

ORDINANCE NO. 2009-32

AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT OVER A .0161 ACRE PORTION OF PARCEL 1177 OF PAGE 190 OF BOOK 612 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (NEAR THE SOUTHWEST CORNER OF CORNELL ROAD AND CENTENNIAL AVENUE); AND DECLARING AN EMERGENCY

WHEREAS, Section 9.12 of Article IX of the Charter of the City of Blue Ash, Ohio, provides the method under which the City Manager shall make certain purchases and enter into contracts on behalf of the City, including issues affecting real and personal property rights; and

WHEREAS, Blue Ash Revitalization, Inc., the owner of property located at and surrounding 11187 Centennial Avenue near the southwest corner of Cornell Road and Centennial Avenue, has requested that the City of Blue Ash permit access and egress rights over a 700 square foot portion of City property to allow them to move forward with the sale of 11187 Centennial Avenue involving a portion of Parcel 1177 of Book 612, Page 190 of the Hamilton County Auditor's Office records as a driveway encroachment exists; and

WHEREAS, representatives from the Administration and Solicitor's Office have reviewed this request and are recommending that the City Manager be authorized to enter into a Grant of Easement to BARI, a not-for-profit organization, with some reasonable and appropriate limitations; and

WHEREAS, the City Manager has disclosed that he is on the board of BARI and that he has no financial interest in BARI or this Grant of Easement; and

WHEREAS, examples of said limitations to be finalized within the easement language would include proper language to preserve the City's involvement in future development of this commercially-zoned property.

Be it ordained by the Council of the City of Blue Ash, Ohio, not less than five (5) members thereof concurring,

SECTION I.

Notwithstanding any potential conflict issues, about which Council has been made aware, concerning the City Manager and his position on the board of Blue Ash Revitalization, Inc. and this Grant of Easement, the City Manager is hereby authorized to execute a permanent exclusive Grant of Easement to Blue Ash Revitalization, Inc. to allow access and egress rights over a portion of City property located near the southwest corner of Cornell Road and Centennial Avenue involving the southern portion of Parcel 1177 of Page 190 of Book 612 of the Hamilton County Auditor's Office records. The document shall be prepared and approved as to form by the City Solicitor's Office, and shall provide for the elimination of the easement upon demolition of the building or significant redevelopment of Parcels 1005 and 1007 of Book 612, Page 190 (11187 Centennial Avenue).

SECTION II.

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Blue Ash, Ohio; the reason for the emergency being the need to allow the owner to move forward with timely sale of this property. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 11th day of June, 2009.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Bryan Pacheco, Deputy Solicitor