

ORDINANCE NO. 2 , 2024

**AN ORDINANCE REPEALING ORDINANCE 19, 1977
AND DECLARING AN EMERGENCY**

WHEREAS, on August 3, 1977, Council passed Ordinance 19, 1977 designating the property at 10305 Montgomery Road as a City Landmark; and

WHEREAS, the current owner of the property acquired the property in February 1977 prior to its consideration as a Landmark; and

WHEREAS, it has recently come to light that in 1977 the property owner repeatedly objected to the designation of their property as a Landmark and never volunteered the designation for the property; and

WHEREAS, this 1977 history recently has come to the attention of the Administration in researching the Landmarks Commission, Planning Commission and Council records to address a public records request. Such research disclosed that not only was there no application nor agreement by the property owner to designate the home as a Landmark, but there was vocal opposition to the designation and some dissent by Council in making the designation over the objections of the property owner; and

WHEREAS, the current Code of Ordinances at § 150.1802 requires a concurrence of the property owner, or an application by the property owner, before a Landmark may be designated; and

WHEREAS, consistent with evolving case law and regulatory law, this Council believes it is appropriate to repeal Ordinance 19, 1977 to remove the Landmarks designation from such property since the current property owner was the property owner in 1977 and the owner objects now, and has objected then, to its designation which the owner believes negatively impacts the use and value of the property; and

WHEREAS, the rules and regulations for the National Register of Historic Landmarks allows that if a prejudicial procedural error was made, a national historic Landmark may be decommissioned. While this is not a national historic Landmark, Council believes the history with this property justifies repealing Ordinance 19, 1977.

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

SECTION 1. Ordinance 19, 1977 is hereby repealed removing the Landmarks designation from the property at 10305 Montgomery Road, Montgomery, Ohio 45242, recognizing the unique circumstance that the current property owner acquired the property prior to its designation as a Landmark, the current property owner voiced their objections to the designation of the property as a Landmark at that time, the property owner remains the continuing owner of the property since its designation, the current Code requires the concurrence of the property owner to designate a Landmark, and the fact that the property stands outside the Old Montgomery Zoning District.

SECTION 2. In order to preserve the public health, safety and welfare, and to correct this prejudicial error so as not to improperly burden the property rights of the current owner, Council hereby designates this Ordinance to be an emergency measure which shall take effect immediately upon passage.

PASSED: May 1 2024

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

Ronald G. Messer
Ronald G. Messer, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director