26" West, 156.00 feet to a set iron pin;

thence with the West line of said 0.447 acre tract (Keystone Parke I, LLC), North 04°23'34" East, 220.67 feet to a set iron pin on the existing South right-of-way line of Dana Avenue;

thence with the existing South right-of-way line of Dana Avenue, South 85°36'26" East, 156.00 feet to the TRUE POINT OF BEGINNING.

Containing 0.7903 acres of land and subject to all easements and rights-of-way of record. The basis of bearings is O.D.O.T. right-of-way plans for HAM-71-4.58, Sheet 50 of 61.

The above description was prepared from a survey made on January 18, 2008 under the direction of Jerome F. Eisenmann, Ohio Professional Surveyor #S-8373.

Prior Instrument Reference: Official Record 10783, Page 1600 and Official Record 10783, Page 1602.

June 15, 2022

To: Members of Budget and Finance Committee 202201409
From: John P. Curp, Interim City Manager
Subject: **Emergency Ordinance – Authorizing a Community Reinvestment Area Tax Exemption Agreement with OTR Holdings, Inc.**

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with OTR Holdings, Inc., or affiliate acceptable to the City, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 1701-1705 Race Street and 1338 and 1401 Main Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of five vacant buildings into a mixed-use development containing approximately 6,583 square feet of ground floor commercial retail space and approximately 24,271 square feet of residential space consisting of approximately 38 residential rental units, at a total construction cost of approximately \$8,595,106.

BACKGROUND/CURRENT CONDITIONS

Located at 1701-1705 Race Street, and 1338 and 1401 Main Street, the proposed scattered-site project will include the renovation of 5 vacant, historic buildings that have been long vacant and blighted. This project is part of a larger comprehensive re-development project Developer (Cincinnati Center City Development Corporation) intends to complete in Over-the-Rhine.

The development of the site will replace underutilized land blocks, reduce vacancy, create jobs, and increase property values and the tax base.

DEVELOPER INFORMATION

OTR Holdings, Inc. is a nonprofit corporation affiliated with Cincinnati Center City Development Corporation (3CDC). 3CDC is an experienced non-profit developer that has undertaken more than \$1.4B in investment in downtown and Over-the-Rhine since 2003, including historic mixed-use buildings.

PROJECT DESCRIPTION

Developer desires to renovate 5 vacant, historic buildings into mixed-use space containing approximately 6,853 square feet of ground-floor commercial space and approximately 24,271 square feet of residential space, consisting of 38 residential units. The unit count by type and proposed rents are as follows: (9) studio units, with rents

ranging between \$571-\$868, (24) 1-bedroom units with rents ranging between \$859-\$1,883, and (5) 2-bedroom units with rents ranging between \$1,751-\$2,202. A minimum of 20% of the units, or 9 units, will be made affordable to households making 80% of the Area Median Income for a minimum of 10 years.

Construction is planned to start in July 2022 with an anticipated completion date in July 2023. The project will support the creation of 25 full-time equivalent permanent jobs with an estimated total annual payroll of approx. \$1,033,400 and 180 full-time temporary construction jobs with an estimated total annual payroll of \$8.8 million. Total project cost is estimated at \$14 million, with construction costs at approx. \$8.6 million.

This project represents Plan Cincinnati’s “Vision to Compete” by making a targeted investment, and its “Vision of Live” to support and stabilize our neighborhoods. This project also achieves Plan Cincinnati’s Sustain Initiative Area’s Goal to “Preserve our built history” (p. 197).

PROPOSED INCENTIVE

The Department of Community and Economic Development (DCED) is recommending a 12-year, net 52% CRA tax exemption based on the project’s financial underwriting. The exemption only applies to the increase in improvement value attributed to the renovation. See tax exemption summary below.

Additionally, DCED is in the process of evaluating Developer’s Tax Increment Financing request in connection with gap financing for the development.

SUMMARY*	
Incentive Value	
Annual Net Incentive to Developer	\$79,163
Total Term Incentive to Developer	\$949,952
City's Portion of Property Taxes Forgone	\$0
Potential TIF District Revenue (#3 & #4) Forgone	\$1,333,586
Public Benefit	
CPS PILOT	
Annual CPS Pilot	\$50,238
Total Term CPS PILOT	\$602,854
VTICA	
Annual VTICA	\$22,835
Total Term VTICA	\$274,025
Income Tax (Max)	\$363,857
Total Public Benefit (CPS PILOT/VTICA /Income Tax)	\$1,240,736
Total Public Benefit ROI**	\$1.31
City's ROI**	\$0.93

*This summary does not include the potential Tax Increment Financing assistance for gap financing.

**If the project were going to happen regardless of incentive, this is the return of real dollars for public benefits as potential future dollars are forgone. Note that the property is located in both the Downtown OTR West TIF District and Downtown OTR East TIF District which impacts the standard City property tax calculation.

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the councilmember(s).

- Assistant City Manager: William Weber
- DCED Director: Markiea Carter
- Project Attorney: Samantha Brandenburg

The anticipated council timeline is as follows:

- June 15, 2022: City Council for Introduction
- June 21, 2022: Budget and Finance Committee
- June 27, 2022: Budget and Finance Committee
- June 29, 2022: City Council for Final Approval

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. The emergency clause in the Ordinance is required for the developer to maintain a strict project schedule and minimize increased construction costs.

Attachment: A. Property locations and photographs

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Attachment A: Locations and Photographs

Property Locations



1701-1705 Race Street



1338 & 1401 Main Street

Property Photographs



1701-1705 Race Street



1338 & 1401 Main Street

EMERGENCY

City of Cincinnati

ZDS

AWB

An Ordinance No. _____ - 2022

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with OTR Holdings, Inc., or an affiliate acceptable to the City, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 1701-1705 Race Street and 1338 and 1401 Main Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of five vacant buildings into a mixed-use development containing approximately 6,583 square feet of ground floor commercial retail space and approximately 24,271 square feet of residential space consisting of approximately 38 residential rental units, at a total construction cost of approximately \$8,595,106.

WHEREAS, to encourage the development of real property and the acquisition of personal property, the Council of the City of Cincinnati by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a "Community Reinvestment Area" pursuant to Ohio Revised Code ("ORC") Sections 3735.65 through 3735.70 (the "Statute"); and

WHEREAS, Ordinance No. 275-2017 passed by this Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by this Council on October 31, 2018, sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, OTR Holdings, Inc. (the "Company") desires to remodel five vacant buildings on real property at 1701-1705 Race Street and 1338 and 1401 Main Street located within the corporate boundaries of the City of Cincinnati into a mixed-use development containing approximately 6,583 square feet of ground floor commercial retail space and approximately 24,271 square feet of residential space, consisting of approximately 38 residential rental units, (the "Improvements"), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100% of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33% of the exempt real property taxes; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 15% of the exempt real property taxes, which funds shall be committed by the third-party organization to support the streetcar that specially benefits the property; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per ORC Section 3735.673; now, therefore,

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with OTR Holdings, Inc., or an affiliate acceptable to the City (the “Agreement”), thereby authorizing a 12-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 1701-1705 Race Street and 1338 and 1401 Main Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of five vacant buildings into a mixed-use development containing approximately 6,583 square feet of ground floor commercial retail space and approximately 24,271 square feet of residential space, at a total construction cost of approximately \$8,595,106.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City in substantially the form of Attachment A to this ordinance; and
- (ii) to forward on behalf of Council a copy of the Agreement, within fifteen (15) days after execution, to the Director of the Ohio Development Services Agency in accordance with Ohio Revised Code Section 3735.671(F); and

- (iii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Development Services Agency and to the Board of Education of the Cincinnati City School District, in accordance with Ohio Revised Code Section 3735.672; and
- (iv) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. 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 allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and OTR HOLDINGS, INC., an Ohio nonprofit corporation (the "Company"), an affiliate of Cincinnati Center City Development Corporation, commonly known as 3CDC.

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 1701-1705 Race Street, and 1338 and 1401 Main Street, Cincinnati, Ohio 45202 (together, the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel 5 buildings located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.
- P. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.

- Q. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.
- R. This Agreement has been authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.
- S. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel five vacant buildings on the Property into mixed-use space containing approximately 6,583 square feet of ground floor commercial retail space and approximately 24,271 square feet of residential space, consisting of approximately 38 residential rental units (collectively, the "Improvements") at an estimated aggregate cost of \$8,595,106 to commence after the execution of this Agreement and to be completed no later than December 31, 2023; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 12 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, and (D) if a remodeled structure is a structure of historical or architectural significance as

designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2024 nor extend beyond the earlier of (i) tax year 2035 or (ii) the end of the twelfth (12th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or

appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code (“CMC”) Section 323-1-S, “SBEs”). Pursuant to CMC Section 323-11, the City’s annual goal for SBE participation shall be thirty percent (30%) of the City’s total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City’s goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City’s Department of Economic Inclusion. The Company may refer interested firms to the City’s Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.
- (v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.
- (vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 25 full-time permanent jobs and (ii) 180 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$ 1,033,400 of additional annual payroll with respect to the full-time permanent jobs and (ii) \$8,846,900 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption

percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution in order to support the streetcar. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written

notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attn: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, OH 45202

To the Company:

OTR Holdings, Inc.
Attn: Clare Healy
1203 Walnut Street
Cincinnati, OH 45202

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the

Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

OTR HOLDINGS, INC.,
an Ohio nonprofit corporation

By: _____
John P. Curp, Interim City Manager

By: _____

Date: _____, 2022

Printed Name: _____

Title: _____

Date: _____, 2022

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

PARCEL ONE:

Property Address: 1701 Race Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 094-0008-0164-00

Situated in the City of Cincinnati, County of Hamilton, and State of Ohio, and being part of Block F in Findlay & Garrard's Subdivision as recorded in Deed Book 47, page 319, of Hamilton County, Ohio Records and being more particularly described as follows:

Beginning at the Northwest corner of Green and Race Streets; running thence Westwardly along Green Street 100 feet; thence Northwardly and parallel with Race Street 25 feet; thence Eastwardly and parallel with Green Street, 100 feet to Race Street; thence Southwardly along Race Street, 25 feet to the place of beginning.

