

## **RESOLUTION NO.2004-16**

### **RESOLUTION AUTHORIZING THE PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY TO ENTER INTO THREE AGREEMENTS RELATED TO PARK PLACE AT LYTLE REMEDIATION**

**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**, Park Place at Lytle, Ltd. (“PPL”) is the owner of certain real property and improvements commonly known as 400 Pike Street, Cincinnati, Ohio (“Property”), and desires to remediate and rehabilitate the Property for residential/office use; and

**WHEREAS**, the Port Authority made an application for a Clean Ohio Assistance Fund (“COAF”) grant, with PPL 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**, the Port Authority and PPL have determined that a Contract for Clean Ohio Assistance Fund Environmental Services between them is necessary to govern the use of COAF grant monies at the Project in compliance with a COAF Grant Agreement and for other purposes; and

**WHEREAS**, the Port Authority and PPL have determined that a Reimbursement Agreement between them is necessary to govern the reimbursement by PPL of certain of Port Authority’s expenses associated with its work on the Project; and

**WHEREAS**, because the Project requires that an Ohio EPA 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 (a) URS Corporation Design, and its Certified Professional, Michael McKim, have unique and specialized professional skills for this specific professional service, including having conducted prior environmental studies of the Property, and (b) that a Contract for Clean Ohio Assistance Fund Environmental Services between them is necessary to govern the use of COAF grant monies at the Project in compliance with a COAF Grant Agreement and for other purposes;

**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 execute the following contracts:

A. Contract for Clean Ohio Assistance Fund Environmental Services between the Port Authority and Park Place at Lytle, Ltd. in a form substantially similar to that attached hereto; and

B. Reimbursement Agreement between the Port Authority and Park Place at Lytle, Ltd. in a form substantially similar to that attached hereto; and

C. Contract for Clean Ohio Assistance Fund Environmental Services between the Port Authority and URS Corporation Design in a form substantially similar to that attached hereto.

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: June 10, 2004

Yeas:   11  

Nays:   0  

\_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Secretary