

ORDINANCE NO. 10 , 2020

AN ORDINANCE GRANTING A TEMPORARY INGRESS/EGRESS EASEMENT TO THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY, OHIO TO MAINTAIN TRAFFIC ACCESS TO THE RONALD REAGAN-CROSS COUNTY HIGHWAY AND DECLARING AN EMERGENCY

WHEREAS, the City did acquire certain land from the Board of Commissioner of Hamilton County, Ohio ("County") to enable the City to construct an interchange modification at the intersection of Ronald Reagan-Cross County Highway and Montgomery Road, and to support economic development with the excess land acquired; and

WHEREAS, under an Addendum to the Purchase Contract, the City did agree that during construction of the interchange modification the City and/or its contractor will maintain open ingress and egress through the construction site to Montgomery Road and Ronald Reagan-Cross County Highway; and

WHEREAS, the property acquired from the County has been appropriately subdivided to enable the City to define the area over which this open ingress and egress shall be provided.

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

SECTION 1. The City hereby grants to the Board of Commissioners of Hamilton County, Ohio for the benefit of the public an ingress and egress easement to and from Montgomery Road and the Ronald Reagan-Cross County Highway over and across the property owned by the City as described on Exhibit A attached hereto.

SECTION 2. The City agrees to maintain such open ingress and egress during the time of the construction of the interchange modification until such time as the public improvement project is completed and ingress and egress is seamlessly maintained between the two roadways within the interchange modification.

SECTION 3. If requested, this temporary ingress/egress easement may be recorded and shall terminate upon notice from the City to the Board of Commissioners of Hamilton County, Ohio that such project is substantially completed and the roadway improvements are open and have been accepted for public use.

SECTION 4. To assure continuing uninterrupted access between Montgomery Road and the Ronald Reagan-Cross County Highway during construction of the Roundabout, this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety and welfare, and it shall take effect immediately upon passage.

PASSED: June 3, 2020

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

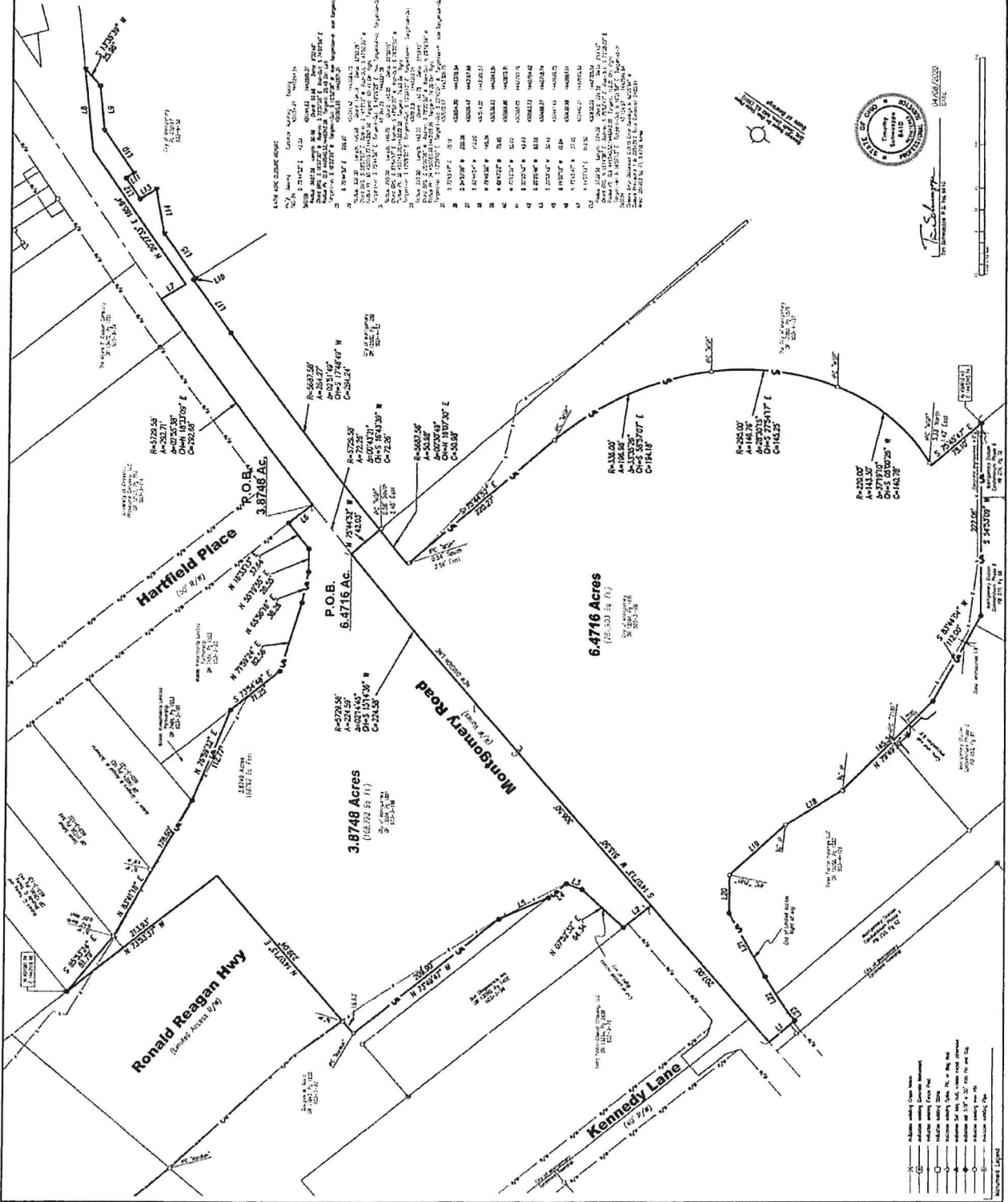
Christopher P. Dobrozsi
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director

