

City of Cincinnati

CHM

EESW

An Ordinance No. 355

- 2022

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc., granting a utility easement across a portion of City-owned property generally located at 1600 Gest Street in the Lower Price Hill neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property located at 1600 Gest Street in Lower Price Hill, containing the Mill Creek Wastewater Treatment Plant (the “Property”); and

WHEREAS, Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), has requested an easement across the Property for underground electrical lines and associated structures, equipment, and appurtenances to serve the Mill Creek Wastewater Treatment Plant, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”); and

WHEREAS, the City Manager, in consultation with the Metropolitan Sewer District of Greater Cincinnati (“MSD”), has determined that granting the Easement to Grantee is not adverse to the City’s retained interest in the Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$38,000, however, the City is agreeable to granting the Easement to Grantee for less than fair market value, namely, \$1.00, because granting the Easement is for the benefit of the City to increase electrical capacity at the Mill Creek Wastewater Treatment Plant, which will provide the City with equivalent economic and noneconomic benefits to the fair market value of the Easement; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on October 7, 2022; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement*, in substantially the form attached to this ordinance as Attachment A and incorporated herein by

reference, in favor of Duke Energy Ohio, Inc., an Ohio corporation (“Grantee”), pursuant to which the City will grant to Grantee a utility easement for underground electrical lines and associated structures, equipment, and appurtenances (the “Easement”) to serve the Mill Creek Wastewater Treatment Plant located at 1600 Gest Street in Lower Price Hill (the “Property”), as more particularly described and depicted on Attachment A.

Section 2. That granting the Easement to Grantee is not adverse to the City’s retained interest in the Property.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because granting the Easement is in the best interest of the City because it is necessary to increase electrical capacity at the Mill Creek Wastewater Treatment Plant, and, as a practical matter, no one other than Grantee would have any use for the Easement.

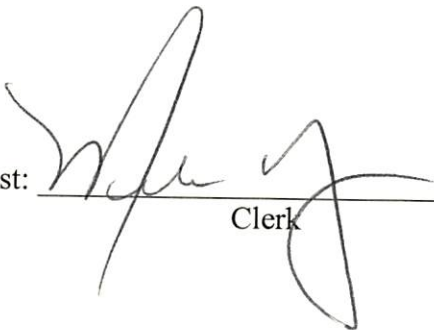
Section 4. That the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$38,000, however, the City is agreeable to grant the Easement to Grantee for less than fair market value, namely, \$1.00, to increase electrical capacity at the Mill Creek Wastewater Treatment Plant in promotion of the public health, safety, and general welfare, which will provide the City with an equivalent economic and noneconomic benefit to the fair market value of the Easement.

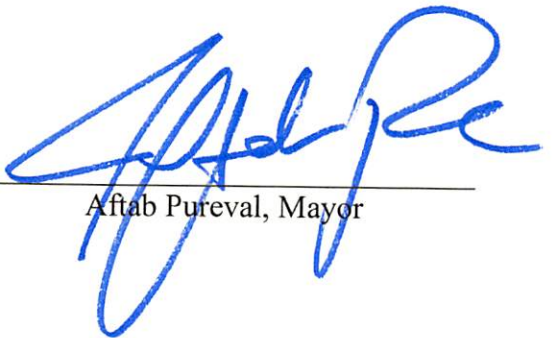
Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the Easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

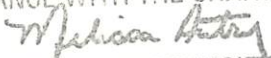
Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easement* including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 16, 2022

Attest: 
Clerk


Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 355-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11-29-2022

CLERK OF COUNCIL