

ORDINANCE NO. 2017-136

AN ORDINANCE DIRECTING 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., FOR RIGHT OF WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, on the 20th day of September, 2017, the Council of the City of Kent adopted Ordinance No. 2017-106 declaring the necessity and intent to appropriate a temporary easement in 0.030 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 1575 South Water Street, Kent, Ohio.

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 a temporary easement in 0.030 acres of certain real property for right of way purpose, to install, construct and reconstruct the roadway and sidewalks for the project POR-43-10.26 known as SR43 Traffic Improvement Project. 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 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: Eight Hundred Twenty Five Dollars 00/100 (\$825.00).

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: October 18, 2017
Date

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

EFFECTIVE: October 18, 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)

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.

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