

**ORDINANCE NO. 2008- 85**

**AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT IN 831 SQUARE FEET OF REAL PROPERTY FROM SHERYL L. CARPENTER, 141 LAKE STREET FOR \$850.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent Council desires to obtain a temporary easement in 831 square feet of real property from Sheryl L. Carpenter, 141 Lake Street in Kent/Franklin Township, Portage County, Ohio; and

**WHEREAS**, Sheryl L. Carpenter is willing to grant a temporary easement in said property for \$850.00; and

**WHEREAS**, the City needs the property for right-of-way purposes for the construction of the new Crain Avenue/Fairchild Avenue Bridge project; and

**WHEREAS**, time is of the essence because the sooner the City acquires the necessary right-of-way for this project, the sooner construction may begin.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

**SECTION 1.** That Council does hereby accept and authorize the City Manager or his designee to execute the agreement for the City of Kent to obtain a temporary easement for a total of 831 square feet of real property from Sheryl L. Carpenter, 141 Lake Street for \$850.00 for right-of-way purposes for the new Crain Avenue/Fairchild Avenue Bridge project in substantial conformity with the terms of the Agreement marked as Exhibit "1", attached hereto and incorporated herein.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That 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 residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 5/21/08  
DATE

\_\_\_\_\_  
MAYOR AND PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2008- 85 was duly enacted this 21 day of May, 2008 by the Council of the City of Kent, Ohio.

\_\_\_\_\_  
Linda M. Copley, Clerk of Council

## TEMPORARY RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Sheryl L. Carpenter, Trustee of the Sheryl L. Carpenter Revocable Living Trust u/a 10/20/2006 the Grantor(s) herein, in consideration of the sum of \$850.00, to be paid by City of Kent, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit "A" the following described real estate:

PARCEL(S): 82 T  
POR-Crain Avenue

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF  
Prior Instrument Reference: Warranty Deed instrument # 200702776, Portage County Recorder's Office.

To have and to hold said temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns forever.

The duration of the temporary easement herein granted to the Grantee is 24 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

IN WITNESS WHEREOF Sheryl L. Carpenter Revocable Trust u/a 10/20/2006 by and through Sheryl L. Carpenter, the Trustee of Sheryl L. Carpenter Revocable Trust u/a 10/20/2006, has hereunto subscribed her name on the 16 day of January , 2008 .

10/20/2006  
SHERYL L. CARPENTER REVOCABLE TRUST U/A

By: *Sheryl L. Carpenter Trustee*  
SHERYL L. CARPENTER  
TRUSTEE

STATE OF OHIO, COUNTY OF PORTAGE ss:

BE IT REMEMBERED, that on the 25<sup>th</sup> day of Feb, 2008, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Sheryl L. Carpenter, who acknowledged being the Trustee of Sheryl L. Carpenter Revocable Trust u/a 10/20/2006, and who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of said Sheryl L. Carpenter Revocable Trust u/a 10/20/2006.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

*Deborah R Young*

NOTARY PUBLIC  
My Commission expires:  
DEBORAH R. YOUNG  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires 02/07/11

EXHIBIT A

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CTY-RTE-SEC POR-CRAIN\_AVENUE  
Version Date 12/01/06

PARCEL 82-T  
POR-CRAIN\_AVENUE  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
CONSTRUCT TEMPORARY PAVEMENT FOR MAINTAINING TRAFFIC AND TO  
COMPLETE GRADING  
FOR APPROXIMATELY 24 MONTHS FROM DATE OF ENTRY BY THE  
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION

[Surveyor's description of the premises follows]

Situated in the City of Kent, County of Portage and State of Ohio, being part of Lot 31 of Original Franklin Township, T-3-N, R-9-W, being a parcel of land lying on the left side of the centerline of right-of-way of Lake Street (60 feet), as shown on the POR-CRAIN AVENUE plans made for the City of Kent, Ohio by ARCADIS G & M of Ohio, Inc. and as recorded in Reception Number \_\_\_\_\_ of the records of Portage County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 3/8" iron pin in a monument box found at the intersection of the westerly line of Original Lot 31 and the centerline of right-of-way of Lake Street (60 feet) at Station 60+27.16 on the centerline of right-of-way of Lake Street;

Thence North 67° 59' 04" East 375.88' along the centerline of right-of-way of Lake Street to Station 64+03.04 on the centerline of right-of-way of said Lake Street;

Thence North 22° 00' 56" West 30.00' perpendicular from the centerline of right-of-way line of Lake Street to the southwest corner of a parcel of land now or formerly owned by Patrick S. Carpenter and Sheryl L. Carpenter (Grantors) recorded in Instrument Number 200417764 at Station 64+03.04, 30.00' left of the centerline of right-of-way of said Lake Street, witness a drill hole found at Station 64+03.04, 29.98' left of the centerline of right-of-way of said Lake Street; also being the TRUE PLACE OF BEGINNING of the temporary easement herein described:

1. Thence North 13° 21' 56" West 11.19' along the westerly property line of said Carpenter parcel to Station 64+04.72, 41.07' left of the centerline of Lake Street;
2. Thence North 69° 19' 09" East 81.99' through said Carpenter parcel to the easterly property line of said parcel to Station 64+86.70, 39.16' left of the centerline of Lake Street;
3. Thence South 12° 44' 56" East 9.28' along the easterly property line of said Carpenter parcel to the northerly right-of-way line of Lake Street at Station 64+85.20, 30.00' left of the centerline of Lake Street;
4. Thence South 67° 59' 04" West 82.16' along the northerly right-of-way line of Lake Street to the TRUE PLACE OF BEGINNING.

The above described parcel contains 831 square feet of land, which includes 0 square feet in the present road occupied, resulting in a net take of 831 square feet of land of which is contained within Portage County Auditor's Permanent Parcel Number 170312100009 and subject to all legal highways and easements of record.

This description was prepared by Angela M. Metz, E.I. in December 2006 under the direct supervision of Charles A. Hauber, Registered Surveyor Number 8034 and is based on a field survey performed by Finkbeiner, Pettis & Strout, Inc. (now known as ARCADIS G & M of Ohio, Inc.) in 2004 under the direction and supervision of Michael E. Durbin, Registered Surveyor Number 7528.

EXHIBIT A

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Bearings in this description are based on the Ohio Coordinate System, NAD83(86), North Zone.

The stations referred to herein are from the centerline of right-of-way of Lake Street as found on the City of Kent Right-of-Way Plan POR-CRAIN AVENUE.

Iron pins set in the above description are 5/8 inch diameter by 30 inch long rebars with a plastic cap stamped "HAUBER 8034" or a drill hole set depending upon the nature of the material that is present at each corner after construction.

It is understood the area of land above described contains 831 square feet, more or less.

Grantor claims title by instrument(s) of record in Instrument Number 200417764 of the records of Portage County.

This instrument prepared by ARCADIS G & M of Ohio, Inc. for the City of Kent, Ohio.



*Charles A. Hauber*  
20 Dec 2006