EXHIBIT A

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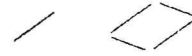
OCCUPATION
Street Center
Part of Survey
Montgomery Gateway
Community Board
Section 3, Town 4, R 1
City of Montgomery
Montgomery, Ohio

BERKING SURVEYING
3D Laser Scanning
GPS Surveying

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- 1. Addition (shaded) Open Area
- 2. Addition (shaded) Curved Boundary
- 3. Addition (shaded) Straight Boundary
- 4. Addition (shaded) Other
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- 10. Addition (shaded) Other



Description for: 3.8748 Acre Tract

Location: City of Montgomery, Ohio

Situated in Section 3, Town 4, Entire Range 1, City of Montgomery, Hamilton County, State of Ohio and being more particularly described as follows:

BEGINNING at a point in the centerline of Montgomery Road at the intersection of the south right of way line of Hartfield Place extended with the centerline of Montgomery Road;

Thence along an arc deflecting to the right, having a radius of 5729.58 feet, an arc length of 292.71 feet, central angle of $02^{\circ}55'38''$, the chord of said arc bears North $18^{\circ}33'09''$ East, 292.68 feet;

Thence leaving said centerline, South $67^{\circ}58'27''$ East, 32.05 feet;

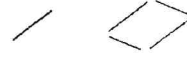
Thence North $20^{\circ}27'33''$ East, 185.84 feet;

Thence North $48^{\circ}53'33''$ East, 94.54 feet to a set MAG nail;

Thence South $13^{\circ}35'39''$ West, 25.96 feet to a set iron pin in the easterly right of way line of Main Street and the westerly line of lands conveyed to the City of Montgomery as recorded in Registered Land Certificate 239197;

Thence in part and along said easterly right of line of Main Street, the easterly right of way of line of Montgomery Road, the westerly line of said City of Montgomery and the westerly line of the lands conveyed to the City of Montgomery as recorded in Official Record 12580, Page 1289 the following ten (10) courses:

- 1) South $48^{\circ}53'33''$ West, 51.20 feet to a set MAG nail,
- 2) South $20^{\circ}27'33''$ West, 59.48 feet to a set MAG nail,
- 3) North $69^{\circ}32'27''$ West, 10.69 feet to a set iron pin,
- 4) South $20^{\circ}27'33''$ West, 29.05 feet to a set iron pin,
- 5) South $67^{\circ}58'27''$ East, 21.43 feet to a set MAG nail,
- 6) South $44^{\circ}50'24''$ West, 51.89 feet to a set MAG nail,
- 7) South $20^{\circ}24'43''$ West, 62.16 feet to a set iron pin,
- 8) North $67^{\circ}58'27''$ West, 3.00 feet to a set iron pin,
- 9) South $19^{\circ}43'30''$ West, 75.00 feet to a set iron pin,



10) along an arc deflecting to the left having a radius of 5687.58 feet, an arc length of 284.27 feet, central angle of $02^{\circ}51'49''$, the chord of said arc bears South $17^{\circ}48'49''$ West, 284.24 feet to the southwest corner of the City of Montgomery and the Limited Access right of way line of Ronald Reagan Highway, referenced by and existing iron pin and cap (MSP) at 0.58 feet south and 2.46 feet east,

Thence leaving the easterly right of way line of said Montgomery Road, North $75^{\circ}44'52''$ West, 42.03 feet to the centerline of Montgomery Road;

Thence along the centerline of said Montgomery Road, along an arc deflecting to the left having a radius of 5729.58 feet, an arc length of 224.59 feet, central angle of $02^{\circ}14'45''$, the chord of said arc bears South $15^{\circ}14'36''$ West, 224.58 feet AND South $14^{\circ}07'13''$ West, 306.50 feet;

