

RESOLUTION NO. 2010-01

**RESOLUTION AUTHORIZING THE PORT OF GREATER CINCINNATI
DEVELOPMENT AUTHORITY TO PREPARE AND SUBMIT
AN APPLICATION FOR A CLEAN OHIO REVITALIZATION FUND GRANT
AND TO ENTER INTO MULTIPLE AGREEMENTS RELATED TO THE
KAHN'S PROPERTY REVITALIZATION**

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, the Hamilton County, Ohio Board of County Commissioners (the "County") owns certain real property and improvements at 3241 Spring Grove Avenue commonly known as the former Kahn's/Sara Lee site in Cincinnati, Ohio ("Property"), and desires to remediate and rehabilitate the Property for reuse; and

WHEREAS, the Port Authority has been asked by the County to make an application, including potentially a joint application with the County, for a Clean Ohio Revitalization Fund ("CORF") grant to the Ohio Clean Ohio Council ("Clean Ohio Council"), in order to fund the environmental restoration and demolition/renovation of the Property ("Project"); and

WHEREAS, the Port Authority has determined that a Site Preparation Agreement with the County or a Development and Site Preparation Agreement with the County and/or another party is necessary to govern the overall business relationship; and

WHEREAS, if the CORF grant application is approved, the Ohio Department of Development will tender a CORF Grant Agreement for execution by the Port Authority and/or the County to govern the receipt and use of CORF Grant monies and such CORF Grant Agreement is expected to be substantially similar to CORF and Clean Ohio Assistance Fund Grant Agreements executed by the Port Authority in the past; and

WHEREAS, the Port Authority desires and intends to prepare and file the CORF grant application noted above and enter into the various 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 II 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 Port Authority staff is hereby authorized for and in the name of the Port Authority and on its behalf and on behalf of this Board, to prepare and file an application for a CORF grant in connection with the Property as described above and to execute, as necessary, the following contracts:

A. Such agreements as are necessary to allow the Port Authority to enter into and implement the Grant Agreement with the Ohio Department of Development including, but not limited to, a Site Preparation Agreement or a Development and Site Preparation Agreement, and an Access Agreement, in forms substantially similar to Development and Site Preparation Agreements and Access Agreements previously entered into by the Port Authority; and,

B. Grant Agreement for Clean Ohio Revitalization Fund monies between the Port Authority and the Ohio Department of Development in a form substantially similar to Clean Ohio Revitalization Fund Grant Agreements previously entered into by the Port Authority.

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: January 8, 2010

Yeas: 7

Chairman

Nays: 0

Attest: _____

Secretary