

**ORDINANCE NO. 2014- 145**

**AN ORDINANCE DIRECTING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 0.18 ACRES OF CERTAIN REAL PROPERTY KNOWN AS 227 COLLEGE AVENUE, KENT, PORTAGE COUNTY, OHIO, OWNED BY S.M. POULTON, LTD. FOR THE PURPOSE OF CONSTRUCTING THE NEW POLICE STATION BUILDING AND CHANGING THE GRADE, OF THE LAND, CONSTRUCTING DRIVEWAYS, PARKING LOTS AND SIDEWALKS, UTILITIES TO SERVE THE BUILDING, ACCESS ROADS AND PUBLIC ROADS, INCLUDING POSSIBLY A CUL-DE-SAC, AND RE-ROUTING AND BUILDING NEW UTILITY LINES IN THE AREA BOUNDED TO THE NORTH BY HAYMAKER PARKWAY; TO THE EAST BY THE EASTERN LOT LINES OF 233 AND 234 EAST COLLEGE STREET; AND ON THE EASTERN SIDE BY TONKIN COURT; TO THE SOUTH BY THE NORTHERN SIDE OF 319 DEPEYSTER STREET; AND TO THE WEST BY THE EASTERN SIDE OF DEPEYSTER STREET, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on the 15th day of October, 2014, the Council of the City of Kent adopted Ordinance No. 2014-121 declaring the necessity and intent to appropriate all right, title and interest in fee simple in 0.18 acres of certain real property hereinafter described, notice of adoption of which Ordinance has been served on each owner of, each person in possession of, and each person having an interest of record in this real property, referred to as being premises located and known as 227 College Avenue, S.M. Poulton, Ltd., being the owners of record in the premises.

**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 concurring:

**SECTION 1.** That Council hereby determines and directs the appropriation of all right, title and interest in fee simple in 0.18 acres of certain real property owned by S.M. Poulton, Ltd., for the purpose of constructing the new police station building and changing the grade, of the land, constructing driveways, parking lots and sidewalks, utilities to serve the building, access roads and public roads, including possibly a cul-de-sac, and re-routing and building new utility lines in the area bounded to the north by Haymaker Parkway; to the east by the eastern lot lines of 233 and 234 East College Street; and on the eastern side by Tonkin Court; to the south by the northern side of 319 Depeyster Street; and to the west by the eastern side of Depeyster Street. The parcel to be appropriated is situated at 227 College Avenue and is more fully described as follows:

**PARCEL #17-024-40-00-032-000**

Situated in the City of Kent, County of Portage and State of Ohio: And being part of Lot No. 24, Franklin Township. Beginning for commencement at the intersection of the West line of Kent Heir's Block "E" Plat Book 2, Page 47, and the North right-of-way of College Avenue 60' r/w, witness an iron bar found. Thence S. 86° 36' 43" W. along the North right-of-way of College Avenue, a distance of 153.60 feet to an iron bar found, and the true place of beginning for the property herein described. Thence continuing S. 86° 36' 43" W. along the North right-of-way of College Avenue, a distance of 51.20 feet to an iron bar found. Thence turning N. 03° 08' 08" W. along the East line of S.M. and S.E. Mileski, a distance of 137.00 feet to an iron bar found. Thence turning N. 57° 59' 49" E. along the South line of State Route 59, a distance of 58.46 feet to a capped rebar set. Thence turning S. 03° 08' 08" E. along the West line of S.M. and S.E. Mileski, a distance of 165.00 feet back to the true place of beginning. The area contained in this property is 0.1775 acres of land more or less. The basis of bearing is to an assumed meridian and denotes angles only. The survey was performed by Edward P. Wanchick P.S. 5756 in September of 2005. The property being conveyed is held in fee title by S.M. and S.E. Mileski deed Volume 328, Page 908.

**SECTION 2.** That the Director of Law, or his designee, be and he is hereby authorized and directed to make application to a Court of competent jurisdiction by filing therewith a petition for appropriation to have the above described real property appropriated and to have a jury impaneled to make inquiry into and assess the compensation to be paid for the real property so described.

**SECTION 3.** That the Director of Law, or his designee, be and is hereby authorized to make application to a Court of competent jurisdiction and file with said Court a declaration of intent dealing with the acquisition of the real property and further deposit with the Clerk of the Common Pleas Court of Portage County, Ohio, the value of the property interest to be appropriated as determined by the City of Kent.

**SECTION 4.** That the Council of the City of Kent hereby fixes the value of the real property as follows:

Purchase Price: Two Hundred Sixty Five Thousand Dollars 00/100 (\$265,000.00).

**SECTION 5.** 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 6.** 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: 11/19/2014  
DATE

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MAYOR AND PRESIDENT OF COUNCIL

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

I hereby certify that Ordinance No. 2014- 145 was duly enacted this 19th day of November, 2014, by the Council of the City of Kent, Ohio.

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CLERK OF COUNCIL