

ORDINANCE NO. 17 , 2020

AN ORDINANCE AUTHORIZING AND RATIFYING A DECLARATION OF COVENANTS AND RESERVATION OF PUBLIC EASEMENTS AND A MEMORANDUM OF UNDERSTANDING FOR A LEASE WITHIN THE MONTGOMERY QUARTER PROJECT SITE AND DECLARING AN EMERGENCY

WHEREAS, in finalizing the Montgomery Quarter Project, the City and The Montgomery Community Improvement Corporation have negotiated a Declaration of Covenants and Reservation of Public Easements (“Declarations”) to retain ownership in the public plaza within Stage 1 of the Project; and

WHEREAS, these Declarations reserve certain rights and responsibilities to the City and The Montgomery Community Improvement Corporation for the operation and maintenance of the public park, the public plaza, the public restrooms, and provide various ingress and egress easements to integrate the public improvements within the private improvements for the vibrant success of the Quarter; and

WHEREAS, within the Declarations the parties have agreed to an Agreement of Lease (“Lease”) to enable the anticipated hotel to use a portion of the public plaza to support private events while reserving to the City additional public event space to be planned in mutual cooperation between the parties for the success of the Quarter; and

WHEREAS, the proposed terms for the Lease are outlined in a Memorandum of Understanding, which the Administration has asked Council to endorse to enable the Administration to execute a commercial Lease for the space consistent with the negotiated terms.

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

SECTION 1. The attached Declaration of Covenants and Reservation of Public Easements for Montgomery Quarter is hereby ratified and reaffirmed. The City

Manager is authorized to record the accepted and executed Declarations as a public document detailing the rights and responsibilities of the City, The Montgomery Community Improvement Corporation, and the Developer concerning the use of certain public improvements within the Montgomery Quarter Project Site.

SECTION 2. Council does hereby approve the terms and conditions of a Lease for a portion of the public plaza as set forth in the Memorandum of Understanding, attached hereto, negotiated between the City Administration and the Developer. The City Manager is authorized to execute such Agreement of Lease consistent with the terms of the Memorandum of Understanding and if appropriate to record the Lease or a Memorandum of Lease to reflect these terms. The City Manager is further authorized to execute such additional documentation as may be necessary to implement the Declarations and the Agreement of Lease.

SECTION 3. As it is necessary to record the Declarations and to proceed with the Agreement of Lease to facilitate closing on the sale of certain property rights by The Montgomery Community Improvement Corporation to the Developer within the Montgomery Quarter Project Site in anticipation of the issuance of the Special Revenue bonds, this Ordinance is hereby declared to be an emergency measure necessary for the preservation and benefit of the public health, safety and welfare of the City of Montgomery and it is hereby declared to be an emergency and shall take effect immediately upon passage.

PASSED: December 2, 2020

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

Christopher P. Debrozsi
Christopher P. Debrozsi, Mayor

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