

## **RESOLUTION NO. 2004-20**

### **RESOLUTION AUTHORIZING THE PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY TO ENTER INTO NEGOTIATIONS WITH THE FEDERAL GOVERNMENT TO ACQUIRE THE FORMER DEFENSE FUEL SUPPORT POINT LOCATED AT 4820 RIVER ROAD, CINCINNATI, OHIO PURSUANT TO THE PUBLIC BENEFIT CONVEYANCE PROCESS**

**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 former Defense Fuel Support Point, located at 4820 River Road (U.S. Route 50), Cincinnati, Ohio (the “Property”), is currently owned by the United States Air Force (the “Air Force”) and was used from the 1950s to the mid-1990s for the storage and distribution of jet fuels. The Property consists of approximately 65 acres, on the north and south sides of River Road. The Property is improved by various structures, including above ground and below ground storage tanks, a floating barge, a pump house, a truck loading facility and a small administrative building. The Property has been not used since the 1990s and is considered to be a “brownfield”; and

**WHEREAS**, in February of 2004, the Property was officially declared excess by the Air Force and the General Services Administration (the “GSA”) was placed in charge of disposing of the Property. On April 20, 2004, the GSA issued a “Notice of Surplus Determination – Government Property,” which formally announced the Property had been designated as “surplus,” and was available for acquisition by non-Federal public agencies either through the process of a Negotiated Sale (40 U.S.C. § 545(b)(8)) or by Public Benefit Conveyance for use as a port facility (40 U.S.C. § 484(q)) (the “Surplus Notice”); and

**WHEREAS**, pursuant to the Surplus Notice, on May 7, 2004, the Port Authority submitted a written notice to the United States Maritime Administration, Office of Ports and Domestic Shipping (the “Maritime Administration”) of its desire to acquire the Property via the Public Benefit Conveyance process; and

**WHEREAS**, pursuant to a deadline established by the GSA and the Maritime Administration, on September 7, 2004 the Port Authority submitted a conditional Application for Conveyance of Port Facility Property to the Maritime Administration (the “Application”). The Application contemplates, upon satisfaction of several conditions and negotiation of an acceptable agreement with the federal government, acquisition of the Property by the Port Authority via the Public Benefit Conveyance process, where the Property can then be recommissioned and leased for use as a port facility (the “Project”); and

**WHEREAS**, the Project will contribute to the economic redevelopment of the State of Ohio.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors (the “Board”) of the Port of Greater Cincinnati Development Authority:

Section 1. The Board approves the submittal of the Application to the Maritime Administration.

Section 2. The Board authorizes the Port Authority staff to negotiate the terms and conditions of acquisition of the Property from the federal government, subject to final review and approval by the Board.

Section 3. 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 4. This Resolution shall be in full force and effect upon its adoption.

Adopted: September 9, 2004

Yeas:   11  

Nays:   0  

\_\_\_\_\_

Chairperson

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

Secretary