

ORDINANCE NO. 5 , 2013

**AN ORDINANCE ACCEPTING PUBLICLY DEDICATED EASEMENT RIGHTS AND
STORM WATER IMPROVEMENTS FROM PROPERTY OWNERS IN THE
10000 BLOCK OF WINDZAG LANE**

WHEREAS, Paul M. Pierson and Donna M. Pierson as Co-Trustees of the Paul and Donna Pierson Living Trust dated 5/3/00, and Gerald Houchell and Claire F. Houchell, jointly, are property owners in the 10000 block of Windzag Lane, Montgomery, Ohio, being respectively Hamilton County Auditor's Parcel Numbers 603-0014-0173 ("Pierson Property") and 603-0014-0166 ("Houchell Property"), which properties are more fully described within Exhibits A within the Easement Agreements accepted by the property owners; and

WHEREAS, the City of Montgomery, Ohio has contracted with these property owners to reconstruct a storm sewer management system on and across the Pierson and Houchell Properties to appropriately manage storm water runoff from these properties and storm water runoff from the right-of-way of Baywyn Farms subdivision; and

WHEREAS, these property owners have agreed to grant certain permanent easement rights to the City of Montgomery to allow the City access to the property, to maintain such storm water management and surface drainage improvements, now and in the future; and

WHEREAS, Council does desire to accept these property rights for and on behalf of the City and to commit to the construction and maintenance of such storm water management and surface drainage improvements now and in the future.

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

SECTION 1. Council hereby accepts the permanent easement rights from the property owners, Paul M. Pierson and Donna M. Pierson, Co-Trustees of the Paul and Donna Pierson Living Trust dated 5/3/00, and jointly from Gerald Houchell and Claire F. Houchell, upon and across properties located on Windzag Lane, being Auditor's Parcel Numbers 603-0014-0173 and 603-0014-0166 set forth within the Easement Agreements attached hereto and incorporated herein by reference and being more particularly described on Exhibits A within such Agreements. The easement areas in which the improvements will be constructed are described on the Exhibits B-1 within each Easement Agreement. Such easement areas are further depicted in the plats depicted on Exhibits B-2 within such Agreements. It shall be the City of Montgomery's responsibility to construct these storm water management and surface drainage improvements within these easement areas and to maintain such public improvements consistent with the terms of separate Easement Agreements executed by and between the property owners and the City of Montgomery.

SECTION 2. The City Manager is directed to execute such Easement Agreements and any and all additional documentation as may be necessary to accept these property rights, and thereafter to accept responsibility for maintenance of such public improvements upon the property.

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

PASSED: February 6, 2013

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

Ken Suer
Ken Suer, Mayor

APPROVED AS TO FORM

Terrence M. Donnellon
Terrence M. Donnellon, Law Director