

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of the Board of Trustees of the University of Cincinnati, granting a utility easement across a portion of City-owned right-of-way commonly known as Clifton Avenue in the CUF neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property, designated as right of way, commonly known as Clifton Avenue in the CUF neighborhood of Cincinnati and generally located at 2839 Clifton Avenue (the “Property”), which property is under the management of the Department of Transportation and Engineering (“DOTE”); and

WHEREAS, the Board of Trustees of the University of Cincinnati (“Grantee”) has requested an easement across the Property, as more particularly depicted in the *Grant of Easement* incorporated herein as Attachment A, to construct, reconstruct, operate, maintain, repair, replace, and remove telecommunication lines and associated facilities, fixtures, and equipment to assist the expansion of the University of Cincinnati campus; and

WHEREAS, the City Manager, in consultation with DOTE, has determined that the grant of 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 \$5,625, which Grantee has deposited with the City Treasurer; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the grant of the easement at its meeting on October 23, 2020; 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 favor of the Board of Trustees of the University of Cincinnati (“Grantee”), pursuant to which the City will grant to Grantee a utility easement across a portion of City-owned right-of-way

commonly known as Clifton Avenue and generally located at 2839 Clifton Avenue (the “Property”), in substantially the form attached hereto as Attachment A and incorporated herein by reference, to construct, reconstruct, operate, maintain, repair, replace, and remove telecommunication lines and associated facilities, fixtures, and equipment.

Section 2. That the grant of the easement to Grantee is not adverse to the City’s retained interests in the Property.

Section 3. That it is in the best interest of the City to grant the easement without competitive bidding because, 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 \$5,625, which Grantee has deposited with the City Treasurer.

Section 5. That the proceeds from the grant of the 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 grant of 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 City’s Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, “Street Improvements,” in which “YY” represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including execution of all necessary real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk