

RESOLUTION NO. 2017-106

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.030 ACRES OF CERTAIN REAL PROPERTY FROM MORGAN NGUYEN PROPERTIES, INC., A CALIFORNIA CORPORATION, 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 desires to complete the right of way acquisition to install, construct and reconstruct the roadway and sidewalks for the Project POR-43-10.26 known as SR43 Traffic Improvement Project; and

WHEREAS, negotiations between duly authorized representatives of the City and the owners of the parcel described in the resolution have failed to result in any determination of reasonable compensation for the parcel described in Section 1 below, acceptable to the City and the Owner.

NOW, THEREFORE, BE IT RESOLVED 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 it is deemed necessary and it is hereby declared to be the intent of this Council to appropriate a temporary easement in 0.030 acres of certain real property from Morgan Nguyen Properties, Inc. for the purpose to complete the right of way acquisition to install, construct and reconstruct the roadway and sidewalks for the Project POR-43-10.26 known as SR43 Traffic Improvement Project, in the City of Kent, Ohio. The parcel to be appropriated is situated at 1575 South Water Street, Kent, Ohio and is more fully described on Exhibit "A" attached hereto.

SECTION 2. That the City Manager be and he is hereby authorized and directed to cause written notice of the adoption of this Resolution to be given to each owner, person in possession, or person having an interest of record in the above-described parcel. This notice shall be served by the City Manager, or by a person designated by him for that purpose, by personally handing a copy of this notice to this owner or person or his authorized agent, or by leaving a copy thereof at the usual place of residence of this owner or person or if this owner, person or agent cannot be found, by publication once a week for three (3) consecutive weeks in an English newspaper of general circulation in the City of Kent. A return of service shall be made in the manner provided by law.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 4. That this Resolution 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 resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 20, 2017  
Date

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

EFFECTIVE: September 20, 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 RESOLUTION No. \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
TARA GRIMM, CMC  
CLERK OF COUNCIL  
(SEAL)

**EXHIBIT A**

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Ver. Date 10/13/16

PID 93442

**PARCEL 6-T  
POR-43-10.26  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
RECONSTRUCT DRIVE, REGRADE  
FOR 12 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF KENT, PORTAGE COUNTY, OHIO**

[Surveyor's description of the premises follows]

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 MORGAN NGUYEN PROPERTIES, INC. (Grantor) as recorded in Instrument 200702258 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 551+55.34;

1. Thence North 88° 50' 49" East, along the Grantor's northerly line, a distance of 8.37 feet being 38.00 feet right of Station 551+52.88;
2. Thence South 18° 15' 11" East, through the Grantor, a distance of 165.00 feet to the Grantor's southerly line being 38.00 feet right of Station 549+87.88;
3. Thence South 88° 50' 49" West, along said southerly line, a distance of 8.37 feet to said existing easterly right of way line of said State Route 43 being 30.00 feet right of Station 549+90.34;
4. Thence North 18° 15' 11" West, along said existing easterly right of way line, a distance of 165.00 feet to the **Point of Beginning**.

The above described easement contains 0.030 acres (1,320 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-006-00-00-025-000 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 200702258 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.

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Arcadis U.S., Inc. \_\_\_\_\_ Date  
Robert G. Hoy, Ohio Professional Surveyor No. 8142