

RESOLUTION NO. 2004-11

**RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN
THE PAYNE FIRM AND THE PORT OF GREATER CINCINNATI
DEVELOPMENT AUTHORITY.**

WHEREAS, in the Agreement for the Creation of the Port of Greater Cincinnati Development Authority (the "Port Authority"), the City of Cincinnati, Ohio and the County of Hamilton, Ohio each determined that a basic responsibility of the Port Authority would be the identification, restoration and redevelopment of properties in Hamilton County affected or perceived to be affected by environmental contamination; and

WHEREAS, as part of operation of the Port of Greater Cincinnati Development Authority (the "Port Authority"), this Board has determined it is necessary to authorize The Payne Firm to carry out the activities of the Port Authority relating to the Brownfields Redevelopment at 3333 Vine Street, Cincinnati, Ohio; and

WHEREAS, The Payne Firm represents and covenants that it has the requisite personnel, competence, skill and physical resources to perform such services in the environmental remediation of 3333 Vine Street, in relation to redevelopment activities in the area of the Cincinnati Zoo;

WHEREAS, The Payne Firm desires to undertake the performance of said services with respect to the Clean Ohio Project on the terms and conditions set forth in the attached Agreement;

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

Section 1. The Chairperson or his designee is hereby authorized for and in the name of the Port Authority and on its behalf and on behalf of this Board, after approval of the form thereof by General Counsel to the Port Authority, with such changes therein as are not inconsistent with this Resolution and as are not substantially adverse to the Port Authority and which are permitted by Sections 4582.21 through 4582.99, Ohio Revised Code, and shall be approved by the officer executing that document. The approval of such changes and that such changes are not substantially adverse to the Port Authority shall be conclusively evidenced by the execution of that document by the Chairperson or his designee. The Chairperson or his designee is authorized to spend an amount or amounts up to, in the aggregate, \$43,420 pursuant to the Environmental Remediation Contract.

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: March 11, 2004

Yeas: 12

Chairperson

Nays: 0

Attest: _____
Secretary

Abstention: 2