ORDINANCE NO. 10 , 2008

AN ORDINANCE MODIFYING STORMWATER EASEMENT AND GRANTING OVERHANG EASEMENT TO MONTGOMERY GATEWAY PARTNERS, LLC

WHEREAS, the City did grant to Montgomery Gateway Partners, LLC a stormwater easement on property owned by the City bounded by Montgomery Road and Main Street commonly referred to as the Triangle Property; and

WHEREAS, after construction of the project on site, Montgomery Gateway Partners, LLC and its successor entitled to a portion of the property, Peoples Community Bank, do desire to modify the stormwater easement to reflect as-built changes in the project which call for the relocation of the stormwater easement and the reduction of the stormwater easement; and

WHEREAS, Montgomery Gateway Partners, LLC and Peoples Community Bank have requested a structure/encroachment easement to recognize overhang encroachments from the construction of the building at its roofline and in its signage which were approved by the Planning Commission, Landmarks Commission of the City.

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

SECTION 1. Council does hereby grant to Montgomery Gateway Partners, LLC and Peoples Community Bank a modified storm sewer easement and a structure/encroachment easement consistent with the terms of the attached document entitled Amendment to Easement Agreement and all exhibits included in such Agreement.

SECTION 2. The City Manager is hereby authorized to execute any and all documentation necessary to implement the terms of this grant of easement.

SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: September 3, 2008

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director