PARCEL TWO:

Property Address: 1703 Race Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 094-0008-0165-00

SITUATE IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, VIZ: LOT 2, BLOCK "F", WHICH WAS LAID OUT BY GENERAL JAMES FINDLAY AND J.D. GARARD, RECORDED IN BOOK 47, PAGE 319, OF THE HAMILTON COUNTY, OHIO RECORDS, COMMENCING AT A POINT TWENTY-FIVE (25) FEET NORTH OF GREEN STREET ON THE WEST SIDE OF RACE STREET; THENCE WESTWARDLY PARALLEL WITH GREEN STREET ONE HUNDRED (100) FEET; THENCE NORTHWARDLY PARALLEL WITH RACE STREET TWENTY-FIVE (25) FEET; THENCE EASTWARDLY PARALLEL WITH GREEN STREET ONE HUNDRED (100) FEET; THENCE SOUTHWARDLY ALONG RACE STREET TWENTY-FIVE (25) FEET TO THE PLACE OF BEGINNING.

PARCEL THREE:

Property Address: 1705 Race Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 094-0008-0166-00

Situated in Cincinnati, Hamilton County, Ohio, and being Lot 3 of Block "F", Findlay and Garrard's Subdivision, Deed Book 47, Page 319, Recorder's Office.

Beginning at a point in the West line of Race Street which lies 50 feet North of the North line of Green Street, measured along the West line of Race Street; thence South 73° 56' West 100 feet; thence North 16° West 20 feet; thence North 73° 56' East 100 feet; thence South 16° East 20 feet to a point of beginning.

PARCEL FOUR:

Property Address: 1338 Main Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 075-0004-0073-00

Situate in the City of Cincinnati, County of Hamilton, State of Ohio and more fully described as a part of Out Lot 21 of said City commencing at a point on the East side of Main Street, 63.5 feet South of the Southeast corner of Main and Webster Streets; Thence South along the East line of Main Street, 36.5 feet; Thence East parallel to Webster Street, 90 feet to an alley; Thence North along the West line of said alley, 36.5 feet; Thence West parallel to Webster Street, 90 feet to the point of beginning.



PARCEL FIVE:

Property Address: 1401 Main Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 080-0001-0182-00

Situate in the City of Cincinnati, County of Hamilton, State of Ohio, and being more particularly described as follows:

Beginning at the Northwest corner of Main and Fourteenth Streets (formerly Allison Street); Thence in the North line of Fourteenth Street (formerly Allison Street) South $73^{\circ} 56'$ West, 104.38 feet; Thence North $16^{\circ} 06'$ West, 27.00 feet; Thence North $73^{\circ} 56'$ East, 104.43 feet to the West line of Main Street; Thence in said West line South $16^{\circ} 00'$ East, 27.00 feet to the place of beginning.



Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

June 15, 2022

To: Members of Budget and Finance Committee 202201411

From: John P. Curp, Interim City Manager

Subject: **Emergency Ordinance – Authorizing a LEED Community Reinvestment Area Tax Exemption Agreement with Fountain Residential Partners, LLC**

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Fountain Residential Partners, LLC, or an affiliate acceptable to the City, thereby authorizing a 13-year tax exemption for 100% of the value of improvement made to the real property located at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property in the Camp Washington and CUF neighborhoods of Cincinnati, in connection with the construction of 3 new residential buildings into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building challenge standards, at a total construction cost of approximately \$25,000,000.

BACKGROUND/CURRENT CONDITIONS

The proposed project will be located at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property. The project site currently sits on vacant land.

On February 4, 2022, Planning Commission approved the vacation and sale of Hallmar Avenue in CUF as it relates to the project in order for the Developer to establish site control and help facilitate the construction of the proposed multi-family development which required a public right-of-way. Subsequent to the vacation and sale of the subject right-of-way, these properties were rezoned as a Planned Development to facilitate the proposed multi-family development. The vacation and sale of City-owned right-of-way was circulated to all City Departments through Coordinated Report No. 72-2021 in the Fall of 2021. There were no objections noted; however, conditions were identified and are actively being satisfied.

The development of the site will replace underutilized land blocks, create jobs, and increase property values and the tax base.

DEVELOPER INFORMATION

Fountain Residential Partners, LLC (FRP), was established in 2010 and headquartered in Dallas, Texas. FRP is a privately held development and asset management company specializing in luxury, mixed-use, and affordable apartment homes in university and collegiate markets across the U.S.

PROJECT DESCRIPTION

Developer desires to construct 3 new residential buildings on a 7.692 acre-site into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility. The unit count by type and proposed rents are as follows: (56) 1-bedroom units, with rents ranging between \$1,000-1,150, (8) 2-bedroom units with rents at \$1,990 (\$995 per bedroom), (28) 4-bedroom units with rents at \$3,500 (\$875 per bedroom), and (44) 5-bedroom units with rents at \$4,125 (\$825 per bedroom).

The project intends to meet LEED Silver energy efficiency standards. Construction is planned to start in fall 2022 with an anticipated completion date of summer 2024. The project will support the creation of 7.5 full-time equivalent permanent jobs with an estimated total annual payroll of \$350,000 and 300 full-time temporary construction jobs with an estimated total annual payroll of \$2,000,000. Total project cost is estimated at \$35 million with construction costs at approximately \$25 million.

This project represents Plan Cincinnati’s “Vision to Compete” by making a targeted investment, and its “Vision of Live” to support and stabilize our neighborhoods. This projects also achieves Plan Cincinnati’s Live Initiative Area’s Goal to “Provide a full spectrum of housing options, and improving housing quality and affordability”. This incentive is consistent with the uniform rules for Community Reinvestment Areas adopted by Council Ordinance 119-2007. Additionally, the vacation and sale of Hallmar Avenue is consistent with the Connect Initiative Area of Plan Cincinnati (2012), particularly within the Strategy to “Plan, design and implement a safe and sustainable transportation system” (p. 135).

PRIORITIES RUBRIC

Pursuant to the *Priorities Rubric* established by City Council, this project is achieving the following policy objectives as outlined herein:

- **Balance Housing Production:**
 The project intends to create 56 one-bedroom apartment units that will be naturally affordable to households making at or below 80% AMI. The units will be marketed to local college and hospital students and professionals.

Unit Type	# Units	# Beds	Projected Rents	80% 1 BR Rent Limit
1 BR	56	56	\$1,000 – \$1,150	\$1,432

**Source: Hamilton County, Cincinnati, OH-KY-IN HUD Metro FMR Area FY2022*

- **Improvement of Vacant, Blighted and/or Underutilized Properties:**

Project replaces vacant land and adds net-new housing units without displacing residents. Project activates previously vacant property. Project enhances an underutilized site (i.e. vacant parcel) and add new amenities (like housing) to the neighborhood.

- Environmentally Sustainable Development:

Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver.

- Voluntary Incentive Contribution:

As a material representation of the CRA Agreement, the Developer has committed to a 15% VTICA Contribution, half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the applicable neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a Citywide basis. The value of this contribution is estimated to be \$863,456 over the term.

- Inclusion and Local Business:

The Developer has committed to using good faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts. In addition, the Developer will utilize the City of Cincinnati's Small Business Enterprise Utilization Plan to maximize the project's probability of achieving the City's aspirational goal of 30% Small Business Enterprise Utilization.

- Community Outreach:

Project has been presented numerous times to the Camp Washington Business Association, Camp Washington Community Council, Camp Washington Urban Redevelopment Corp., and CUF Neighborhood Association, Inc. as well at Planning Commission. In connection with the Zone Change and Comprehensive Plan process, notices of a Public Hearing before Planning Commission concerning the Project were also distributed to owners within a 400-foot radius and all stakeholders, including the Clifton Heights Community Urban Redevelopment Corporation. Letters of support have been obtained from several businesses/including the Camp Washington Business Association. Developer intends to continue its community engagement during the development process.

- Job Creation and Retention:

Project will support the creation of 7.5 FTE positions with an estimated total annual payroll of \$350K and 300 Temporary Construction jobs with an estimated total annual payroll of \$2MM.

- Place-Based Investment:

Project is located in a Federally designated NRSA and an Opportunity Zone. Project is located within 1/2 mile of the Camp Washington Neighborhood Business District. Furthermore, Developer has a draft contract with Cincy RedBike and are working

with local artists in Camp Washington as it relates to completing the underpass renovations and murals on the new retaining walls.

- Transformative Project:
Project fills a neighborhood need and adds a new community asset (housing for students and university professionals).

PROPOSED INCENTIVE

DCED is recommending a 13-year, net 52% CRA tax exemption based on the project’s financial underwriting. The exemption only applies to the increase in improvement value attributed to the construction.

