

ORDINANCE NO. 2009-57

**AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR RIGHT-OF-WAY FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.143 ACRES VALUED AT \$2,094.90, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Albert and Rosaline Klaben wishes to donate one parcel of land for right-of-way to the City of Kent for a portion of Stone Water Drive reconstruction project valued at \$2,094.90; and

**WHEREAS**, Albert and Rosaline Klaben have delivered to the City the necessary dedication plat for the street right-of-way, a copy of which is marked Exhibit "A", and placed on file with the Clerk of Council; and

**WHEREAS**, the Development Engineer for the City has given her opinion that the 0.143 acres of street right-of-way for Stone Water Drive should be accepted for dedication purposes; and

**WHEREAS**, a committee of Council has reviewed the street right-of-way offer for dedication and has recommended to Council that the City accept the street right-of-way for dedication as contained on the attached Exhibit "A".

**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 does hereby accept for dedication purposes, the 0.143 acres of land from Albert and Rosaline Klaben valued at \$2,094.90, for street right-of-way purposes for a portion of Stone Water Drive as the same is shown upon the copy of the dedication plat marked Exhibit "A" on file in the Clerk of Council's office, and incorporated herein.

**SECTION 2.** That Council does hereby direct the President and Clerk of Council to sign the original dedication plat, evidencing the dedication approval as authorized herein.

**SECTION 3.** 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 4.** 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 the reason that it is immediately necessary to allow for the conclusion of the dedication process for these phase of the subject subdivision, 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: May 20, 2009  
DATE

\_\_\_\_\_  
MAYOR AND PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2009-67 was duly enacted this 20 day of  
May, 2009, by the Council of the City of Kent, Ohio

\_\_\_\_\_  
CLERK OF COUNCIL

**Exhibit "A"**  
**0.143 ACRE PARCEL**

Situated in the City of Kent, County of Portage and State of Ohio, and being part of Original Franklin Township Lot 27 as conveyed to Klaben Leasing and Sales, Inc. and recorded in Official Record 167, Page 926 and being more fully described as follows;

Beginning at the centerline intersection of West Main Street (S.R. 59, R/W Varies) and Stone Water Drive (R/W Varies) and at the southwest corner of said Klaben's parcel, said point being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence in a clockwise direction the following ten (10) courses and distances:

1. Thence North 00 Degrees 23 Minutes 11 Seconds West along the centerline of said Stone Water Drive and the west line of said Klaben's parcel, a distance of 30.07 feet to a point;
2. Thence South 86 Degrees 30 Minutes 54 Seconds East, a distance of 30.07 feet to a pk nail found at the southwest corner of said Klaben's parcel and at the intersection of the east line of said Stone Water Drive and the north line of said West Main Street;
3. Thence North 00 Degrees 23 Minutes 11 Seconds West along the west line of said Klaben's parcel and the east line of said Stone Water Drive, a distance of 48.44 feet to a 5/8 inch rebar with cap "GPD" set;
4. Thence South 19 Degrees 39 Minutes 10 Seconds East, a distance of 33.17 feet to a 5/8 inch rebar with cap "GPD" set;
5. Thence along a curve to the left, having a radius of 32.50 feet, a chord bearing of South 43 Degrees 47 Minutes 25 Seconds East, a chord of 23.33 feet, an arc length of 23.87 feet to a 5/8 inch rebar with cap "GPD" set;
6. Thence South 86 Degrees 30 Minutes 54 Seconds East, a distance of 31.22 feet to a 5/8 inch rebar with cap "GPD" set;
7. Thence South 03 Degrees 29 Minutes 06 Seconds West, a distance of 2.00 feet to a 5/8 inch rebar with cap "GPD" set on the north line of said West Main Street;
8. Thence South 86 Degrees 30 Minutes 54 Seconds East along the north line of said West Main Street, a distance of 101.65 feet to a 5/8 inch rebar with cap "GPD" set on the east line of said Klaben's parcel and the west line of a parcel conveyed to Albert O. Sr. and Rosaline Klaben (Official Record 167, Page 928);
9. Thence South 03 Degrees 22 Minutes 41 Seconds West along the east line of said Klaben's parcel and the west line of said Albert O. Sr. and Rosaline Klaben's parcel, a distance of 30.00 feet to the southeast corner of said Klaben's parcel, the southwest corner of said Albert O. Sr. and Rosaline Klaben's parcel and on

the centerline of said West Main Street;

10. Thence North 86 Degrees 30 Minutes 54 Seconds West along the south line of said Klaben's parcel and the centerline of said West Main Street, a distance of 187.87 feet to the True Place of Beginning and containing 0.143 acres (6,216 Sq. Ft.) of land, of which 0.130 acres is contained in the existing right-of-way of West Main Street (S.R. 59), more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of Travis D. McCarty, PS Number 8347, for GPD Associates, in March of 2009.

Basis of Bearing is State Plane Grid North, Ohio North Zone, NAD 1983.

Being a part of Auditor's Parcel No. 17-027-00-00-024-000.