

**ORDINANCE NO. 13, 2020**

**AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO DUKE ENERGY ON VILLAGE OF ST. BERNARD-OWNED REAL PROPERTY PARCEL NUMBER 582-0013-0178-00+ KNOWN AS THE ST. BERNARD SAFETY CENTER AT 4200 VINE STREET FOR THE PURPOSE OF ENABLING DUKE TO PERFORM NECESSARY WORK FOR NATURAL GAS TRANSPORTATION; AND DECLARING AN EMERGENCY.**

582-0013-0244-00  
582-0013-0177-00

**WHEREAS**, Duke and the Village desire to create a new easement to Duke Energy for the purposes of laying, construction, installing, maintaining, operating, inspecting, repairing, altering, adding to, upgrading, replacing, relocating, removing, and protecting pipelines and appurtenances for the transportation of natural gas under, upon, over through, and across the land on the property; and

**WHEREAS**, the Village Service Director, being the officer having the supervision and management of the property has advised Council that the Easement would not be adverse to the interest in the property retained by the Village and has recommended the Easement be granted in favor of Duke Energy; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, HAMILTON COUNTY, OHIO, AS FOLLOWS:**

**SECTION 1:** That the granting of the Easement to Duke Energy, in substantially the form of the "Grant of Easement" document attached hereto, on real property belonging to the Village of St. Bernard will not be adverse to the interest in the property retained by the Village.

**SECTION 2:** That the Service Director, being the officer having custody, supervision and management of the property, is hereby authorized to execute the Grant of Easement document in substantially the form attached hereto.

**SECTION 3:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for the emergency is the need for Duke Energy begin the necessary work in the area as soon as possible. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than the majority of the members of Council, and in that event, the emergency provisions herein are set at naught.

Passed this 30th day of July, 2020.

Steve Asbach  
President of Council

ATTEST: M. Sue Hathorn  
Clerk of Council

 ORIGINAL


**Ordinance No. 13, 2020**  
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Approved this 30<sup>th</sup> day of July, 2020.

  
\_\_\_\_\_  
Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 13, 2020, was made by posting true copies of the same in the most public places designated by Council: St. Bernard Square Bus Stop; Vine Street and Washington Avenue; Bertus Street Park; Greenlee Avenue and Johnson Alley; Park on Heger Drive; each for a period of fifteen (15) days or more commencing 7-30, 2020.

ATTEST: M. Sue Kathman DATE 7-30-2020  
Clerk of Council

Approved as to form  Date 7-30-2020  
Director of Law

GRANT OF EASEMENT  
DISTRIBUTION

Return Recorded Document to:

Land Services, Natural Gas  
Duke Energy  
139 E. 4<sup>th</sup> Street, EF320  
Cincinnati, OH 45202

STATE OF OHIO  
COUNTY OF HAMILTON

PROJECT NO.: MX6693481  
PARCEL ID/ TAX ID NOS: 582-0013-0178-00  
582-0013-0244-00  
582-0013-0177-00

THIS GRANT OF EASEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2020 from **VILLAGE OF ST. BERNARD, OHIO, an Ohio municipal corporation**, (hereinafter designated as "GRANTOR"), to **DUKE ENERGY OHIO, INC.**, (hereinafter designated as "GRANTEE").

WITNESSETH

That GRANTOR, for and in consideration of the sum of One Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby expressly bargains, sells, and grants unto GRANTEE, its successors and assigns, a perpetual right of way and easement for the purposes of laying, constructing, installing, maintaining, operating, inspecting, repairing, altering, adding to, upgrading, replacing, relocating, removing, and protecting pipelines and appurtenances for the transportation of natural gas under, upon, over, through, and across the land of GRANTOR (or in which GRANTOR has interest) situated in the County of Hamilton, Ohio, as described in deed(s) recorded in Book 12477, Page 1908; Book 12700, page 1075; and Book 12700, Page 1073, Office of the Register of Deeds for Hamilton County, Ohio ("Property").

The right of way herein granted is fifteen (15) feet wide, extending seven and one-half (7 1/2) feet on each side of the centerline of the pipeline, the location of which has been mutually agreed upon between GRANTOR and GRANTEE and is generally depicted and approximated on Exhibit A, which is attached hereto and incorporated herein by reference. The pipeline as actually installed shall determine the centerline of said right of way. Subject to all rights granted to GRANTEE herein, such right of way shall be the portion of the Property encumbered by this GRANT OF EASEMENT.

GRANTEE shall have all rights reasonably necessary for the full use and enjoyment of the rights herein granted, including, without limitation, the free and full right of ingress and egress over and across the aforesaid Property and the right, but not the obligation, to keep said right of way cleared of trees, vegetation, undergrowth, buildings, structures, and any other obstructions. GRANTOR shall not construct, nor permit to be constructed, any house, structure, or other obstruction on or over said right of way.

GRANTOR hereby binds GRANTOR and GRANTOR'S heirs, representatives, successors, and assigns to warrant and forever defend all and singular said premises unto GRANTEE, its successors and assigns, against the claims of all persons whomsoever.

To have and to hold said right of way and easement unto GRANTEE, its successors and assigns, perpetually and continuously. GRANTOR expressly gives GRANTEE, its successors and assigns, the right to assign, license, lease, or otherwise transfer, in whole or part, this GRANT OF EASEMENT or any rights given herein, to any person or entity, including but not limited to, any affiliated parent or subsidiary entity of GRANTEE, for the uses and purposes expressly stated herein.

