

RESOLUTION NO. 2009-02

**RESOLUTION AUTHORIZING THE PORT OF GREATER CINCINNATI
DEVELOPMENT AUTHORITY TO ENTER INTO MULTIPLE AGREEMENTS
RELATED TO THE LINDEN POINTE REVITALIZATION PROJECT**

WHEREAS, the Port of Greater Cincinnati Development Authority (the "Port Authority") is engaged, among other matters, in the remediation and revitalization of environmentally challenged, "brownfield" property for productive reuse; and

WHEREAS, Linden Pointe, LLC has purchased certain real property and improvements commonly known as Linden Pointe located at 5025 Carthage Avenue, Norwood, Ohio (the "Property"), and desires to remediate and rehabilitate the Property for commercial/office use; and

WHEREAS, the Port Authority made an application for a Clean Ohio Assistance Fund ("COAF") grant, with Al. Neyer, Inc. as its Development Partner, in order to fund the environmental restoration and demolition/renovation of the Property ("Project"), and such application has been approved by the State of Ohio Clean Ohio Council ("Clean Ohio Council"); and

WHEREAS, because the Project requires that an Ohio EPA Certified Professional ("Certified Professional") be engaged to oversee certain work and to issue a No Further Action Letter with respect to the Property after it is remediated, the Port Authority has determined that (i) an Ohio EPA Certified Professional must be engaged by the Port Authority in order to fulfill certain professional services and the Port Authority's obligations under a COAF Grant Agreement, (ii) Hull & Associates, Inc. ("Hull") and its Certified Professional should perform these professional services due to their knowledge of Property remediation issues, their prior experience with the Ohio EPA Voluntary Action Program and the Clean Ohio Fund, and the Port Authority's positive past experience with Hull, and (iii) the selection of Hull to perform such professional services without further competitive processes is consistent with Ohio law, acceptable to the Ohio Department of Development under the COAF Grant Agreement for the Project, is in the best interests of the Port Authority and will assist the Port Authority in its fulfillment of its economic development activities; and

WHEREAS, the Port Authority desires and intends to enter into the agreements noted above, and conduct activities, engage contractors, and provide services in the exercise of its powers as set forth in Ohio Revised Code Chapter 4582, and in furtherance of economic development activities contemplated in Section 13 of Article VII of the Ohio Constitution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Port of Greater Cincinnati Development Authority:

Section 1. The President of the Port Authority, upon the advice and consent of the Chairperson of the Board, or his/her designee, is hereby authorized to execute the following contract:

A. Contract for Clean Ohio Assistance Fund Environmental Services between the Port Authority and Hull for professional services on the Project in a form substantially similar to that which is on file in the Port Authority's offices.

Section 2. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with the law.

Section 3. This Resolution shall be in full force and effect upon its adoption.

Adopted: February 19, 2009

Yeas: 6

Nays: 0

Chairperson

Attest: _____

Secretary