

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 11 - 14 - 19

AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AND AGREEMENT TO ENTER UPON REAL ESTATE FOR SPECIFIED PURPOSES WITH CAROL SMITH, OWNER OF REAL PROPERTY LOCATED AT 32. E. SALEM ROAD, AND AUTHORIZING THE TRANSFER OF .02 ACRES OF PUBLIC PROPERTY AND BEARING PARCEL I.D. NUMBER M60 00204 0003 TO CAROL SMITH

WHEREAS, staff has recommended that the former fire department garage located on Salem Road be demolished and removed because it has fallen into disrepair and is no longer of use to the City of Clayton; and

WHEREAS, the former fire department garage is partially located on the property of Carol Smith at 32 E. Salem Road in the City of Clayton; and

WHEREAS, in exchange for allowing the City of Clayton access to demolish and remove the former fire department garage, fill remaining holes and level the ground following demolition, the City of Clayton desires to transfer to Carol Smith .02 acres of public property bearing Montgomery County Parcel I.D. No. M60 00204 0003.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City of Clayton hereby approves and authorizes the City Manager to enter into a *License and Agreement to Enter Upon Real Estate for Specified Purposes* and a *Deed* upon such terms and conditions as are substantially similar to those appended hereto and made a part hereof.
2. That this Ordinance shall repeal any prior ordinances inconsistent herewith and shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Charter Section 4.031 the requirement that this ordinance be read on two (2) different days is complied with by readings on November 20, 2014 and December 4, 2014.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON NOVEMBER 20, 2014.

AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper Date of publication
Englewood Independent November 24, 2014



Clerk

LICENSE AND AGREEMENT TO ENTER UPON REAL ESTATE FOR SPECIFIED PURPOSES

Carol Ann Smith, unmarried and sole owner of the real estate located at 32 E. Salem Street, Clayton, Ohio 45315 and being Montgomery County Auditor Parcel No. M60 00204 0001 hereby grants to the City of Clayton, Ohio, 6996 Taywood Road, Englewood, Ohio 45322, its employees, agents and contractors a license to enter upon her real estate located at 32 E. Salem Street, Clayton, Ohio 45315 for the purpose of demolishing and removing a garage located thereon and previously erected by Randolph Township and for the additional purposes of: filling in holes and leveling the ground following demolition of the aforementioned garage and seeding the area where the garage was located after the ground is leveled (the "Project").

Carol Ann Smith and the City of Clayton, Ohio hereby further agree as follows:

- The above described Project shall be done at no cost to the owner Carol Ann Smith; and
- Prior to the City of Clayton, Ohio's entry onto Carol Ann Smith's property, Carol Ann Smith will remove two sections of existing wrought iron fence located thereon; and
- Prior to the City of Clayton, Ohio's entry onto Carol Ann Smith's property, the City of Clayton will supply 150 feet of temporary fence material to Carol Ann Smith who will install and maintain said temporary fencing in a manner sufficient to contain her dogs while the City of Clayton, Ohio performs the Project; and
- This license shall expire upon completion of the Project; and
- Within a reasonable time following completion of the Project, the City of Clayton, Ohio will cause to be executed the deed appended hereto as **Exhibit 1** transferring the .02 acre of property described therein and currently titled to the City of Clayton, Ohio, to Carol Ann Smith. Carol Ann Smith will be responsible for any and all real estate taxes and assessments as a result of this transfer.

READ AND AGREED:

Carol Ann Smith

Date: _____, _____, 2014

City of Clayton, Ohio
Richard Rose, City Manager

Date: _____, _____, 2014