

ORDINANCE NO. 2017 - 90

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN THE NORTHERN OHIO DISTRICT OF THE CHURCH OF THE BRETHREN, AN OHIO NOT-FOR-PROFIT CORPORATION, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.016 ACRES OF REAL PROPERTY, FOR \$450.00 FOR RIGHT-OF-WAY PURPOSE, 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 obtain a temporary easement of 0.016 acres of real property from the Northern Ohio District of the Church of the Brethren; and

WHEREAS, the Northern Ohio District of the Church of the Brethren is willing to grant a temporary easement in said property for \$450.00; and

WHEREAS, the City needs the property for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as SR 43 Traffic Improvement 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 agreement for the City of Kent to obtain a temporary easement of 0.016 acres of real property for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as SR 43 Traffic Improvement Project from the Northern Ohio District of the Church of the Brethren for \$450.00; 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  
Mayor and President of Council

EFFECTIVE: August 16, 2017  
Date

ATTEST:   
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)

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### TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: The Northern Ohio District of the Church of the Brethren, an Ohio Not-For-Profit Corporation, the Grantor(s) herein, in consideration of the sum of \$450.00, to be paid by the City of Kent, Portage County, Ohio, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 8-T  
POR-43-10.26

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF  
Portage County Current Tax Parcel No. 17-006-00-00-022  
Prior Instrument Reference: #201708871, 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.

The duration of the temporary easement herein granted to the Grantee is 12 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.

The temporary easement interest granted herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF The Northern Ohio District of the Church of the Brethren,  
an Ohio Not-For-Profit Corporation has caused its name to be subscribed by KRISTINE HAWK  
its duly authorized District Executive and its duly authorized agent on the 18 day of  
July, 2017.

THE NORTHERN OHIO DISTRICT OF THE CHURCH  
OF THE BRETHREN, AN OHIO NOT-FOR-PROFIT  
CORPORATION

By: Kristine Hawk  
KRISTINE HAWK, DISTRICT EXECUTIVE

STATE OF OHIO, COUNTY OF ASHLAND ss:

BE IT REMEMBERED, that on the 18<sup>TH</sup> day of JULY, 2017, before  
me the subscriber, a Notary Public in and for said state and county, personally came the above  
named KRISTINE HAWK, who acknowledged being the DISTRICT EXECUTIVE and  
duly authorized agent of The Northern Ohio District of the Church of the Brethren, an Ohio Not-  
For-Profit Corporation, 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.



**JULIE A. WATSON**  
Notary Public, State of Ohio  
My Commission Expires 11-4-2020

Julie A. Watson

NOTARY PUBLIC  
My Commission expires: 11-4-2020

This document was prepared by: The City of Kent, Portage County, Ohio

**EXHIBIT A**

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Ver. Date 10/13/16

PID 93442

**PARCEL 8-T  
POR-43-10.26  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
RECONSTRUCT DRIVE  
FOR 12 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF KENT, PORTAGE COUNTY, OHIO**

[Surveyor's description of the premises follows]

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Situated in the City of Kent, County of Portage, State of Ohio, being part of Lot 6 in Franklin Township, and being part of lands described in the deed to WATER STREET CHURCH (Grantor) as recorded in Instrument 200341888 on file in the Portage County Recorder's office and laying on the right side of the existing centerline of right-of-way of State Route 43 as recorded as Plat \_\_\_\_\_ and as shown on the POR-43-10.26 right-of-way plans prepared by Arcadis U.S., Inc. for the City of Kent, Ohio, and more fully described as follows:

**Beginning** on the existing easterly right of way line of said State Route 43 at 30.00 feet right of Station 554+31.60;

1. Thence North 72° 30' 05" East, through the Grantor, a distance of 8.00 feet being 38.00 feet right of Station 554+31.49;
2. Thence South 18° 15' 11" East, continuing through the Grantor, a distance of 85.29 feet to the Grantor's southerly line being 38.00 feet right of Station 553+46.21;
3. Thence South 85° 30' 19" West, along said southerly line, a distance of 8.24 feet to the said existing easterly right of way line of said State Route 43 being 30.00 feet right of Station 553+48.17;
4. Thence North 18° 15' 11" West, along said existing easterly right of way line, a distance of 83.43 feet to the **Point of Beginning**.

The above described easement contains 0.016 acres (675 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-006-00-00-022-000 and subject to all legal highways and easements of record.

This description was prepared by Arcadis U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S.,

**EXHIBIT A**

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Inc. in September 2014 under the direction of Robert G. Hoy, Ohio Professional Surveyor No. 8142;

Bearings in this description are based on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North;

Grantor claims title as recorded in Instrument 200341888 of Portage County Deed Records.

The stations referred are from the existing centerline of right-of-way of State Route 43 as shown on the POR-43-10.26 right-of-way plans unless noted otherwise.

Robert G. Hoy      3/20/17  
Arcadis U.S., Inc.      Date  
Robert G. Hoy, Ohio Professional Surveyor No. 8142

