

**ORDINANCE NO. 9 , 2015**

**AN ORDINANCE ACCEPTING PUBLICLY DEDICATED EASEMENT RIGHTS AND  
STORM WATER IMPROVEMENTS FROM PROPERTY OWNERS IN THE  
7900 BLOCK OF SHELLDALE WAY**

**WHEREAS**, Oleg Edelman and Mary Edelman as Trustees of the Edelman Family Trust dated January 13, 2012, are property owners in the 7900 block of Shelldale Way, Montgomery, Ohio, being Hamilton County Auditor's Parcel Number 603-0008-0177 ("Edelman Property"), which property is more fully described within Exhibit A within the Easement Agreement accepted by the property owners; and

**WHEREAS**, the City of Montgomery, Ohio has contracted with the property owners to reconstruct a storm sewer management system on and across the Edelman Property to appropriately manage storm water runoff from the Edelman Property and storm water runoff from the right-of-way of the Montgomery Heights subdivision; and

**WHEREAS**, the 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 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 Oleg Edelman and Mary Edelman, Trustees of the Edelman Family Trust dated January 13, 2012, upon and across property located on Shelldale Way, being Auditor's

Parcel Number 603-0008-0177 set forth within the Easement Agreement attached hereto and incorporated herein by reference and being more particularly described on Exhibit A within such Agreement. The easement area in which the improvements will be constructed as described on the Exhibit B-1 within such Easement Agreement. Such easement area is further depicted in the plat depicted on Exhibit B-2 within such Agreement. It shall be the City of Montgomery's responsibility to construct these storm water management and surface drainage improvements within the easement area and to maintain such public improvements consistent with the terms of the separate Easement Agreement executed by and between the property owners and the City of Montgomery.

**SECTION 2.** The City Manager is directed to execute such Easement Agreement 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: November 4, 2015

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink  
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director