

ORDINANCE NO. 13 , 2013

AN ORDINANCE AUTHORIZING AND ACCEPTING CERTAIN EASEMENT RIGHTS TO SUPPORT PUBLIC IMPROVEMENTS AND THE DEVELOPMENT OF THE VINTAGE CLUB / THE CHRIST HOSPITAL PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the City has acquired certain real property within the Vintage Club Project (Schedules A and B attached hereto) for the purposes of constructing a public parking garage, a public roadway and related improvements, including pedestrian plazas, walkways, landscaping and streetscaping (collectively "Public Improvements"); and

WHEREAS, the Public Improvements are integrated within the project site upon which Brandicorp Montgomery Development Company, LLC will develop a medical office building for use by The Christ Hospital; and

WHEREAS, to be able to construct and maintain such Public Improvements, and to secure rights to protect the City's property, it is necessary for the City to both grant to, and receive from, the surrounding property owners certain easement rights; and

WHEREAS, City Council does desire through this legislation to authorize and ratify action by the City Manager to formally accept such easement rights as granted to the City, and to grant certain easement rights across the City's property both temporarily and permanently to support the construction of the Public Improvements, maintain the Public Improvements, and the management of stormwater and related utilities necessary for the operation of the site.

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 and accept certain easements rights upon the City's property described on Schedules A and B attached hereto as necessary to construct Public Improvements on the City's property, to maintain such improvements under the terms of a separate Management Agreement, and to secure and grant certain rights as necessary for the efficient use of the property for stormwater management and other necessary utilities. As more specifically detailed within the attached easement documents, collectively Schedule C, the easement rights are as follows:

A. Stormwater Easement – South Side. This easement is a grant between the City and Vintage Club to permit the south parcel, which is a part of the City's project site, to drain into and connect to the private drainage system east of the project.

B. Stormwater Easement – North Side. This easement permits drainage of property north of Vintage Club Boulevard, under the Boulevard, and south through the combined Christ Hospital and City site.

C. Grading / Temporary Access Easement. This easement is granted in conjunction with the construction of Vintage Club Boulevard to allow for the construction of a temporary access road from Montgomery Road to the Vintage Club development, and a grading easement to provide the appropriate support north and south of the site for the construction of the roadway.

D. Declaration of Easements. This easement governs a number of rights between the City and Brandicorp Montgomery Development Company, LLC concerning The Christ Hospital site. The two structures, the City garage and the medical office building, share a common wall, and a part of the medical office building will be built over the top of the garage. Similarly, there is a retail building which shares a common retaining wall with a pedestrian plaza. Easement rights are granted between the parties for the common support of these structures. Additionally, there is a support easement for a retaining wall buffering the entire site, a portion of which will be constructed on the City's property. The Declaration includes access easements for parking, pedestrian plazas, and elevators in support of the garage and medical office building. There are access rights granted to Brandicorp to meet their management responsibilities to maintain the site, and there are temporary construction easements as necessary to complete construction of the integrated project.

E. There are two Stormwater Easements which are attached to allow for the appropriate collection and discharge of stormwater from the site.

F. Sanitary Sewer Easement. This Sanitary Sewer Easement allows for the construction of sanitary sewer lines across both properties.

G. Grading Easement. This Agreement between the City and the Vintage Club Associates allows the City access to the Vintage Club Associates' property east of the site for temporary grading and a permanent support easement onto the Vintage Club site where Vintage Club will install a retaining wall which will provide support for the base of the garage property.

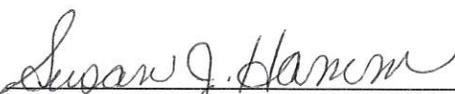
SECTION 2. The City Manager also is authorized to execute any and all additional documentation as is necessary to finalize these grant of easements in conjunction with the project site.

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

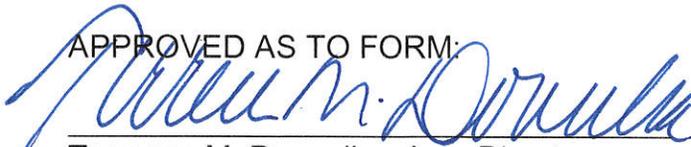
SECTION 4. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or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

SECTION 5. As it is necessary to grant these easements, and to receive the benefit of other easements to be able to support the construction of the City garage, which construction separately has been authorized to commence immediately, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare, and shall take effect immediately upon passage.

PASSED: June 5, 2013

ATTEST: 
Susan J. Hamm, Clerk of Council


Ken Suer, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director