SUMMARY	
Incentive Value	
Annual Net Incentive to Developer	\$222,949
Total Term Incentive to Developer	\$2,452,436
City's Portion of Property Taxes Forgone	\$662,777
Public Benefit	
CPS PILOT	
Annual CPS Pilot	\$146,123
Total Term CPS PILOT	\$1,899,604
VTICA	
Annual VTICA	\$66,420
Total Term VTICA	\$863,456
Income Tax (Max)	\$105,300
Total Public Benefit (CPS PILOT/VTICA /Income Tax)	\$2,868,360
Total Public Benefit ROI*	\$1.17
City's ROI***	\$4.33

*If the project were going to happen regardless of incentive, this is the return of real dollars for public benefits as potential future dollars are forgone

** If the project were going to happen regardless of incentive, this is the return of real dollars for public benefits as potential property tax dollars to be received by the City are forgone.

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the councilmember(s).

- Assistant City Manager: William Weber
- DCED Director: Markiea Carter
- Project Attorney: Samantha Brandenburg

The anticipated council timeline is as follows:

- June 15, 2022: City Council for Introduction

LEED Commercial Reinvestment Area Tax Exemption Agreement

*Fountain Residential Partners, LLC – 2701 W. McMicken Ave, 2746-43-21 Central Pkwy, 1009
Marshall Ave*

Page 5 of 5

- June 21, 2022: Budget and Finance Committee
- June 27, 2022: Budget and Finance Committee
- June 29, 2022: City Council for Final Approval

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. The emergency clause in the Ordinance is required for the developer to maintain a strict project schedule and minimize increased construction costs.

Attachment: A. Property location, photograph, and site plan

Attachment: B. Council Priorities Rubric

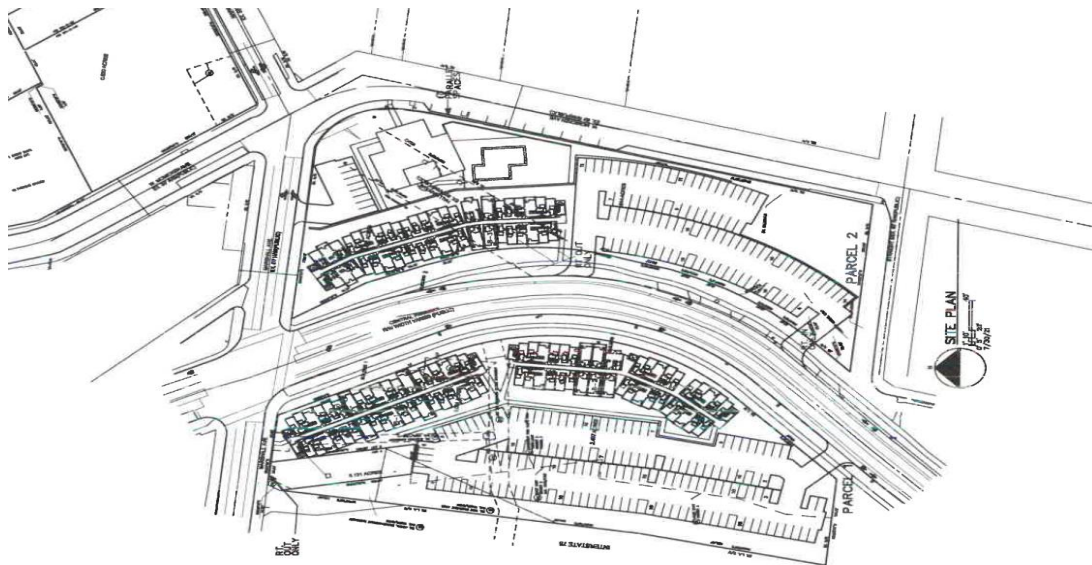
Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Attachment A: Location, Photograph, and Site Plan

Property Location & Photograph



Site Plan



Attachment B: Council Priorities Rubric

BALANCED DEVELOPMENT PRIORITIES

Do total costs of the Project exceed \$5 million? Yes No

Does the present value of proposed City assistance exceed \$3 million? Yes No (\$2.9m est. total taxes exempted for term minus school board payment)

CATEGORY	APPLICABLE?	EXCEEDS	MEETS
BALANCED HOUSING PRODUCTION <ul style="list-style-type: none"> Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions. Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions. Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions. Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents. 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IMPROVEMENT OF VACANT, BLIGHTED AND/OR UNDERUTILIZED PROPERTIES <ul style="list-style-type: none"> Project replaces a vacant and/or underutilized property and adds net-new housing units without displacing existing residents. Project activates a previously vacant building or property. Project eliminates a blighted parcel or parcels (as defined in Ohio Revised Code Section 1.08). Project enhances an underutilized site (i.e. vacant parcel or surface parking lot) and adds new amenities (like housing, office, commercial, community space, etc.) to the neighborhood. Project will involve remediation of a brownfield site or involves mitigation of previously existing site conditions that make redevelopment difficult. 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT <ul style="list-style-type: none"> Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver, Gold or Platinum or Living Building Challenge Net Zero or Petal (which must comply with the requirements of LBC). 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VOLUNTARY TAX INCENTIVE CONTRIBUTION <ul style="list-style-type: none"> Applicant has represented that it (i) will contribute at least 15% of the exempted value of the improvements either in support streetcar operations or to further 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

neighborhood improvements in the neighborhood of the project and affordable housing city-wide and (ii) will execute an agreement with a third-party memorializing such contribution.			
INCLUSION AND LOCAL BUSINESSES	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code. Applicant has participated, is participating, or will participate in the City's program advancing minority development professionals. To the extent financially feasible, if a new commercial space becomes available as part of this Project, Applicant has committed (or will cause the end-user to commit) to using commercially reasonable efforts to market and offer this space to local businesses and minority businesses. 			
COMMUNITY OUTREACH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Applicant has engaged all necessary stakeholders in the community in an open and public process, as early as feasible. DCED made information available to Applicant regarding best practices for community engagement. In the interest of mitigating displacement directly associated with the Project, Applicant has engaged any and all tenants, businesses, and persons that as a direct result of the Project may be entitled to relocation benefits pursuant to Chapter 740 of the Cincinnati Municipal Code. 			
LIVING WAGES AND LOCAL JOBS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Applicant has committed that all jobs created by the Project (during construction and after) will comply with the City's Living Wage Policy. Applicant has represented that it will engage a partner in the Labor community on construction of the Project to ensure good wages and career training. Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City. 			
JOB CREATION AND RETENTION	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Project will create and/or retain significant jobs and payroll. Project will create and/or retain small/neighborhood business jobs and payroll. Project will create and/or retain more than 10 jobs per acre. 			
PLACE-BASED INVESTMENT	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Project is located in a Federally designated NRSA and/or Opportunity Zone. Project is located within 1/2 mile of a Neighborhood Business District. Project is located along a transit corridor. 			
<ul style="list-style-type: none"> Project encourages traditional compact, walkable neighborhood development. Project is placed within a federally designated Hub Zone. 			
HISTORIC PRESERVATION	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Project will directly lead to the preservation of a historic structure. Project will create increased market activity and investment that will support and encourage preservation of proximate historic structures. 			
TRANSFORMATIVE PROJECT	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Project fills a neighborhood need and/or adds a new community asset (i.e. retail, commercial, grocery, housing). Project saves or preserves existing community asset. Project creates or enhances a public space to be utilized by the community. Project creates/repairs City infrastructure. Project is within a "Targeted Neighborhood" as defined in Ordinance No. 275-2017, as amended. Project is a "Catalytic Project" as defined in Ordinance No. 275-2017, as amended. 			

The Balanced Development Priorities outlined herein are intended to be utilized as a starting point for discussions of certain public benefits created by applicable projects, and are not intended to prevent or discourage the City Administration from presenting projects for Council consideration that do not meet the criteria listed herein. Acknowledging that projects may have benefits that are not captured in the criteria set forth in the Balanced Development Priorities, Council encourages the City Administration to bring forth all worthy projects.

EMERGENCY

City of Cincinnati

EVK

AWB

An Ordinance No. _____

- 2022

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Fountain Residential Partners, LLC, or an affiliate acceptable to the City, thereby authorizing a 13-year tax exemption for 100% of the value of improvements made to real property located at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property in the Camp Washington and CUF neighborhoods of Cincinnati, in connection with the construction of 3 new residential buildings into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$25,000,000.

