

ORDINANCE NO. 15 , 2014

AN ORDINANCE AUTHORIZING CERTAIN EASEMENT RIGHTS WITH DUKE ENERGY OHIO, INC. TO SUPPORT UTILITY IMPROVEMENTS FOR THE VINTAGE CLUB BOULEVARD AND THE CHRIST HOSPITAL PROJECT AND DECLARING AN EMERGENCY

WHEREAS, Duke Energy, Inc. (“Duke”), in exchange for providing utility services to the public roadway known as Vintage Club Boulevard, and to the entryway to the City’s public garage and The Christ Hospital project site, has requested certain easements for underground utilities; and

WHEREAS, working in cooperation with the developer, Brandicorp Montgomery Development Company, LLC, the administration believes it is appropriate to grant such easement rights to Duke principally running parallel and south of Vintage Club Boulevard; and

WHEREAS, to keep the construction project on schedule, the administration has requested Council to pass this legislation as an emergency.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The City Manager is hereby authorized to grant certain easement rights for underground utilities to Duke Energy Ohio, Inc. consistent with the terms and conditions of the Grant of Easement, the form of which is attached hereto as Schedule A. The proposed location for such utilities is depicted on the plat attached to such Grant.

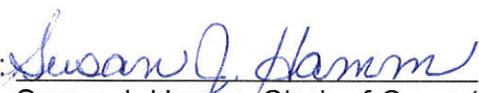
SECTION 2. The City Manager is authorized to execute any and all additional documentation as is necessary to finalize this Grant in conjunction with the project site.

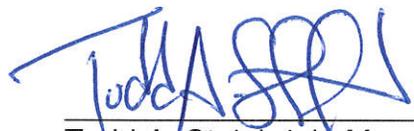
SECTION 3. All Ordinances or parts Ordinances inconsistent herewith are hereby repealed.

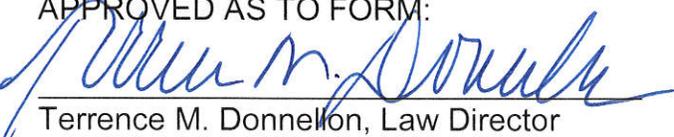
SECTION 4. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 5. As it is necessary to provide electrical utilities to support lighting and other electrical uses in and around the City's project site; and since, the critical path of the construction of the project requires the immediate construction and installation of these utilities, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare, and it shall take effect immediately upon passage.

PASSED: July 23, 2014

ATTEST: 
Susan J. Hamm, Clerk of Council


Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director