

City of Cincinnati

CHM *AWG*

An Ordinance No. 286 - 2020

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 2284 Montana Avenue in the Westwood neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property located adjacent to Montana Avenue and generally located at 2284 Montana Avenue in Cincinnati (the "Property"), which are under the management of the Department of Transportation and Engineering ("DOTE"); and

WHEREAS, Duke Energy Ohio, Inc. ("Grantee") is upgrading electric facilities along Montana Avenue, including the relocation of electric poles and has requested an easement over the Property, as more particularly depicted in the *Grant of Easement* as attachment "A" hereto, for the installation of anchors with guy wires used for supporting electrical facilities and associated appurtenances and structures associated with the provision and transmission of electric or telecommunication services; 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 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 \$100, 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 July 17, 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 2284 Montana Avenue in Cincinnati (the "Property"), in substantially the form attached hereto as Attachment A, for the construction, installation, maintenance and repair of anchors with guy wires used for supporting electrical facilities and associated appurtenances and structures associated with the provision and transmission of electric or telecommunication services.

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, as a practical matter, no one other than Grantee would have any use for the easements.

Section 4. That the fair market value of the easements, as determined by appraisal by the City's Real Estate Services Division, is \$100, which Grantee has deposited with the City Treasurer.

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 2, 2020

Attest: [Signature]
Clerk

[Signature]
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 296-2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9-15-2020
[Signature]
CLERK OF COUNCIL

BY THAT ORDINANCE
PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON
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