WHEREAS, to encourage the development of real property and the acquisition of personal property, the Council of the City of Cincinnati by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a "Community Reinvestment Area" pursuant to Ohio Revised Code ("ORC") Sections 3735.65 through 3735.70 (the "Statute"); and

WHEREAS, Ordinance No. 275-2017 passed by this Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by this Council on October 31, 2018 (as amended, the "Commercial Policy Ordinance"), sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, to encourage the development of real property in a more environmentally-friendly manner, the Commercial Policy Ordinance incentivizes: (i) construction and remodeling to Leadership in Energy and Environmental Design ("LEED") standards (as defined by the U.S. Green Building Council); and (ii) construction and remodeling that obtains (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the "Energy Petal" of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (collectively, "LBC" standards), all pursuant to the Statute; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Fountain Residential Partners, LLC (the “Company”) desires to construct 3 new buildings on real property at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property located within the corporate boundaries of the City of Cincinnati, into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility, to LEED or LBC standards (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100% of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33% of the exempt real property taxes; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 15% of the exempt real property taxes, which funds shall be committed by the third-party organization to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per ORC Section 3735.673; now, therefore,

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Fountain Residential Partners, LLC, or an affiliate acceptable to the City (the “Agreement”), thereby authorizing a 13-year tax exemption for

100% of the assessed value of improvements to be made to real property located at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the construction of 3 new residential buildings into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility, to be constructed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) or Living Building Challenge standards (as described in the Agreement and as determined by the International Living Future Institute and the Cascadia Green Building Council, as applicable) at a total construction cost of approximately \$25,000,000.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City in substantially the form of Attachment A to this ordinance; and
- (ii) to forward on behalf of Council a copy of the Agreement, within fifteen (15) days after execution, to the Director of the Ohio Development Services Agency in accordance with Ohio Revised Code Section 3735.671(F); and
- (iii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Development Services Agency and to the Board of Education of the Cincinnati City School District, in accordance with Ohio Revised Code Section 3735.672; and
- (iv) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. 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 allow the construction described in this ordinance and the corresponding

revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A to Ordinance

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

SEE ATTACHED

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and FOUNTAIN RESIDENTIAL PARTNERS, LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design ("LEED") Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the "Energy Petal" of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as "LBC" remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real properties within the City, located at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property (collectively, the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the construction of 3 new buildings on the Property to LEED Silver standards, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.

- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. The Company acknowledges that the Camp Washington and CUF neighborhoods are rising neighborhoods in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities, and organizations will contribute to the quality and vitality of the neighborhoods, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhoods. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Camp Washington and CUF neighborhoods and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to

enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Camp Washington and CUF neighborhoods and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- Q. This Agreement has been authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.
- R. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to construct 3 new residential buildings into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility, on the Property (the "Improvements") at an estimated aggregate cost of \$25,000,000 to commence after the execution of this Agreement and to be completed no later than March 31, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The construction shall be in compliance with applicable building code requirements and zoning regulations, as well as complying with LEED Silver standards. The Company hereby represents that it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "ADA"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "Contractual Minimum Accessibility Requirements" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest

extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 13 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of construction, (B) the cost of construction, (C) the facts asserted in the application for exemption, (D) compliance with LBC and/or LEED standards identified in Section 1, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the construction has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2024 nor extend beyond the earlier of (i) tax year 2036 or (ii) the end of the thirteenth (13th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio

Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Business Enterprise Program.

A. Compliance with Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"), which includes SBEs owned by minorities and women ("MBEs" and "WBEs", respectively, as used within CMC Chapter 324, and collectively with SBEs, "Certified Firms"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve (i) the City's goal of voluntarily meeting thirty percent (30%) SBE participation, and (ii) a sub-goal, being the Company's Project-specific voluntary commitment, of meeting the City's economic inclusion program goals to achieve a standard of no less than: seventeen percent (17%) MBE participation and ten percent (10%) WBE participation. A list of SBEs, MBEs, and WBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE, MBE, or WBE. The Company shall comply with the provisions of CMC Chapters 323 and 324, including without limitation taking at least the following affirmative steps:

- (i) Including qualified Certified Firms on solicitation lists.
- (ii) Assuring that Certified Firms are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to Certified Firms to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum Certified Firm participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above Certified Firm participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to Certified Firms, or to provide technical assistance to Certified Firms as may be necessary to reach Certified Firm participation as set out in CMC Chapters 323 and 324 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Sections 323-99 and 324-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 7.5 full-time equivalent permanent jobs and (ii) 100 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$350,000 of additional annual payroll with respect to the full-time equivalent permanent jobs and (ii) \$2,000,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration

and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or

authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. **Generally.** As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. **Material Representations – Board of Education Agreement and VTICA.** The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. **Conflict of Interest.** The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. **Annual Fee.** As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. **Discontinued Operations.** As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio

Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Fountain Residential Partners, LLC
Attention: Trevor Tollett
2626 Cole Avenue
Dallas, Texas 75204

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, Ohio 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse

Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

FOUNTAIN RESIDENTIAL PARTNERS, LLC,
an Ohio limited liability company

By: _____
John P. Curp, Interim City Manager

By: _____

Date: _____, 2022

Printed Name: _____

Title: _____

Date: _____, 2022

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION

Property Address: 1009 Marshall Avenue, Cincinnati, OH 45225

TRACT IX: Auditor's Parcel No. 189-0019-0124

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, and more particularly described as follows:

Lot No. 4 and the east ten (10) feet of Lot No. 5, all of which are shown on the Sheriff's Plat of Subdivision of the original Lot No. 47 in the Subdivision made by the Commissioner under order of Court in action for partition among the heirs of Col. John Riddle, deceased, in Case No. 7879, Hamilton County Common Pleas Court as recorded in Plat Book No. 1, Pages 264 and 265 in the Hamilton County Recorder's Office and which Sheriff's Plat is recorded in Plat Book No. 2, Pages 40 and 44 on the same records.

Excepting therefrom Deed Book 3138, Page 107 to the City of Cincinnati.

Property Address: 2721 Central Parkway, Cincinnati, OH 45225

TRACT X: Auditor's Parcel No. 189-0019-0125

Situated in Section 20, Town 3, Fractional Range 2, Cincinnati, Ohio, and being more particularly described as follows:

Beginning at an existing iron pin in the southerly right of way line of Marshall Avenue, said pin being North 84°29'46" West, 61.89 feet from the intersection of the westerly right of way line of Central Parkway and the southerly right of way line of Marshall Avenue, said pin also being the northwest corner of Lot 3 of A.J. Riddle's Subdivision of Lot #47 per Sheriff as recorded in Plat Book 2, Page 41, Hamilton County, Ohio Records;

Thence with the southerly right of way line of Marshall Avenue South 84°29'46" East, 61.89 feet to the westerly right of way line of Central Parkway; thence with said right of way line of Central Parkway South 25°45'00" East, 133.35 feet to an iron pin; thence South 08°23'28" East, 32.00 feet to an iron pin in the north line of Lot 54 of F. Witte's Subdivision as recorded in Plat Book 3, Pages 195 and 205; thence with the said north line South 84°29'46" East, 11.15 feet to an iron pin in the westerly right of way line of Central Parkway; thence with said westerly right of way line South 25°45'00" East, 19.87 feet; thence with said right of way, along a curve to the right with a radius of 260.00 feet, a length of 325.78 feet, said curve being subtended by a chord bearing South 10°08'45" West 304.88 feet; thence continuing along said right of way South 46°02'30" West, 153.20 feet to the northerly right of way line of Straight Street; thence with said northerly right of way line of Straight Street North 84°28'10" West, 52.07 feet; thence North 84°35'36" West, 52.55 feet to a fence post being the easterly right of way line of Interstate 75; thence along said fence and right of way line North 10°28'48" East, 194.23 feet; thence leaving said right of way line North 07°50'45" East, 375.85 feet along a common line with an Access Easement owned by the City of Cincinnati as recorded in Deed Book 4363, Page 1787, to an iron pin, said pin being South 31°02'00" West, 14.87 feet from an iron pin in the Southerly right of way of Marshall Avenue; thence South 09°29'09" East, 136.31 feet to an iron pin in the north line of Lot 54 of F. Witte's Subdivision; thence with said north line of Lot 54, South 84°29'46" East, 40.00 feet to the southwest corner of Lot 3 of the Subdivision of Lot 47 of A.J. Riddle's original subdivision; thence with the westerly line of said Lot 3 North 09°29'09" West, 150.20 feet to the place of beginning. Containing 2.431 acres of land.

Property Address: 2743 Central Parkway, Cincinnati, OH 45225

TRACT XI: Auditor's Parcel No. 189-0019-0167

A triangular shaped tract of land in the City of Cincinnati, Section 20, Millcreek Township, Hamilton County, Ohio, lying east of and adjacent to part of Lot No. 1 of A.J. Riddle's Subdivision per sheriff of Lot No. 47 of Col. John Riddle's estate, and bounded and described as follows:

Beginning at a west line of Central Parkway at the intersection of the extension of the south line of said Lot No. 1; thence northwestwardly 35 feet more or less along the westerly side of Central Parkway to a point in the west state line of the Miami and Erie Canal land; thence southwardly 32 feet along the said west state line to a point in the south line of said Lot No. 1; said point being 39.83 feet east of the west line of said Lot No. 1; thence east 11 feet more or less along an extension of the south line of said Lot No. 1 to the place of beginning and being part of Miami and Erie Canal State land and containing approximately 157 square feet.

Property Address: 2746 Central Parkway, Cincinnati, OH 45225

TRACT XII: Auditor's Parcel No. 098-0002-0027

Situate in Section 20, Town 3, Fractional Range 2, City of Cincinnati, Hamilton County, Ohio and being part of Lots 1, 2 and 3 of A.J. Riddle's Subdivision of Lot 53 as recorded in P.B. 2, Pg. 41 and being more particularly described as follows:

Beginning at a wall corner at the intersection of the south line of Marshall Avenue, 60' R/W and the northerly line of Hallmar Avenue, 60' R/W, measure with said Hallmar Avenue South $32^{\circ}03'28''$ West, 191.25 feet to asset $5/8''$ iron pin; thence North $86^{\circ}17'32''$ West, 29.65 feet to a set $5/8''$ iron pin in the easterly line of Central Parkway, R/W varies; thence with said Central Parkway the following three courses; North $23^{\circ}41'02''$ West, 35.20 feet to a set $5/8''$ iron pin; thence North $26^{\circ}56'02''$ West to a set $5/8''$ iron pin 65.45; thence North $37^{\circ}53'26''$ West, 91.24 feet to a set $5/8''$ iron pin at the intersection of said Central Parkway and said Marshall Avenue; thence South $89^{\circ}24'00''$ East, 230.93 feet to the Place of Beginning. Containing 20,120 square feet of land more or less (0.462 acres). Bearing based on O.R. 8940, Page 531 Hamilton County Recorder's Office. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg No. 7902.

