

City of Cincinnati

CHM

AWB

An Ordinance No. 42

- 2021

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc., granting a pipeline easement over a portion of City-owned property generally located at 2026 Seymour Avenue in the Roselawn neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property commonly known as the Roselawn Playground and generally located at 2026 Seymour Avenue in the Roselawn neighborhood (the "Property"), which Property is under the management of the Cincinnati Recreation Commission ("CRC"); and

WHEREAS, Duke Energy Ohio, Inc. ("Grantee") has requested easements over the Property to construct, reconstruct, operate, use, patrol, maintain, repair, replace, relocate, add to, modify, and remove an underground pipeline or lines for the underground transportation of gas, which easements are more particularly depicted in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, the City Manager, in consultation with CRC, has determined that the grant of the easements 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 easements, as determined by appraisal by the City's Real Estate Services Division, is \$109,901, which Grantee 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 granting the easements at its meeting on January 15, 2021; 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 easements over a portion of City-owned property located at 2026 Seymour Avenue in Cincinnati (the "Property"), in substantially the form attached hereto as Attachment A and incorporated

herein by reference, to construct, reconstruct, operate, use, patrol, maintain, repair, replace, relocate, add to, modify, and remove an underground pipeline or lines for the underground transportation of gas.

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 \$109,901, which Grantee has agreed to pay.

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 Easement*, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Recreation Permanent Improvement Fund 751.

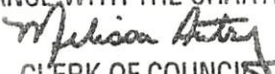
Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including execution of all necessary real estate documents.

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

Passed: February 10, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 48-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 2-23-2021

CLERK OF COUNCIL