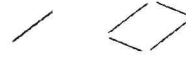
Thence leaving the centerline of said Montgomery Road, North $73^{\circ}49'47''$ West, 40.03 feet to a set iron pin in west right of way line of Montgomery Road and the southeast corner of lands conveyed to Skin Diagnostics Inc. as recorded in Official Record 13090, Page 1402;

Thence in part and along the said west right of way line of Montgomery Road, the southerly Limited Access right of way line of Ronald Reagan Highway and the east line of Skin Diagnostics Inc., North $07^{\circ}52'32''$ E, 64.34 feet to a set iron pin AND North $14^{\circ}20'41''$ West, 18.90 feet to a set iron pin at the northeast corner of Skin Diagnostics;

Thence in part and along the said southerly Limited Access right of way line of Ronald Reagan Highway and the north line of Skin Diagnostics Inc., North $73^{\circ}49'47''$ West, 25.53 feet to a set iron pin at the southeast corner of lands conveyed Douglas M. Baird as recorded in Official Record 11943, Page 1235;

Thence in part along the southerly Limited Access right of way line of Ronald Reagan Highway, the north line of Baird and through the Limited Access right of way line of Ronald Reagan Highway the following three (3) courses:

- 1) North $58^{\circ}44'42''$ West, 61.43 feet to a set iron pin,
- 2) North $73^{\circ}49'47''$ West, 209.90 feet to an existing $5/8''$ iron pin and cap (Nordloh),



- 3) North 14°07'13" East, 239.04 feet, passing an existing 5/8" iron pin at a common corner of the southerly Limited Access right of way line of Ronald Reagan Highway and Baird at 18.63 feet;

Thence North 73°53'37" West, 213.93 feet to a set iron pin on the northerly Limited Access right of way line of Ronald Reagan Highway and the southwest corner of Robert C. Young and Rhonda G. Young as recorded in Official Record 12696, Page 443 Thence in part and along said northerly Limited Access right of way line of Ronald Reagan Highway and the south line of said Young, Sarah Sahnd as recorded in Official Record 13829, Page 2082, Justin P. Gregory & Abigail M. Schwartz as recorded in Official Record 14024, Page 183 and Mason Investments Limited Partnership as record in Official Record 7484, Page 1553 the following eight (8) courses:

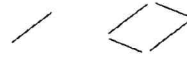
- 1) South 85°53'24" East, 81.79 feet to the common corner of Young and Sahnd being referenced by an 1/2" iron pin at 0.42 feet north and 0.09 feet west,
- 2) North 83°41'18" East, 178.60 feet to a set iron pin at the common corner with Schwartz and Mason Investments,
- 3) North 76°59'32" East, 112.77 feet to a set iron pin,
- 4) South 73°54'48" East, 71.25 feet to a set iron pin,
- 5) North 71°59'24" East, 82.56 feet to a set iron pin,
- 6) North 65°56'16" East, 36.26 feet to a set iron pin,
- 7) North 55°19'55" East, 26.55 feet to a set iron pin,
- 8) North 16°33'13" East, 37.64 feet to a set iron pin at the northeast corner of Mason Investments in the south line of Hartfield Place;

Thence leaving said northerly Limited Access right of way line of Ronald Reagan Highway, South 73°53'37" East, 34.52 feet to the **POINT OF BEGINNING**.

CONTAINING 3.8748 ACRES. Together with and subject to all easements of record.

Iron pins referenced as being set are 5/8"x30" iron pins with cap stamped "G.J. Berding Surveying".

Page 4
Description for: 3.8748 Acre Tract
Location: City of Montgomery, Ohio



Prepared by G.J. BERDING SURVEYING, INC. on April 8, 2020. Based on a plat of survey prepared by G.J. BERDING SURVEYING, INC. on April 8, 2020.

Being part of those lands conveyed to the City of Montgomery as recorded in Official Record 13594, Page 1881. Further Identified as part of Auditors Parcel 603-003-0186.



Tim Schwoeppe, LS-8410 04/08/2020
Date



G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

CERTIFICATE OF COPY
ORIGINAL ON FILE

STATE OF OHIO

City of Montgomery
County Hamilton

I, Connie M. Gaylor, as Clerk of the Council of the City of Montgomery, Ohio, within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Ordinance No. 10, 2020 "*An Ordinance Granting A Temporary Ingress/Egress Easement to The Board of Commissioners of Hamilton County, Ohio To Maintain Traffic Access to The Ronald Reagan-Cross County Highway and Declaring an Emergency*" approved by the Council of Montgomery, Ohio, in regular session the 3rd day of June 2020, and approved by the Mayor in conformity with the Charter of Montgomery, Ohio. The foregoing has been compared by me with said original documents, and that the same is a true and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed by Official Seal of the City of Montgomery, Hamilton County, Ohio, this 4th day of June 2020.

(Seal)



Connie M. Gaylor
Clerk of Council
City of Montgomery, Ohio