Property Address: 2701 W McMicken Avenue, Cincinnati, OH 45225

TRACT XIII: Auditor's Parcel No. 098-0002-0017

Situate in Section 20, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 51 and 52 of Col. John Riddle's Estate Subdivision as recorded in P.B. 1, Pages 264 and 265, and part Lot 1 of A. C. Riddle's Subdivision of Lot 53 of Col. J. Riddle Subdivision recorded in Plat Book 2, Page 41, and part of Lots 1 thru 4 of A.C. Riddle's Subdivision as recorded in Plat Book 3, Page 177 and being more particularly described as follows:

Beginning at a set 5/8" iron pin at the intersection of the north line of Straight Street, 60' R/W and the west line of McMicken Avenue, 60' R/W; thence with said Straight Street North 89°35'20" West, 225.00 feet to a set 5/8" iron pin in the east line of Central Parkway, R/W varies; thence with said Central Parkway the following ten courses:

1. North 40°38'15" East, 38.83 feet to a set 5/8" iron pin;
2. North 39°35'30" East, 38.26 feet to a set 5/8" iron pin;
3. North 35°34'48" East, 36.25 feet to a set 5/8" iron pin;
4. North 30°26'12" East, 28.53 feet to an existing iron pin;
5. North 25°55'10" East, 27.37 feet to a set 5/8" iron pin;
6. North 20°53'47" East, 31.65 feet to an existing iron pin;
7. North 17°11'03" East, 30.96 feet to a set 5/8" iron pin;
8. North 10°35'40" East, 50.20 feet to a set 5/8" iron pin;
9. North 16°18'43" East, 51.37 feet to a set 5/8" iron pin;
10. North 29°09'03" East, 56.35 feet to a set 5/8" iron pin;

Thence with the east line of Hallmar Avenue, 60' R/W, North 32°03'36" East, 215.33 feet to a set cross notch; thence South 80°45'33" East, 16.64 feet to a set cross notch in the west line of said McMicken Avenue; thence with said McMicken Avenue the following three courses:

1. South 07°53'40" East, 28.25 feet to a set cross notch;
2. South 03°35'36" West, 27.13 feet to a set cross notch;
3. South 09°14'27" West, 477.21 feet to the Place of Beginning.

Containing 65,958 square feet of land more or less (1.514 acres). Bearings based on O.R. 8940, Page 531 Hamilton County Recorder's Office. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

All that lot of land in the City of Cincinnati, County of Hamilton, and State of Ohio, situate on McMicken Avenue (formerly called Bates Road and Brown Street), North of Marshall Avenue, fronting on the East side of McMicken Avenue, 66 feet and extending back easterly between parallel lines, 231 feet on the South line and 235 feet on the North line, more or less to the line of Colonel John Riddle's Estate, and being lot Sixty-two of David Quinn's Subdivision of Camp Washington, in said city, as recorded in Plat Book 2, page 253, of the Plat Records of Hamilton County, Ohio.

**LEGAL DESCRIPTION
HALLMAR AVENUE VACATION**

SITUATE IN SECTION 20, TOWN 3, FRACTIONAL RANGE 2, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, AND BEING PART OF LOTS 1, 2, AND 3 OF A.J. RIDDLE'S SUBDIVISION OF LOT 53 AS RECORDED IN PLAT BOOK 2, PAGE 41, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at an iron pin set and being at a wall corner at the intersection of the south right-of-way line of Marshall Avenue, and the northwesterly right-of-way line of Hallmar Avenue, and being the northeast corner of Tract XIII owned by Marshall At Central, L.L.C. as described in Official Record 13324, Page 2476;

thence, South 84°10'50" East, 6.27 feet, to a cut cross set;

thence, South 37°38'21" East, 72.49 feet, to a cut cross set on the west right-of-way line of West McMicken Avenue and being the northeast corner of Tract XIII owned by Marshall At Central, L.L.C. as described in Official Record 13324, Page 2476;

thence, North 75°32'30" West, 16.64, along the north line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set and being the northwest corner of said Tract XII;

thence, South 37°16'55" West, 127.10 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, South 37°16'39" West, 88.23 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, South 34°22'05" West, 56.35 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, South 21°31'45" West, 51.37 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, North 09°24'07" East, 52.19 feet, to a cut cross set;

thence, North 00°09'22" West, 36.87 feet, to a Mag nail set;

thence, North 03°43'42" West, 63.94 feet, to an iron pin set;

thence, North 07°45'59" West, 19.96 feet, to an iron pin found on the east right-of-way of Central Parkway and being the southwest corner of said Tract XIII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, South 81°04'22" East, 29.65 feet, along the south line of said Tract XIII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, North 37°16'38" East, 191.25 feet, along the east line of said Tract XIII owned by Marshall At Central, L.L.C. to an iron pin set and being the point of beginning.

Containing 0.387 acres more or less with all being subject to any legal highway and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629, based on a field survey performed under his direct supervision and dated November 23, 2021, All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-AJB PS 8629."


Allen J. Bertke, PS #8629



11/23/2021
Date

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED TO EXECUTION VERSION

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this “Agreement”) is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the “City”), and FOUNTAIN RESIDENTIAL PARTNERS, LLC, an Ohio limited liability company (the “Company”).

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the “Statute”).
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director’s determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the “Commercial Policy Ordinance”), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design (“LEED”) Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as “LBC” remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real properties within the City, located at 2701 W. McMicken Avenue, 2746 Central Parkway, 2743 Central Parkway, 2721 Central Parkway, 1009 Marshall Avenue, and adjacent property (collectively, the “Property”), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the “Excluded Property”), and the Company acknowledges and agrees that the City’s Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the construction of 3 new buildings on the Property to LEED Silver standards, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the “Project”); provided that the appropriate development incentives are available to support the economic viability of the Project.

- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. The Company acknowledges that the Camp Washington and CUF neighborhoods are rising neighborhoods in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities, and organizations will contribute to the quality and vitality of the neighborhoods, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhoods. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Camp Washington and CUF neighborhoods and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to

enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement (“VTICA”) with a City-designated third-party non-profit administrative organization (the “Third-Party Administrator”) to contribute to the Third-Party Administrator an amount equal to 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the “VTICA Contribution”). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Camp Washington and CUF neighborhoods and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- Q. This Agreement has been authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.
- R. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company’s representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project’s effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to construct 3 new residential buildings into approximately 134,620 square feet of residential rental space, consisting of approximately 136 residential rental units, and a clubhouse and leasing facility, on the Property (the “Improvements”) at an estimated aggregate cost of \$25,000,000 to commence after the execution of this Agreement and to be completed no later than March 31, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the “Housing Officer”) may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director’s judgment, the Company is proceeding in good faith towards completion. The construction shall be in compliance with applicable building code requirements and zoning regulations, as well as complying with LEED Silver standards. The Company hereby represents that it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the “**ADA**”), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a “place of public accommodation” or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, “**Contractual Minimum Accessibility Requirements**” means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building’s primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest

extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 13 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of construction, (B) the cost of construction, (C) the facts asserted in the application for exemption, (D) compliance with LBC and/or LEED standards identified in Section 1, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the construction has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2024 nor extend beyond the earlier of (i) tax year 2036 or (ii) the end of the thirteenth (13th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio

Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Business Enterprise Program.

A. Compliance with Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"), which includes SBEs owned by minorities and women ("MBEs" and "WBEs", respectively, as used within CMC Chapter 324, and collectively with SBEs, "Certified Firms"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve (i) the City's goal of voluntarily meeting thirty percent (30%) SBE participation, and (ii) a sub-goal, being the Company's Project-specific voluntary commitment, of meeting the City's economic inclusion program goals to achieve a standard of no less than: seventeen percent (17%) MBE participation and ten percent (10%) WBE participation. A list of SBEs, MBEs, and WBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE, MBE, or WBE. The Company shall comply with the provisions of CMC Chapters 323 and 324, including without limitation taking at least the following affirmative steps:

- (i) Including qualified Certified Firms on solicitation lists.
- (ii) Assuring that Certified Firms are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to Certified Firms to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum Certified Firm participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above Certified Firm participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to Certified Firms, or to provide technical assistance to Certified Firms as may be necessary to reach Certified Firm participation as set out in CMC Chapters 323 and 324 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Sections 323-99 and 324-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 7.5 full-time equivalent permanent jobs and (ii) 100 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$350,000 of additional annual payroll with respect to the full-time equivalent permanent jobs and (ii) \$2,000,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration

and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or

authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio

Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Fountain Residential Partners, LLC
Attention: Trevor Tollett
2626 Cole Avenue
Dallas, Texas 75204

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, Ohio 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse

Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

FOUNTAIN RESIDENTIAL PARTNERS, LLC,
an Ohio limited liability company

By: _____
John P. Curp, Interim City Manager

By: _____

Date: _____, 2022

Printed Name: _____

Title: _____

Date: _____, 2022

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION

Property Address: 1009 Marshall Avenue, Cincinnati, OH 45225

TRACT IX: Auditor's Parcel No. 189-0019-0124

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, and more particularly described as follows:

Lot No. 4 and the east ten (10) feet of Lot No. 5, all of which are shown on the Sheriff's Plat of Subdivision of the original Lot No. 47 in the Subdivision made by the Commissioner under order of Court in action for partition among the heirs of Col. John Riddle, deceased, in Case No. 7879, Hamilton County Common Pleas Court as recorded in Plat Book No. 1, Pages 264 and 265 in the Hamilton County Recorder's Office and which Sheriff's Plat is recorded in Plat Book No. 2, Pages 40 and 44 on the same records.

