

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 0.002 ACRES OF CERTAIN REAL PROPERTY OWNED BY FIRST STATES INVESTORS, 2550A, LLC. FOR \$1,350.00 FOR THE S.R. 59 SIGNALIZATION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to implement the S.R. 59 Signalization project; and

WHEREAS, the City will do the following to improve traffic flow along S.R. 59 in Kent:

The SR 59 Signalization project includes the reconstruction of existing traffic signals for improved traffic flow along S.R. 59, along with improvements to associated sidewalk and curb ramps at eleven intersections in the City. As part of this project, the traffic signal at the intersection of S. Water Street and Summit Street will be reconstructed. The curb ramps and sidewalk, at this location, will be rebuilt to meet ADA requirements. Additional right of way on the northwest corner of the intersection is needed to build the curb ramps with proper slopes, provide minimum sidewalk width and to place the new traffic equipment behind the sidewalk to avoid interference with sidewalk and ramp access. The proposed work shall take place in the City of Kent S.R. 59 road right-of-way. The proposed right of way take will provide an area for two pedestrian poles with concrete foundations, one traffic signal support pole with concrete foundation, one pull box and three underground conduits.

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 all right, title and interest in fee simple in 0.002 acres of certain real property owned by First States Investors, 2550A, LLC, for the purpose of the S.R. 59 Signalization project. The parcel to be appropriated is more fully described as follows:

PARCEL 2-WD

Situated in the State of Ohio, County of Portage, City of Kent, being in the southeast quarter of Township Lot 12, Township 3 North, Range 9 West, being a part of Lot 8 in Block 4 of the Original Plat of the City of Kent, as recorded in Deed Volume 25, Page 132, Portage County Records, and also being on the right side of the centerline of right of way of State Route 43 (S. Water Street), as shown on a Right of Way Acquisition Plat made in 2009, for the City of Kent titled "POR-59-1.27" and bounded and described as follows:

COMMENCING at an iron pin found at the northeasterly property corner of the Grantor and being the intersection of the existing westerly right of way line of said State Route 43 (S. Water Street) and the southerly right of way line of W. Day Street (now vacated) being 40.00 feet right of Station 15+26.64;

1. thence South 00 degrees 17 minutes 22 seconds East a distance of 96.71, along the easterly property line of the Grantor and existing westerly right of way line of said State Route 43 to an angle point in said line 40.00 feet right of Station 16+23.11, and being the TRUE POINT OF BEGINNING;
2. thence South 27 degrees 51 minutes 23 seconds West a distance of 25.44 feet, continuing along said property and existing right of way line to the southeasterly property corner of the Grantor on the existing northerly right of way line of W. Summit Street 52.00 feet right of Station 16+45.54;
3. thence South 89 degrees 42 minutes 22 seconds West a distance of 7.50 feet, along the

- southerly property line of the Grantor being the existing northerly right of way line of said W. Summit Street to a capped iron pin set, 59.50 feet right of Station 16+45.54;
4. thence North 50 degrees 14 minutes 08 seconds East a distance of 11.01 feet to a capped iron pin set, 51.00 feet right of Station 16+38.54;
 5. thence North 28 degrees 19 minutes 12 seconds East a distance of 12.53 feet to a capped iron pin set, 45.00 feet right of Station 16+27.54;
 6. thence North 18 degrees 49 minutes 17 seconds East a distance of 15.27 feet to a capped iron pin set on the easterly property line of the Grantor also being the existing westerly right of way line of State Route 43 (S. Water Street) and being 40.00 feet right of Station 16+13.11;
 7. thence South 00 degrees 17 minutes 22 seconds East a distance of 10.00 feet, along said easterly property line of the Grantor and existing westerly right of way line of State Route 43 to the TRUE POINT OF BEGINNING.

The above described area is contained within Portage County Auditor's Permanent Parcel Number 17-025-40-00-062.000 and contains a gross take of 0.002 acres more or less.

This description was prepared by Jon D. Bruner, Professional Surveyor Number 7098 of The Mannik & Smith Group, on February 18, 2009.

This description is based on a survey made in 2006 by the Mannik & Smith Group under the direction and supervision of Jon D. Bruner, Professional Surveyor Number 7098.

Grantor claims title by Official Record 200342168 and 200342169, Portage County Recorders office.

The bearings are based on the Ohio State Plane Coordinate System, North Zone, and North American datum of 1983 (1986 Adjustment) as established from a GPS survey tied to a network of control monuments established by the City of Kent. Iron pins referred to as "set" are 5/8 inch diameter 30 inch long rebar with plastic cap.

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.

2009-127

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PASSED: _____
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Resolution No. 2009- _____ was duly enacted this _____ day of _____, 2009, by the Council of the City of Kent, Ohio.

CLERK OF COUNCIL