

City of Cincinnati
An Ordinance No. 317

CHM
- 2020

AWB

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc., granting a utility easement over 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 Cincinnati, containing the Mill Creek Wastewater Treatment Plant (the "Property"); and

WHEREAS, Duke Energy Ohio, Inc. ("Grantee") has requested an easement over the Property, as more particularly depicted in the *Grant of Easement* as attachment "A" hereto, for the installation of overhead electrical facilities and associated appurtenances and structures to serve a dewatering chamber on the Property; and

WHEREAS, the City Manager, in consultation with the Metropolitan Sewer District of Greater Cincinnati ("MSD"), 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 Section 331-5, Cincinnati Municipal Code, 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 \$5,000, 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, 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 grant of the easement at its meeting on August 7, 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 Duke Energy Ohio, Inc. ("Grantee"), pursuant to which the City will grant to Grantee a utility easement over a portion of City-owned property located at 1600 Gest Street in Cincinnati

(the "Property"), in substantially the form attached hereto as Attachment A, for the installation, operation, maintenance, and repair of overhead electrical facilities and associated appurtenances and structures.

Section 2. That the grant of the easements 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 easements without competitive bidding because granting the easement is in the best interest of the City because the easement is necessary to enable Grantee to install and furnish electricity to a dewatering chamber to facilitate waste water treatment services, and, as a practical matter, no one else would have any need for such easement rights.

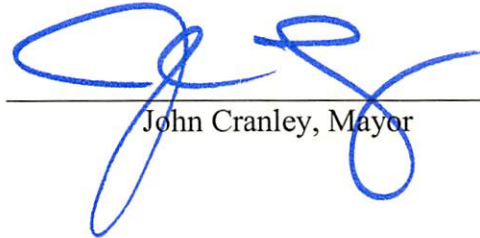
Section 4. That the fair market value of the easements, as determined by appraisal by the City's Real Estate Services Division, is \$5,000, however, the City is agreeable to granting the easement to Grantee for less than fair market value; namely, \$1.00, to facilitate the installation and use of the overhead electrical facilities and associated appurtenances and structures to facilitate the continued operation of waste water treatment services 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 the easements 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 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 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

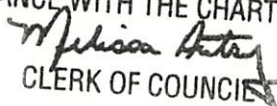
Passed: September 16, 2020



John Cranley, Mayor

Attest: 

Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 317-2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9.29.2020

CLERK OF COUNCIL