Excepting therefrom Deed Book 3138, Page 107 to the City of Cincinnati.

Property Address: 2721 Central Parkway, Cincinnati, OH 45225

TRACT X: Auditor's Parcel No. 189-0019-0125

Situated in Section 20, Town 3, Fractional Range 2, Cincinnati, Ohio, and being more particularly described as follows:

Beginning at an existing iron pin in the southerly right of way line of Marshall Avenue, said pin being North 84°29'46" West, 61.89 feet from the intersection of the westerly right of way line of Central Parkway and the southerly right of way line of Marshall Avenue, said pin also being the northwest corner of Lot 3 of A.J. Riddle's Subdivision of Lot #47 per Sheriff as recorded in Plat Book 2, Page 41, Hamilton County, Ohio Records;

Thence with the southerly right of way line of Marshall Avenue South 84°29'46" East, 61.89 feet to the westerly right of way line of Central Parkway; thence with said right of way line of Central Parkway South 25°45'00" East, 133.35 feet to an iron pin; thence South 08°23'28" East, 32.00 feet to an iron pin in the north line of Lot 54 of F. Witte's Subdivision as recorded in Plat Book 3, Pages 195 and 205; thence with the said north line South 84°29'46" East, 11.15 feet to an iron pin in the westerly right of way line of Central Parkway; thence with said westerly right of way line South 25°45'00" East, 19.87 feet; thence with said right of way, along a curve to the right with a radius of 260.00 feet, a length of 325.78 feet, said curve being subtended by a chord bearing South 10°08'45" West 304.88 feet; thence continuing along said right of way South 46°02'30" West, 153.20 feet to the northerly right of way line of Straight Street; thence with said northerly right of way line of Straight Street North 84°28'10" West, 52.07 feet; thence North 84°35'36" West, 52.55 feet to a fence post being the easterly right of way line of Interstate 75; thence along said fence and right of way line North 10°28'48" East, 194.23 feet; thence leaving said right of way line North 07°50'45" East, 375.85 feet along a common line with an Access Easement owned by the City of Cincinnati as recorded in Deed Book 4363, Page 1787, to an iron pin, said pin being South 31°02'00" West, 14.87 feet from an iron pin in the Southerly right of way of Marshall Avenue; thence South 09°29'09" East, 136.31 feet to an iron pin in the north line of Lot 54 of F. Witte's Subdivision; thence with said north line of Lot 54, South 84°29'46" East, 40.00 feet to the southwest corner of Lot 3 of the Subdivision of Lot 47 of A.J. Riddle's original subdivision; thence with the westerly line of said Lot 3 North 09°29'09" West, 150.20 feet to the place of beginning. Containing 2.431 acres of land.

Property Address: 2743 Central Parkway, Cincinnati, OH 45225

TRACT XI: Auditor's Parcel No. 189-0019-0167

A triangular shaped tract of land in the City of Cincinnati, Section 20, Millcreek Township, Hamilton County, Ohio, lying east of and adjacent to part of Lot No. 1 of A.J. Riddle's Subdivision per sheriff of Lot No. 47 of Col. John Riddle's estate, and bounded and described as follows:

Beginning at a west line of Central Parkway at the intersection of the extension of the south line of said Lot No. 1; thence northwestwardly 35 feet more or less along the westerly side of Central Parkway to a point in the west state line of the Miami and Erie Canal land; thence southwardly 32 feet along the said west state line to a point in the south line of said Lot No. 1; said point being 39.83 feet east of the west line of said Lot No. 1; thence east 11 feet more or less along an extension of the south line of said Lot No. 1 to the place of beginning and being part of Miami and Erie Canal State land and containing approximately 157 square feet.

Property Address: 2746 Central Parkway, Cincinnati, OH 45225

TRACT XII: Auditor's Parcel No. 098-0002-0027

Situate in Section 20, Town 3, Fractional Range 2, City of Cincinnati, Hamilton County, Ohio and being part of Lots 1, 2 and 3 of A.J. Riddle's Subdivision of Lot 53 as recorded in P.B. 2, Pg. 41 and being more particularly described as follows:

Beginning at a wall corner at the intersection of the south line of Marshall Avenue, 60' R/W and the northerly line of Hallmar Avenue, 60' R/W, measure with said Hallmar Avenue South $32^{\circ}03'28''$ West, 191.25 feet to asset $5/8''$ iron pin; thence North $86^{\circ}17'32''$ West, 29.65 feet to a set $5/8''$ iron pin in the easterly line of Central Parkway, R/W varies; thence with said Central Parkway the following three courses; North $23^{\circ}41'02''$ West, 35.20 feet to a set $5/8''$ iron pin; thence North $26^{\circ}56'02''$ West to a set $5/8''$ iron pin 65.45; thence North $37^{\circ}53'26''$ West, 91.24 feet to a set $5/8''$ iron pin at the intersection of said Central Parkway and said Marshall Avenue; thence South $89^{\circ}24'00''$ East, 230.93 feet to the Place of Beginning. Containing 20,120 square feet of land more or less (0.462 acres). Bearing based on O.R. 8940, Page 531 Hamilton County Recorder's Office. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg No. 7902.

Property Address: 2701 W McMicken Avenue, Cincinnati, OH 45225

TRACT XIII: Auditor's Parcel No. 098-0002-0017

Situate in Section 20, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 51 and 52 of Col. John Riddle's Estate Subdivision as recorded in P.B. 1, Pages 264 and 265, and part Lot 1 of A. C. Riddle's Subdivision of Lot 53 of Col. J. Riddle Subdivision recorded in Plat Book 2, Page 41, and part of Lots 1 thru 4 of A.C. Riddle's Subdivision as recorded in Plat Book 3, Page 177 and being more particularly described as follows:

Beginning at a set 5/8" iron pin at the intersection of the north line of Straight Street, 60' R/W and the west line of McMicken Avenue, 60' R/W; thence with said Straight Street North 89°35'20" West, 225.00 feet to a set 5/8" iron pin in the east line of Central Parkway, R/W varies; thence with said Central Parkway the following ten courses:

1. North 40°38'15" East, 38.83 feet to a set 5/8" iron pin;
2. North 39°35'30" East, 38.26 feet to a set 5/8" iron pin;
3. North 35°34'48" East, 36.25 feet to a set 5/8" iron pin;
4. North 30°26'12" East, 28.53 feet to an existing iron pin;
5. North 25°55'10" East, 27.37 feet to a set 5/8" iron pin;
6. North 20°53'47" East, 31.65 feet to an existing iron pin;
7. North 17°11'03" East, 30.96 feet to a set 5/8" iron pin;
8. North 10°35'40" East, 50.20 feet to a set 5/8" iron pin;
9. North 16°18'43" East, 51.37 feet to a set 5/8" iron pin;
10. North 29°09'03" East, 56.35 feet to a set 5/8" iron pin;

Thence with the east line of Hallmar Avenue, 60' R/W, North 32°03'36" East, 215.33 feet to a set cross notch; thence South 80°45'33" East, 16.64 feet to a set cross notch in the west line of said McMicken Avenue; thence with said McMicken Avenue the following three courses:

1. South 07°53'40" East, 28.25 feet to a set cross notch;
2. South 03°35'36" West, 27.13 feet to a set cross notch;
3. South 09°14'27" West, 477.21 feet to the Place of Beginning.

Containing 65,958 square feet of land more or less (1.514 acres). Bearings based on O.R. 8940, Page 531 Hamilton County Recorder's Office. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902.

All that lot of land in the City of Cincinnati, County of Hamilton, and State of Ohio, situate on McMicken Avenue (formerly called Bates Road and Brown Street), North of Marshall Avenue, fronting on the East side of McMicken Avenue, 66 feet and extending back easterly between parallel lines, 231 feet on the South line and 235 feet on the North line, more or less to the line of Colonel John Riddle's Estate, and being lot Sixty-two of David Quinn's Subdivision of Camp Washington, in said city, as recorded in Plat Book 2, page 253, of the Plat Records of Hamilton County, Ohio.

**LEGAL DESCRIPTION
HALLMAR AVENUE VACATION**

SITUATE IN SECTION 20, TOWN 3, FRACTIONAL RANGE 2, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, AND BEING PART OF LOTS 1, 2, AND 3 OF A.J. RIDDLE'S SUBDIVISION OF LOT 53 AS RECORDED IN PLAT BOOK 2, PAGE 41, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at an iron pin set and being at a wall corner at the intersection of the south right-of-way line of Marshall Avenue, and the northwesterly right-of-way line of Hallmar Avenue, and being the northeast corner of Tract XIII owned by Marshall At Central, L.L.C. as described in Official Record 13324, Page 2476;

thence, South 84°10'50" East, 6.27 feet, to a cut cross set;

thence, South 37°38'21" East, 72.49 feet, to a cut cross set on the west right-of-way line of West McMicken Avenue and being the northeast corner of Tract XIII owned by Marshall At Central, L.L.C. as described in Official Record 13324, Page 2476;

thence, North 75°32'30" West, 16.64, along the north line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set and being the northwest corner of said Tract XII;

thence, South 37°16'55" West, 127.10 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, South 37°16'39" West, 88.23 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, South 34°22'05" West, 56.35 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, South 21°31'45" West, 51.37 feet, along the west line of said Tract XII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, North 09°24'07" East, 52.19 feet, to a cut cross set;

thence, North 00°09'22" West, 36.87 feet, to a Mag nail set;

thence, North 03°43'42" West, 63.94 feet, to an iron pin set;

thence, North 07°45'59" West, 19.96 feet, to an iron pin found on the east right-of-way of Central Parkway and being the southwest corner of said Tract XIII owned by Marshall At Central, L.L.C. to an iron pin set;

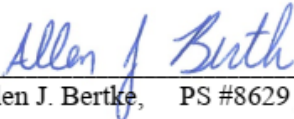
thence, South 81°04'22" East, 29.65 feet, along the south line of said Tract XIII owned by Marshall At Central, L.L.C. to an iron pin set;

thence, North 37°16'38" East, 191.25 feet, along the east line of said Tract XIII owned by Marshall At Central, L.L.C. to an iron pin set and being the point of beginning.

Containing 0.387 acres more or less with all being subject to any legal highway and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629, based on a field survey performed under his direct supervision and dated November 23, 2021, All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-AJB PS 8629."


Allen J. Bertke, PS #8629



11/23/2021
Date

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED TO EXECUTION VERSION

Date: June 23, 2022

To: Councilmember Greg Landsman

From: Andrew W. Garth, City Solicitor *AWG*

202201494

Subject: Emergency Ordinance – FY 2023 Re-Appropriation

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer and appropriation of the sum of \$5,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office non-personnel operating budget account no. 050x101x7400, effective July 1, 2022, for the purpose of providing additional one-time leveraged support funding for the St. Vincent de Paul Society’s Eviction Prevention Initiative in fiscal year 2023.

AWG/IMD(lnk)
Attachment
366313

EMERGENCY

City of Cincinnati

IMD *Aut*

An Ordinance No. _____ - 2022

AUTHORIZING the transfer and appropriation of the sum of \$5,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office non-personnel operating budget account no. 050x101x7400, effective July 1, 2022, for the purpose of providing additional one-time leveraged support funding for the St. Vincent de Paul Society’s Eviction Prevention Initiative in fiscal year 2023.

WHEREAS, \$5,000 was included in the Approved FY 2022 Budget for Councilmember Landsman’s office, which will return to the General Fund unappropriated surplus at the end of fiscal year 2022; and

WHEREAS, Council desires to provide resources in the amount of \$5,000 for additional one-time leveraged support funding for the St. Vincent de Paul Society’s Eviction Prevention Initiative in fiscal year 2023; now, therefore,

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

Section 1. That the sum of \$5,000 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to the City Manager’s Office non-personnel operating budget account no. 050x101x7400, effective July 1, 2022, for the purpose of providing additional one-time leveraged support funding for the St. Vincent de Paul Society’s Eviction Prevention Initiative (the “Initiative”).

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. 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 make these funds available for the Initiative in fiscal year 2023.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 27, 2022

To: Members of the Budget and Finance Committee

From: John P. Curp, Interim City Manager 202201490

Subject: Emergency Ordinance – Law and Buildings & Inspections: Transfer Funds to Audio/Visual Equipment for Public Hearings Capital Project

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source of the sum of \$10,000 from the Law Department non-personnel operating budget account no. 050x112x2000x7281 to the unappropriated surplus of the General Fund; and **AUTHORIZING** the transfer and return to source of the sum of \$25,000 from Department of Buildings and Inspections non-personnel operating budget account no. 050x212x1000x7289 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$35,000 from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x112x221108, “Replace Audio Equipment for Public Hearings.”

Approval of this Emergency Ordinance authorizes the transfer and return to source of the sum of \$10,000 from the Law Department non-personnel operating budget account no. 050x112x2000x7281 to the unappropriated surplus of the General Fund and the transfer and return to source of the sum of \$25,000 from Department of Buildings and Inspections non-personnel operating budget account no. 050x212x1000x7289 to the unappropriated surplus of the General Fund. Additionally, this Emergency Ordinance authorizes the transfer and appropriation of the sum of \$35,000 from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x112x221108, “Replace Audio Equipment for Public Hearings.”

The Approved FY 2022 Capital Budget included \$15,000 in funding for the “Replace Audio Equipment for Public Hearings” capital improvement program project to provide resources for a complete system upgrade including installation of a ceiling microphone tray, audio mixer, two-way ceiling speakers, amplifier, and microphone/line mixer. The Law Department’s Administrative Boards hearing room is used for various public meetings including the Board of Zoning Appeals, the Board of Building Appeals, the Historic Conservation Board and other administrative and public meetings. An upgrade of the audio/visual equipment and software will facilitate a better meeting environment.

The current cost estimate for the project is now \$50,000 creating a \$35,000 shortfall. Since the Department of Buildings and Inspections utilizes the Administrative

Hearings room and audio equipment for their departmental hearings, they have agreed to contribute \$25,000 to cover a portion of the project shortfall from their FY 2022 General Fund non-personnel operating budget savings. The remaining \$10,000 shortfall will be provided by the Law Department from their FY 2022 General Fund non-personnel operating budget savings.

This Emergency Ordinance is in accordance with the “Collaborate” strategy to “[i]mprove service delivery, control costs, and diminish duplication of services” as described on pages 218-219 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure the completion of the purchase and installation of the audio equipment in 2022 to facilitate pending administrative and public meetings in the Law Department’s Administrative Boards hearing room.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

RDH

- 2022

AUTHORIZING the transfer and return to source of the sum of \$10,000 from the Law Department non-personnel operating budget account no. 050x112x2000x7281 to the unappropriated surplus of the General Fund; and **AUTHORIZING** the transfer and return to source of the sum of \$25,000 from Department of Buildings and Inspections non-personnel operating budget account no. 050x212x1000x7289 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$35,000 from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x112x221108, “Replace Audio Equipment for Public Hearings.”

WHEREAS, audio visual equipment upgrades are needed in the Law Department’s Administrative Boards hearing room that is used to facilitate public meetings related to the Board of Zoning Appeals, the Board of Housing Appeals, the Board of Building Appeals, the Historic Conservation Board, and other administrative and public meetings; and

WHEREAS, the Approved FY 2022 Capital Budget included \$15,000 in funding for the “Replace Audio Equipment for Public Hearings” capital improvement program project to provide resources for a complete system upgrade including installation of a ceiling microphone tray, audio mixer, two-way ceiling speakers, amplifier, and microphone/line mixer; and

WHEREAS, the current estimates for the project are now \$50,000, creating a shortfall of \$35,000 in the project account; and

WHEREAS, because the Department of Buildings and Inspections also utilizes the Administrative Boards hearing room and audio equipment for their departmental hearings, they have agreed to contribute \$25,000 to cover a portion of the project shortfall from their FY 2022 General Fund non-personnel operating budget savings; and

WHEREAS, the Law Department has identified the remaining \$10,000 needed to cover the project shortfall from their FY 2022 General Fund non-personnel operating budget savings; and

WHEREAS, there are no new FTEs associated with the purchase of the audio/visual equipment and software; and

WHEREAS, this ordinance is in accordance with the “Collaborate” strategy to “[i]mprove service delivery, control costs, and diminish duplication of services” as described on pages 218-219 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the sum of \$10,000 is hereby transferred from the Law Department General Fund non-personnel operating budget account no. 050x112x2000x7281 to the unappropriated surplus of the General Fund.

Section 2. That the sum of \$25,000 is hereby transferred from the Department of Buildings and Inspections General Fund non-personnel operating budget account no. 050x212x1000x7289 to the unappropriated surplus of the General Fund.

Section 3. That the sum of \$35,000 is hereby transferred and appropriated from the unappropriated surplus of the General Fund to existing capital improvement program project account no. 980x112x221108, "Replace Audio Equipment for Public Hearings."

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

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of 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 need to ensure the completion of the purchase and installation of the audio equipment in 2022 to facilitate pending administrative and public meetings in the Law Department's Administrative Boards hearing room.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 27, 2022

To: Members of the Budget and Finance Committee

From: John P. Curp, Interim City Manager 202201491

Subject: **Emergency Ordinance – CRC: Ohio Department of Education Grant**

Attached is an Emergency Ordinance captioned:

AMENDING Ordinance No. 0065-2022 to increase the amount of a grant award from the Ohio Department of Education from \$500,000 to \$1,096,596.87; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$1,096,596.87, effective FY 2023 from the Ohio Department of Education for the purpose of providing resources to fund the expansion of the Cincinnati Recreation Commission’s Summer Learning and Afterschool Opportunities programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

Approval of this Emergency Ordinance authorizes the City Manager to accept and appropriate a grant in an amount of up to \$1,096,596.87 from the Ohio Department of Education (ODE) for the purpose of providing resources to fund the expansion of the Cincinnati Recreation Commission’s Summer Learning and Afterschool Opportunities programs. This Emergency Ordinance also authorizes the Finance Director to deposit the grant funds into the Recreation Federal Grant Projects Fund 324. There is no local match required and acceptance of the grant will not require the addition of any FTEs.

