

**ORDINANCE NO. 8 , 2014**

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

**WHEREAS**, Duke Energy Ohio, Inc. (“Duke”), in exchange for providing utility services to the City owned garage and other public improvements at the Vintage Club / The Christ Hospital Project site, has requested certain easements for underground utilities and overhead utility lines; 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.

**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, as depicted on Schedule A attached hereto and overhead electrical lines as depicted on Schedule B attached hereto, to Duke Energy Ohio, Inc. consistent with the terms and conditions of the Grant of Easement for each of these respective utility locations set forth in Schedule C-1 for underground utilities and Schedule C-2 for overhead utilities attached hereto.

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

**SECTION 3.** All Ordinances or parts of Ordinances inconstant herewith are hereby repealed.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.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: May 7, 2014

ATTEST: Connie Gaylor  
Susan J. Hamm, Clerk of Council  
Connie Gaylor, Acting Clerk of Council

Todd A. Steinbrink  
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director