

ORDINANCE NO. 2009-36

AUTHORIZING THE CITY MANAGER TO EXECUTE A SIGNAGE GRANT OF EASEMENT OVER PARCEL 11 OF BOOK 612, PAGE 131 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (5371 PFEIFFER ROAD) FOR THE BENEFIT OF THE CURRENT OWNER OF PARCEL 13, BOOK 612, PAGE 131 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (5535 PFEIFFER ROAD); 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, in the late 1980s, the City of Blue Ash completed a major road improvement project involving the reconstruction of Pfeiffer Road which included the relocation of the roadway to the south of the previous road necessitating the purchase of multiple residential properties on the south side of Pfeiffer Road; and

WHEREAS, Ursuline Academy recently applied for a permit to change their main signage along the south side of Pfeiffer Road, and it was discovered in that process that their current sign (as well as the location of the proposed new sign) is on City owned property (residual lands unused for the project), but not part of the dedicated roadway; and

WHEREAS, after review of this issue and sign request by members of the Community Development Office as well as the City Administration, it is recommended that the City Manager be authorized to negotiate and enter into a signage grant of easement agreement that would grant Ursuline Academy, but not their successors and assigns, the right to construct, insure, and maintain a City-approved sign on Parcel 11 of Book 612, Page 131 of the Hamilton County Auditor's Office records.

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

SECTION I.

The City Manager is hereby authorized to negotiate and thereafter enter into a signage grant of easement agreement that would grant rights to Ursuline Academy, but not their successors or assigns, the right to construct, insure, and maintain a City-approved sign on Parcel 11 of Book 612, Page 131 of the Hamilton County Auditor's Office records (5535 Pfeiffer Road). This easement document shall be prepared and approved as to form by the City Solicitor's Office and shall require Ursuline Academy to pay the cost associated with relocation of the sign in the event the roadway is to be widened in the future and language that would indicate the agreement would terminate if Ursuline would ever sell the land to another owner.

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 their plans for placement of new signage. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 9th day of July, 2009.

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Robert J. Buckman, Jr., Mayor

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Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

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Mark A. Vander Laan, Solicitor