The program expansion will allow youth to participate in Social-Emotional Learning (SEL) programming, field trips, and provide academic assistance outside of school while utilizing Cincinnati Public Schools (CPS) as a partner. Curriculum will be purchased that centers around SEL and trauma informed care.

Providing resources for the Summer Learning and Afterschool Opportunities programs is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to amend the amount of the grant award and accept the grant resources in a timely fashion.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

LES

- 2022

AMENDING Ordinance No. 0065-2022 to increase the amount of a grant award from the Ohio Department of Education from \$500,000 to \$1,096,596.87; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$1,096,596.87, effective FY 2023, from the Ohio Department of Education for the purpose of providing resources to fund the expansion of the Cincinnati Recreation Commission’s Summer Learning and Afterschool Opportunities programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

WHEREAS, Council approved Ordinance No. 0065-2022 on March 16, 2022, authorizing the City Manager to apply for the Ohio Department of Education (“ODE”) Summer Learning and Afterschool Opportunities Grant in an amount up to \$500,000 for two separate categories: Afterschool Expand, in an amount of up to \$300,000, and Summer Expand, in an amount of up to \$200,000; and

WHEREAS, ODE has instead offered a grant of \$594,371 for Afterschool Expand and \$502,255.87 for Summer Expand, for a grant total of \$1,096,596.87; and

WHEREAS, the Cincinnati Recreation Commission’s (“CRC”) Summer Camp and Afterschool programming allow youth to participate in Social-Emotional Learning (“SEL”) programming, field trips, and academic assistance outside of school with Cincinnati Public Schools as a programming partner; and

WHEREAS, the grant funding will allow CRC to purchase curriculum that centers around SEL and trauma informed care, to better assist program participants in navigating life experience; and

WHEREAS, the Afterschool Expand portion of the grant award provides funding for costs associated with the expansion of existing afterschool programs during the 2022-2023 and 2023-2024 school years; and

WHEREAS, the Summer Expand portion of the grant award provides funding for costs associated with the expansion of existing summer programs for the years 2022, 2023, and 2024; and

WHEREAS, there are no additional FTEs associated with this grant, and there are no matching fund requirements; and

WHEREAS, providing resources for the Summer Learning and Afterschool Opportunities programs is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati

community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That Section 1 of Ordinance No. 0065-2022, approved by Council on March 16, 2022, is hereby amended as follows:

Section 1. That the City Manager is authorized to apply for grant resources from the Ohio Department of Education’s Summer Learning and Afterschool Opportunities Grant in an amount up to ~~\$500,000~~ \$1,096,596.87 to allow the Cincinnati Recreation Commission (“CRC”) to purchase curriculum that centers around social emotional learning and trauma-informed care to better assist CRC’s summer camp and afterschool program participants in navigating life experiences.

Section 2. That all terms of Ordinance No. 0065-2022 not amended in this ordinance remain in full force and effect.

Section 3. That the City Manager is authorized to accept and appropriate a grant of up to \$1,096,596.87, effective FY 2023, from the Ohio Department of Education for the purpose of providing resources to fund the expansion of Summer Learning and Afterschool Opportunities programs for the Cincinnati Recreation Commission’s summer programs for years 2022, 2023, and 2024, and afterschool programs for the 2022-2023 and 2023-2024 school years.

Section 4. That the Finance Director is authorized to deposit the funds into Recreation Federal Grant Projects Fund 324.

Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 through 4 hereof.

Section 6. 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 amend the amount of the grant award and accept the grant resources in a timely fashion.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

New ordinance language underscored. Deleted ordinance language indicated by strikethrough.

June 27, 2022

To: Members of the Budget & Finance Committee

From: John P. Curp, Interim City Manager 202201492

Subject: Emergency Ordinance – Health: General Fund Transfer to Health Network Fund

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of the sum of \$1,396,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of the Health Network Fund for the purpose of providing funds for the ongoing needs of the Cincinnati Health Department through the end of FY 2022.

Approval of this Emergency Ordinance authorizes the transfer of the sum of \$1,396,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of the Health Network Fund for the purpose of providing funds for the ongoing needs of the Cincinnati Health Department through the end of FY 2022.

The Cincinnati Health Department has not yet received anticipated Medicare maximization resources and is facing a budget shortfall for FY 2022. Therefore, General Fund resources are required to be transferred to the Health Network Fund to ensure resources are available to the Cincinnati Health Department for ongoing needs through the end of FY 2022. Once the federal Medicare resources are received, a separate ordinance will be required to return \$1,396,000 from the unappropriated surplus of the Health Network Fund to the General Fund.

The reason for the emergency is the immediate need to allow for the continuation of uninterrupted Cincinnati Health Department services through the end of FY 2022.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

CMZ

2022

AUTHORIZING the transfer of the sum of \$1,396,000 from the unappropriated surplus of the General Fund to the unappropriated surplus of the Health Network Fund for the purpose of providing funds for the ongoing needs of the Cincinnati Health Department through the end of FY 2022.

WHEREAS, the Cincinnati Health Department has not yet received anticipated Medicare maximization resources; and

WHEREAS, General Fund resources are required to be transferred to the Health Network Fund to ensure resources are available to the Cincinnati Health Department for ongoing needs through the end of FY 2022; and

WHEREAS, the federal Medicare resources are expected to be received imminently; and

WHEREAS, once the federal Medicare resources are received, a separate ordinance will be required to return \$1,396,000 from the Health Network Fund unappropriated surplus to the General Fund unappropriated surplus; now, therefore,

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

Section 1. That the sum of \$1,396,000 from the General Fund unappropriated surplus is hereby transferred to the unappropriated surplus of the Health Network Fund for the purpose of providing funds for the ongoing needs of the Cincinnati Health Department through the end of FY 2022.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. 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 allow for the continuation of uninterrupted Cincinnati Health Department services through the end of FY 2022.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: June 24, 2022

To: Mayor Aftab Pureval

From: Andrew W. Garth, City Solicitor

AWG

202201496

Subject: Emergency Ordinance – Coverage for Abortion-Related Health Services

Transmitted herewith is an emergency ordinance captioned as follows:

REPEALING Ordinance No. 305-2001; and **AUTHORIZING** the City Manager to take all necessary action required to amend the City of Cincinnati’s health insurance plans administered by Anthem Blue Cross and Blue Shield to include coverage for elective abortion-related health services.

AWD/CMZ/lmk
Attachment
364162

EMERGENCY

City of Cincinnati

IMD

BWB

An Ordinance No. _____

-2022

REPEALING Ordinance No. 305-2001; and **AUTHORIZING** the City Manager to take all necessary action required to amend the City of Cincinnati's health insurance plans administered by Anthem Blue Cross and Blue Shield to include coverage for elective abortion-related health services.

WHEREAS, the City is self-insured and administers its health insurance for eligible City employees and officials; and

WHEREAS, Anthem Blue Cross and Blue Shield ("Anthem") serves as the City's third-party administrator for its health plans; and

WHEREAS, on September 19, 2001, Council passed Ordinance No. 305-2001, which authorized and directed the City Manager to exclude voluntary abortion coverage from the City's health insurance plans administered by Anthem; and

WHEREAS, in December 2002, the City's administration informed all City employees that effective immediately, all medical coverage for elective abortions would be eliminated from the City's health insurance plans; and

WHEREAS, the City Manager and Council desire to amend the City's medical coverage to include coverage for elective abortion-related health services, in furtherance of a policy that supports people's autonomy, equality, and reproductive health; now, therefore,

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

Section 1. That Ordinance No. 305-2001, passed on September 19, 2001, is hereby repealed in its entirety.

Section 2. That the City Manager is hereby authorized to take all necessary action required to amend the City of Cincinnati's health insurance plans administered by Anthem Blue Cross and Blue Shield to include coverage for elective abortion-related health services.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1 and 2 hereof.

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 provide City employees with necessary health care and to recognize, honor, and protect people's reproductive rights.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: June 14, 2022

To: Councilmember Liz Keating
From: Andrew Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – FY 2023 Re-appropriation**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer and appropriation of the sum of \$4,245 from the unappropriated surplus of General Fund 050 to the City Manager’s Office non-personnel operating budget account no. 050x101x7200, effective July 1, 2022, for the purpose of providing resources for the Cintrifuse Hackathon in fiscal year 2023.

AWG/CMZ/(lnk)
Attachment
365855

EMERGENCY

City of Cincinnati

CMZ

AWB

An Ordinance No. _____ - 2022

AUTHORIZING the transfer and appropriation of the sum of \$4,245 from the unappropriated surplus of General Fund 050 to the City Manager’s Office non-personnel operating budget account no. 050x101x7200, effective July 1, 2022, for the purpose of providing resources for the Cintrifuse Hackathon in fiscal year 2023.

WHEREAS, \$4,245 was included in the Approved FY 2022 Budget for Councilmember Keating’s office, which will return to the General Fund unappropriated surplus at the end of fiscal year 2022; and

WHEREAS, Council desires to provide resources in the amount of \$4,245 for the Cintrifuse Hackathon in fiscal year 2023 to fund important programs benefitting the community; now, therefore,

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

Section 1. That the sum of \$4,245 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to City Manager’s Office non-personnel operating budget account no. 050x101x7200, effective July 1, 2022, for the purpose of providing resources for the Cintrifuse Hackathon.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. 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 meet commitments and ensure contracts can be executed as soon as possible.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk