

ORDINANCE NO. 2017 - 88

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING PERSONAL PROPERTY ("MARC'S ENTER" SIGN) FROM MARC GLASSMAN, INC., AN OHIO CORPORATION, FOR \$2,000.00 TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to purchase personal property ("Marc's Enter" sign) from Marc Glassman, Inc.; and

WHEREAS, Marc Glassman, Inc., is willing to sell the personal property ("Marc's Enter" sign) for \$2,000.00; and

WHEREAS, the City needs the property for the purpose to install, construct and reconstruct the roadway and sidewalks for the project known as SR 43 Traffic Improvement Project; and

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, buying personal property ("Marc's Enter" sign) from Marc Glassman, Inc., for \$2,000.00, to install, construct and reconstruct for the project known as SR 43 Traffic Improvement Project in substantial conformity with the terms of the Bill of Sale from Tenant; said Agreement marked as Exhibit "A", on file in the Council office.

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: August 16, 2017
Date

Jerry T. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: August 16, 2017
Date

ATTEST: Tara Grimm
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)

**BILL OF SALE FROM TENANT
(Structures) and/or Miscellaneous
Improvements**

This Contract made and entered into this 23 day of MAY, 2017 by Marc Glassman, Inc., hereinafter called Owner and the City of Kent, Portage County, Ohio, hereinafter called the LPA, and is based on the following understanding:

Situated on Parcel No. 3-SH, on an area of land fee owned by Deville Developments, LLC, an Ohio limited liability company the following described structure(s)/improvement(s) for the purpose of this Agreement shall be considered to be real property, the same as if attached to the land.

LIST STRUCTURES/IMPROVEMENTS AND COMPENSATION FOR EACH
"Marc' Enter" Sign -- \$2,000.00

It is mutually agreed and understood by and between the Owner of said structure(s)/improvement(s) and the LPA as follows:

1. The sum \$2,000.00, is the entire amount of money to be paid to Owner for the above-referenced structure(s)/improvement(s).
2. The Owner of said structure(s)/improvement(s) is to remain in possession of the structure(s) /improvement(s) for a period of time after the execution of this Agreement, which period of time is set forth in paragraph three. The Owner shall keep any insurance policies in effect on the structure(s) /improvement(s) so long as he has possession of same, and the LPA shall be subrogated to any and all claims for damages to the buildings after title passes.
3. The Owner will remain in possession of the structure(s)/improvement(s), and all attached fixtures and equipment and shall protect and preserve the same as they now exist, and shall deliver peaceful unoccupied possession thereof to the LPA, its employees or assigns at the closing or as directed by the Superintendent of Engineering / Deputy Service Director, James Bowling, P.E.
4. It is agreed that the following fixtures and/or equipment:
"Marc's Enter" Sign or other items that are normally considered a part of, and add to the value of the structure(s), shall be delivered by the owner, intact.
5. The Owner of said structure(s)/improvement(s) shall assign all rights of access to the structure(s) /improvement(s) to the LPA, thus granting the LPA the right to enter onto the land described herein, where the

structure(s)/improvement(s) are located, to removed the structure(s)/improvement(s) in accordance with plans on file and/or for the purpose of removing materials from the structure(s) via the most direct and practical route to the nearest public highway or street.

IN WITNESS WHEREOF Marc Glassman, Inc. has hereto set its hand on 5/28/2017

Grantor Signature: [Signature]
 Name Printed KENNETH S. SUSTIN, Secretary

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 23rd day of MAY, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named KENNETH SUSTIN, who acknowledged being the SECRETARY and duly authorized agent of Marc Glassman, Inc., and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

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

BETH ANN HALLORAN
 NOTARY PUBLIC, STATE OF OHIO
 Recorded in Medina County
 My Comm. Expires Nov. 20, 2021

[Signature]
 NOTARY PUBLIC
 My Commission expires: NOV. 20, 2021

THE CITY OF KENT, PORTAGE COUNTY, OHIO

By: _____
James Bowling, P.E.
Superintendent of Engineering / Deputy Service Director

Date: _____

ODOT LPA RE 810
Rev. 09/2009

CR
LPA

**RESOLUTION OF
Marc Glassman Inc.**


WHEREAS, the City of Kent desires to acquire a certain parcel or parcels of land for highway purposes on and over certain lands, owned by this Corporation, and more particularly described as follows:

PARCEL(S): 3-BS1
POR-43-10.26

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

WHEREAS, the City of Kent has offered the sum of \$2,000.00 for the purchase of said certain parcel or parcels of land.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of Marc Glassman Inc., that Ken Sustain, Corporate Secretary, shall be, and hereby is, the duly authorized, empowered and acting agent of Marc Glassman Inc., for the purpose of executing and delivering to City of Kent all necessary instruments to effect a good and sufficient conveyance of said certain parcel or parcels of land from Marc Glassman Inc., to City of Kent, for the hereinabove mentioned consideration.



Ken Sustain, Corporate Secretary

I, Beth Weiner, Vice President & CFO, of Marc Glassman Inc., hereby certify that on May 23, 2017, there was held a meeting of the Board of Directors of said corporation, at which a quorum was present; that this is a true and correct copy of a resolution adopted at said meeting, and that this resolution is in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto subscribed my signature on May 23, 2017.


Beth Weiner, Vice President & CFO