IN WITNESS WHEREOF, this GRANT OF EASEMENT has been signed under seal by GRANTOR, as of the date first above written.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

**VILLAGE OF ST. BERNARD, OHIO**

\_\_\_\_\_  
Thomas Paul, Service Director

STATE OF OHIO  
COUNTY OF HAMILTON

I, \_\_\_\_\_, a Notary Public for \_\_\_\_\_ County, Ohio, certify that Thomas Paul personally came before me this day and acknowledged that he is the Service Director of the Village of St. Bernard, Ohio, an Ohio municipal corporation, and that he, in such capacity, being authorized to do so, executed the foregoing Grant of Easement on behalf of the corporation.

Witness my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 2020.

[NOTARY SEAL]

\_\_\_\_\_ Sign

\_\_\_\_\_ Print

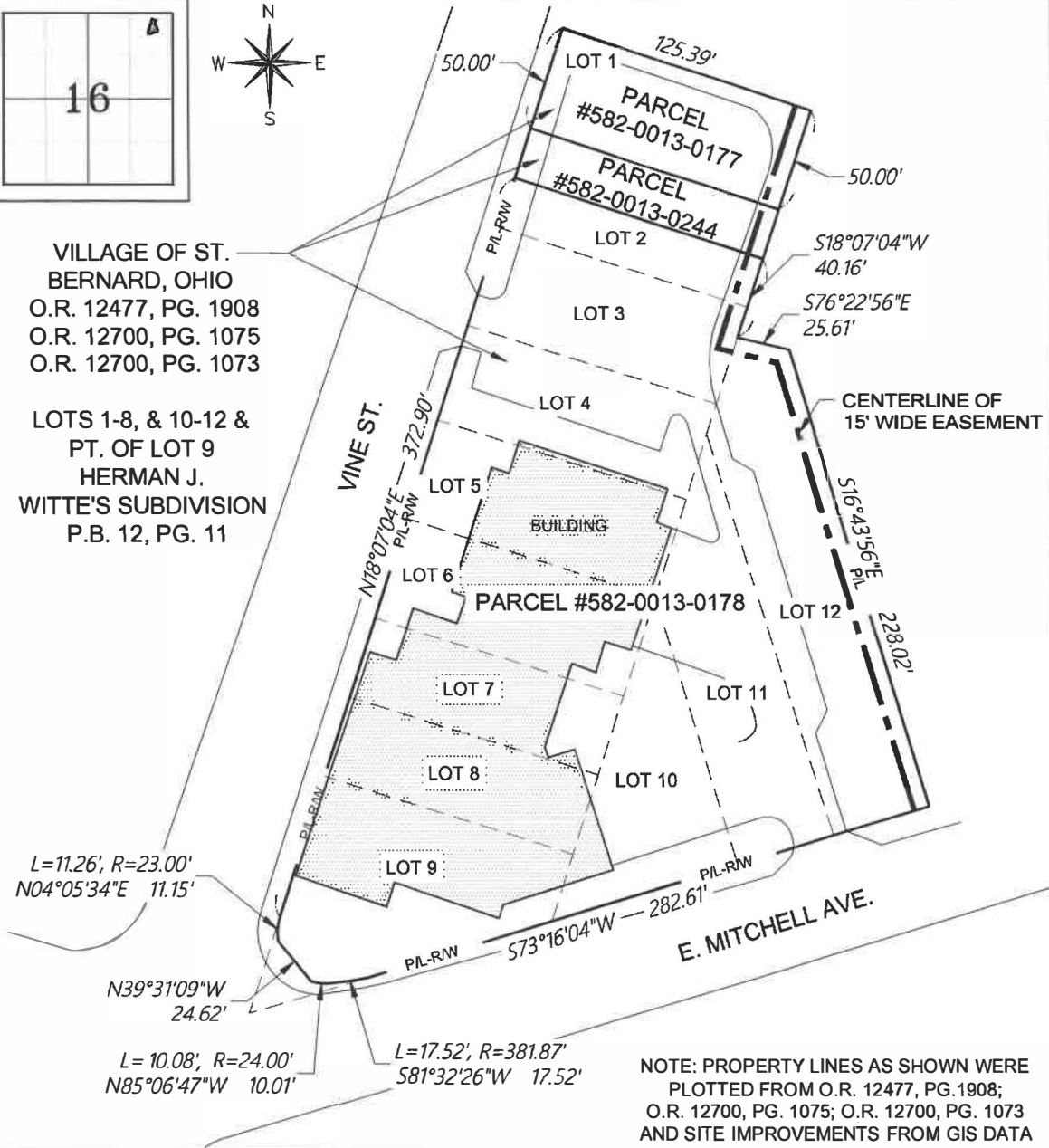
My commission expires: \_\_\_\_\_

THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE ACTUAL CENTERLINE LOCATION OF THE UTILITY LINE IS THE CENTERLINE OF THE EASEMENT.



VILLAGE OF ST. BERNARD, OHIO  
 O.R. 12477, PG. 1908  
 O.R. 12700, PG. 1075  
 O.R. 12700, PG. 1073

LOTS 1-8, & 10-12 &  
 PT. OF LOT 9  
 HERMAN J. WITTE'S SUBDIVISION  
 P.B. 12, PG. 11



NOTE: PROPERTY LINES AS SHOWN WERE PLOTTED FROM O.R. 12477, PG.1908; O.R. 12700, PG. 1075; O.R. 12700, PG. 1073 AND SITE IMPROVEMENTS FROM GIS DATA

## HAMMILTON COUNTY, OHIO

SITE NAME: VILLAGE OF ST. BERNARD SECTION 16 T-2, F.R.-2

	DR.	CSD	EXHIBIT MAP OF:	EASEMENT
	CK.	M T	EXHIBIT MAP FOR:	VILLAGE OF ST. BERNARD, OHIO
	DATE	07/20/2020	LOCATION	4200 VINE ST. CINCINNATI OH
EXHIBIT 'A'				EMAX #26693481