

ORDINANCE NO. 2008- 149

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 475 SQUARE FEET AND OBTAINING A TEMPORARY EASEMENT OF 3,288 SQUARE FEET OF REAL PROPERTY FROM BRANDY GABRIEL, 518 NORTH WATER STREET FOR \$4,075.00 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 purchase an interest in 475 square feet and obtaining a temporary easement of 3,288 square feet of real property from Brandy Gabriel, 518 North Mantua Street in Kent/Franklin Township, Portage County, Ohio; and

WHEREAS, Brandy Gabriel is willing to sell said interest and grant a temporary easement in said property for \$4,075.00; 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 accepts and authorizes the City Manager or his designee to execute the purchase agreement for the City of Kent to purchase 475 square feet and obtain a temporary easement for 3,288 square feet of real property from Brandy Gabriel, 518 North Mantua Street for \$4,075.00 for right-of-way purposes for the Crain Avenue/Fairchild Avenue Bridge project in substantial conformity with the terms of the Purchase 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: 09/17/08
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Resolution No. 2008- 149 was duly enacted this 17th day of September, 2008, by the Council of the City of Kent, Ohio.

CLERK OF COUNCIL

**PARCEL 16-WDV
POR-CRAIN AVENUE
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Kent, County of Portage and State of Ohio, being part of Lot 30 of Original Franklin Township, T-3-N, R-9-W, being a parcel of land lying on the right side of the centerline of right-of-way of Fairchild Avenue (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 1" rebar found in a monument box at the intersection of the centerline of right-of-way of Hudson Road (60 feet) and the northerly right-of-way of Fairchild Avenue (60 feet), said rebar at Station 11+69.40, 30.00' left of the centerline of right-of-way of Fairchild Avenue;

Thence **South 21° 47' 40" West 60.02'** along the centerline of Hudson Road to the existing southerly right-of-way line of Fairchild Avenue at Station 11+71.12, 30.00' right of the centerline of right-of-way of said Fairchild Avenue;

Thence **South 66° 33' 19" East 300.85'** along the southerly right-of-way line of Fairchild Avenue to a Point of Inflection at Station 14+71.47, 30.00' right of the centerline of right-of-way of said Fairchild Avenue (60 feet);

Thence **South 68° 27' 28" East 99.93'** along the southerly right-of-way line of Fairchild Avenue to the northwesterly corner of a parcel of land now or formerly owned by Brandy Kuhar, also known as Brand K. Kuhar (Grantor) recorded in Volume 161, Page 591, at Station 15+70.90, 30.00' right of the centerline of right-of-way of said Fairchild Avenue; also being the TRUE PLACE OF BEGINNING of the parcel herein described:

1. Thence **South 68° 27' 28" East 93.98'** continuing along the southerly right-of-way line of said Fairchild Avenue to Station 16+64.88, 30.00' right of the centerline of Fairchild Avenue;
2. Thence **South 56° 50' 28" East 4.94'** continuing along the southerly right-of-way line of said Fairchild Avenue to Station 16+69.72, 31.00' right of the centerline of Fairchild Avenue;
3. Thence along the proposed right-of-way line of Fairchild Avenue along the arc of a curve to the right, said curve having a delta of 41° 21' 02", a radius of 33.00', a tangent of 12.45' and a chord of 23.30' with a chord bearing of South 34° 36' 51" East, an **arc distance of 23.82'** to station 636+56.44, 34.42' left of the centerline of right-of-way of S.R. 43 (N. Mantua Street);
4. Thence **South 22° 00' 00" West 6.71'** non-tangent to the previous course along the westerly right-of-way line of S.R. 43 (N. Mantua Street) at Station 636+49.73, 34.46' left of the centerline of S.R. 43 (N. Mantua Street);
5. Thence **South 68° 00' 00" East 1.72'** along the westerly right-of-way line of S.R. 43 (N. Mantua Street) at Station 636+49.72, 32.74' left of the centerline of S.R. 43 (N. Mantua Street);

EXHIBIT A

RX 251
Rev. 09/06

	PID	Page 3 of 6
	PARCEL	18466
	CTY-RTE-SEC	16-WDV
	Version Date	POR-CRAIN_AVENUE
		12/01/06

6. Thence **South 22° 01' 01" West 23.65'** along the westerly property line of S.R. 43 (N. Mantua Street) to an iron pin set at Station 636+26.07, 32.88' left of the centerline of S.R. 43 (N. Mantua Street);
7. Thence along the proposed right-of-way line of Fairchild Avenue along the arc of a curve to the left, said curve having a delta of 90° 28' 28", a radius of 42.00', a tangent of 42.35' and a chord of 59.64' with a chord bearing of North 23° 13' 13" West, an **arc distance of 66.32'** to an iron pin set at a point of tangency, said point being at Station 16+48.54, 32.00' right of the centerline of right-of-way of Fairchild Avenue;
8. Thence **North 68° 27' 28" West 77.63'** continuing along the proposed southerly right-of-way line of said Fairchild Avenue to an iron pin set on the westerly property line of said Kuhar parcel at Station 15+70.91, 32.00' right of the centerline of Fairchild Avenue;
9. Thence **North 21° 14' 54" East 2.00'** along the westerly property line of said Kuhar parcel to the TRUE PLACE OF BEGINNING.

The above described parcel contains 475 square feet of land, which includes 0 square feet in the present road occupied, resulting in a net take of 475 square feet of land of which is contained within Portage County Auditor's Permanent Parcel Number 170302000144 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.

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

Grantor claims title by instrument(s) of record in Volume 161, Page 591 of the records of Portage County.

The stations referred to herein are from the centerlines of right-of-way of Fairchild Avenue and S.R. 43 (N. Mantua 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 depending upon the nature of the material that is present at each corner after construction.

Grantor conveys all of the property described above, except they reserve the right of ingress and egress to and from Fairchild Avenue and S.R. 43 (N. Mantua Street) for himself and his heirs, executors, administrators and assigns.

Grantor, for himself and his heirs, executors, administrators and assigns, reserves the right of ingress and egress to and from any residual area.

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



EXHIBIT A

Page 4 of 6

RX 286
Rev. 09/06

PID 18466
PARCEL 16-T
CTY-RTE-SEC POR-CRAIN_AVENUE
Version Date 12/01/06

**PARCEL 16-WDV
POR-CRAIN AVENUE
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
RECONSTRUCT DRIVE, CURB AND 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 30 of Original Franklin Township, T-3-N, R-9-W, being a parcel of land lying on the right side of the centerline of right-of-way of Fairchild Avenue (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 1" rebar found in a monument box at the intersection of the centerline of right-of-way of Hudson Road (60 feet) and the northerly right-of-way of Fairchild Avenue (60 feet), said rebar at Station 11+69.40, 30.00' left of the centerline of right-of-way of Fairchild Avenue;

Thence **South 21° 47' 40" West 60.02'** along the centerline and centerline extension of Hudson Road to the existing southerly right-of-way line of Fairchild Avenue at Station 11+71.12, 30.00' right of the centerline of right-of-way of said Fairchild Avenue;

Thence **South 66° 33' 19" East 300.85'** along the southerly right-of-way line of Fairchild Avenue to a Point of Inflection at Station 14+71.47, 30.00' right of the centerline of right-of-way of said Fairchild Avenue (60 feet);

Thence **South 68° 27' 28" East 99.93'** along the southerly right-of-way line of Fairchild Avenue to the northwesterly corner of a parcel of land now or formerly owned by Brandy Kuhar, also known as Brand K. Kuhar (Grantor) recorded in Volume 161, Page 591, at Station 15+70.90, 30.00' right of the centerline of right-of-way of said Fairchild Avenue;

Thence **South 21° 14' 54" West 2.00'** along the westerly property line of said Kuhar parcel to an iron pin set at Station 15+70.91, 32.00' right of the centerline of right-of-way of said Fairchild Avenue; also being the TRUE PLACE OF BEGINNING of the temporary easement herein described:

10. Thence **South 68° 27' 28" East 77.63'** through said Kuhar parcel to an iron pin set on the proposed right-of-way line of Fairchild Avenue at Station 16+48.54, 32.00' right of the centerline of right-of-way of said Fairchild Avenue;
11. Thence along the proposed right-of-way line of Fairchild Avenue along the arc of a curve to the right, said curve having a delta of 90° 28' 28", a radius of 42.00', a tangent of 42.35' and a chord of 59.64' with a chord bearing of South 23° 13' 13" East, an **arc distance of 66.32'** to an iron pin set at a point of tangency, said point being at Station 636+26.07, 32.88' left of the centerline of right-of-way of S.R. 43 (N. Mantua Street);
12. Thence **South 22° 01' 01" West 31.01'** along the westerly right-of-way line of S.R. 43 (N. Mantua Street) to the southeast corner of said Kuhar parcel at Station 635+94.85, 33.00' left of the centerline of right-of-way of said S.R. 43 (N. Mantua Street);
13. Thence **North 66° 35' 38" West 15.38'** along the southerly property line of said Kuhar parcel to Station 635+95.22, 48.38' left of the centerline of S.R. 43 (N. Mantua Street);
14. Thence **North 16° 03' 37" East 49.30'** through said Kuhar parcel to Station 636+44.59, 53.26' left

- of the centerline of S.R. 43 (N. Mantua Street);
15. Thence **North 31° 22' 57" West 25.49'** through said Kuhar parcel to Station 16+49.86, 40.41' right of the centerline of right-of-way of said Fairchild Avenue;
 16. Thence **South 79° 26' 06" West 39.68'** through said Kuhar parcel to Station 16+16.26, 61.50' right of the centerline of right-of-way of said Fairchild Avenue;
 17. Thence **North 68° 27' 28" West 45.20'** through said Kuhar parcel to the westerly property line of said parcel to Station 15+71.06, 61.50' right of the centerline of right-of-way of said Fairchild Avenue;
 18. Thence **North 21° 14' 54" East 29.50'** along the westerly property line of said Kuhar parcel to the TRUE PLACE OF BEGINNING.

The above described parcel contains 3288 square feet of land, which includes 0 square feet in the present road occupied, resulting in a net take of 3288 square feet of land of which is contained within Portage County Auditor's Permanent Parcel Number 170302000144 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.

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

The stations referred to herein are from the centerlines of right-of-way of Fairchild Avenue and S.R. 43 (N. Mantua 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 3288 square feet, more or less.

Grantor claims title by instrument(s) of record in Volume 161, Page 591 of the records of Portage County.

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



