

City of Cincinnati

CHM

EESW

An Ordinance No. 24 - 2023

AUTHORIZING the City Manager to execute an *Easement Plat* in favor of the Board of County Commissioners, Hamilton County, Ohio granting a utility easement across a portion of City-owned property generally located at 701 Covedale Avenue in Delhi Township, Hamilton County, Ohio.

WHEREAS, the City of Cincinnati owns certain real property located at 701 Covedale Avenue in Delhi Township, Hamilton County, Ohio, containing the Delhi Hills Water Tower (“City Property”), which City Property is under the management of the Greater Cincinnati Water Works (“GCWW”); and

WHEREAS, 643 COV LLC, an Ohio limited liability company (“Developer”), has undertaken a project to redevelop certain real property abutting the City Property into a 44-unit residential condominium community and has requested the City to grant a public utility easement across the City Property in favor of the Board of County Commissioners, Hamilton County, Ohio (“Grantee”) for sanitary sewer lines and associated equipment, appurtenances, and restrictions to serve the residential condominium development, as more particularly depicted on the *Easement Plat* attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”); and

WHEREAS, the City Manager, in consultation with GCWW, has determined that granting the Easement to Grantee is not adverse to the City’s retained interest in the City 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 \$5,279, which sum Developer has agreed to pay; 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 May 6, 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 an *Easement Plat*, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, in favor of the Board of County Commissioners, Hamilton County, Ohio (“Grantee”), pursuant to which the City will grant to Grantee a utility easement for sanitary sewer lines and associated equipment, appurtenances, and restrictions (“Easement”) across City-owned real property generally located at 701 Covedale Avenue in Delhi Township, Hamilton County, Ohio, as more particularly described and depicted on Attachment A (“Property”).

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

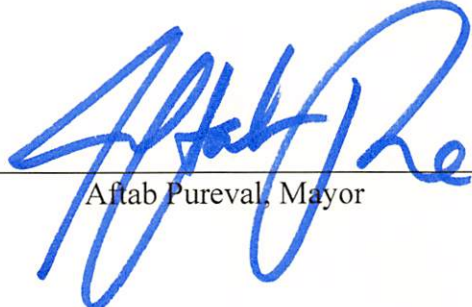
Section 4. That the fair market value of the Easement, as determined by appraisal by the City’s Real Estate Services Division, is \$5,279, which has been deposited with the City Treasurer.

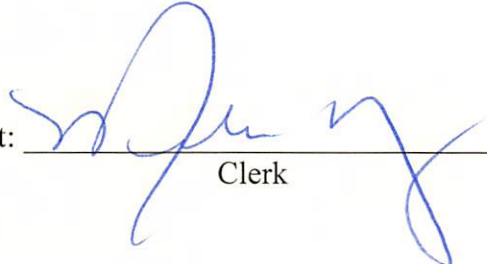
Section 5. That the proceeds from the grant of easement shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the Easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Water Works Fund 101.

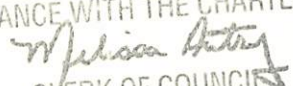
Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Easement Plat* including, without limitation, executing any and all ancillary agreements, plats, and other real estate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

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

Passed: January 25, 2023


Aftab Pureval, Mayor

Attest: 
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 24-2023
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 2/7/2023

CLERK OF COUNCIL