

ORDINANCE NO. 11 , 2011

**AN ORDINANCE ACCEPTING PUBLICLY DEDICATED EASEMENT RIGHTS
FROM VARIOUS PROPERTIES FOR THE MONTGOMERY ROAD
CORRIDOR SIGNALIZATION PROJECT**

WHEREAS, the City is undertaking a project in cooperation with the Ohio Department of Transportation to upgrade signalization equipment controlling traffic along the Montgomery Road corridor from the Heritage District through Bethesda Hospital; and

WHEREAS, as a part of this project, the City has updated its survey of right-of-way and located certain discrepancies where traffic signal improvements have been constructed in place along the corridor which are not within dedicated right-of-way or easement areas; and

WHEREAS, the City has negotiated with property owners throughout the corridor to acquire certain easement rights so that the improvements in place, or improvements as they may be reconstructed, will be located in areas dedicated for appropriate public use; and

WHEREAS, Council does desire to accept these property rights for and on behalf of the City, and to authorize the City Manager to finalize these Easement Agreements.

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

SECTION 1. Council hereby accepts easement rights, dedicated for public use, in support of Montgomery Road improvements, signalization improvements

related with managing traffic along Montgomery Road, and certain supporting pedestrian walkways for the following properties as identified in separate Easement Agreements and the plats from such Agreements attached hereto:

A. Property owned by the Fifth Third Bank at 9990 Montgomery Road, Montgomery, Ohio 45242, Auditor's Parcel Number 603-008-0350.

B. Property owned by Hsin C. Cheng and Maio K. Cheng at Market Place Lane and Montgomery Road, Montgomery, Ohio 45242, Auditor's Parcel Number 603-0008-0280.

C. Property owned by Redwood Venture Capital Ltd. at 9468 Montgomery Road, Montgomery, Ohio 45242, Auditor's Parcel Number 603-0004-0010.

D. Property owned by Village Corner No. 1, LLC at 9393 Montgomery Road, Montgomery, Ohio 45242, Auditor's parcel Number 603-0003-0026.

E. Property owned by Realty Income Corporation at Mitchell Farm Lane at Montgomery Road, Montgomery, Ohio 45242, Auditor's Parcel Number 603-0008-0001.

F. Property owned by Cecile Drackett Allyn at 9441 Main Street, Cincinnati, Ohio 45242, Auditor's Parcel Number 603-0004-0009.

G. Property owned by Bethesda Hospital, Inc. at 10500 Montgomery Road, Cincinnati, Ohio 45242, Auditor's Parcel Number 603-0019-0009.

H. Property owned by Christos Kotsovos at 9501 Montgomery Road, Montgomery, Ohio 45242, Auditor's Parcel Number 603-0001-0030.

SECTION 2. Consistent with the terms of the Easement Agreements, the City shall be responsible to construct and install the public improvements at the

locations depicted therein and to maintain such public improvements consistent with the terms of the separate Easement Agreements.

SECTION 3. The City Manager is directed to execute any and all documentation necessary to accept these property rights, and thereafter to accept the responsibility for maintenance of such public improvements upon those properties.

SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: September 7, 2011

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