

ORDINANCE NO. 2009-48

AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT WITH THE NEIGHBORING VILLAGE OF EVENDALE INVOLVING PROPERTY NEAR CARPENTER'S RUN DRIVE AT THE CARPENTER'S CREEK SUBDIVISION ENTRANCE TO ALLOW IMPROVEMENTS TO BE MADE TO THIS NEIGHBORHOOD ENTRANCE; 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, the City was contacted by representatives from the neighboring Village of Evendale regarding their desire to make various safety and aesthetic improvements to the access drive from Blue Ash's Carpenter's Run Drive and the access road to the Carpenter's Creek subdivision in the Village of Evendale (Gateclub Drive); and

WHEREAS, it is the Village of Evendale's desire to make various improvements to improve the safety of that area, including widening the access, improving drainage issues, adding sidewalks and landscaping, etc.; and

WHEREAS, it is the recommendation of the Public Works Director that Council authorize the City Manager to negotiate and thereafter enter into a Grant of Easement agreement that would allow these improvements to be completed.

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 Grant of Easement agreement with the Village of Evendale affecting the roadway in the area of Carpenter's Run Drive and the entrance to the Carpenter's Creek subdivision (Gateclub Drive). The agreement would include a landscape easement to allow the maintenance and replacement (by Evendale) of existing and future landscaping across the affected property as well as a roadway easement to allow the maintenance (by Evendale) of the roadway, curb and gutter, sidewalk, etc. to ensure continuity of maintenance for Gateclub Drive. All documentation associated with this Grant of Easement shall be reviewed and approved as to form by the City Solicitor's Office.

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 Village of Evendale to move forward with their plans for improvement of this entrance into their community and into the Carpenter's Creek subdivision. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 13th day of August, 2009.

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Robert J. Buckman, Jr., Mayor

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Susan K. Bennett, Deputy Clerk of Council

APPROVED AS TO FORM:

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Mark A. Vander Laan, Solicitor