

City of Cincinnati

CHM
AWB

An Ordinance No. 388

- 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 7215 Bridgetown Road in Miami Township, Hamilton County, Ohio.

WHEREAS, the City of Cincinnati owns certain real property commonly known as Neumann Golf Course and generally located at 7215 Bridgetown Road in Miami Township, Hamilton County, Ohio (the "Property"), which property is under the management of the Cincinnati Recreation Commission ("CRC"); and

WHEREAS, Duke Energy Ohio, Inc. ("Grantee") has requested an easement over the Property, as more particularly depicted in the *Grant of Easement* incorporated herein as Attachment A, to construct, reconstruct, operate, maintain, repair, replace, add to, modify, and remove electric lines and all necessary and convenient supporting structures such as poles, wires, cables, guy wires with anchors, grounding systems, counterpoises, and all other appurtenances, fixtures, and equipment for the transmission and distribution of electrical energy, and for technological purposes, including, but not limited to, telecommunication services to serve an adjacent property; and

WHEREAS, the City Manager, in consultation with CRC, 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 \$255, 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 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 7215 Bridgetown Road in Miami Township, Hamilton County, Ohio (the "Property"), in substantially the form attached hereto as Attachment A and incorporated herein by reference, to construct, reconstruct, operate, maintain, repair, replace, add to, modify, and remove electric lines and all necessary and convenient supporting structures such as poles, wires, cables, guy wires with anchors, grounding systems, counterpoises, and all other appurtenances, fixtures, and equipment for the transmission and distribution of electrical energy, and for technological purposes, including, but not limited to, telecommunication services.

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.

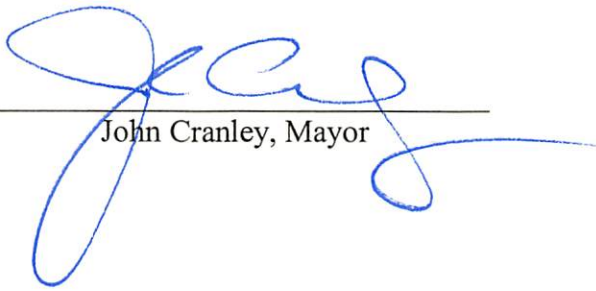
Section 4. That the fair market value of the easement, as determined by appraisal by the City's Real Estate Services Division, is \$255, which Grantee has deposited with the City Treasurer.

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 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.

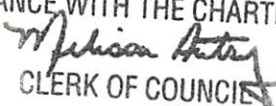
Passed: December 16, 2020



John Cranley, Mayor

Attest: 

Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 308-2020
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 7-29-2020

CLERK OF COUNCIL