

ORDINANCE NO. 2009-58

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 0.238 ACRES VALUED AT \$1,612.00, 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 \$1,612.00; 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 0.238 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 0.238 acres of land from Albert and Rosaline Klaben valued at \$1,612.00, 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: 05/20/2009
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2009-58 was duly enacted this 20 day of
May, 2009, by the Council of the City of Kent, Ohio

CLERK OF COUNCIL

Exhibit "A"
Stonewater Drive Improvement
0.238 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 Albert O. Sr. and Rosaline Klaben and recorded in Deed Volume 1088, Page 533 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 on the north line 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 nine (9) courses and distances:

1. Thence South 86 Degrees 30 Minutes 54 Seconds East along the north line of said Klaben's parcel and the centerline of said West Main Street, a distance of 216.47 feet to the northeast corner of Klaben's parcel and the intersection of the west line of Judith Street (50' R/W) extended and the centerline of said West Main Street;
2. Thence South 00 Degrees 20 Minutes 54 Seconds East along the east line of said Klaben's parcel and the west line of said Judith Street extended, a distance of 30.07 feet to 5/8 inch rebar with cap "GPD" set at the intersection of the west line of said Judith Street and the south line of said West Main Street;
3. Thence North 86 Degrees 30 Minutes 54 Seconds West along the south line of said West Main Street, a distance of 120.00 feet to a 5/8 inch rebar with cap "GPD" set;
4. Thence South 00 Degrees 20 Minutes 54 Seconds East, a distance of 3.01 feet to a 5/8 inch rebar with cap "GPD" set;
5. Thence North 86 Degrees 30 Minutes 54 Seconds West, a distance of 140.77 feet to a 5/8 inch rebar with cap "GPD" set
6. Thence North 03 Degrees 29 Minutes 06 Seconds East, a distance of 3.00 feet to a 5/8 inch rebar with cap "GPD" set on the south line of said West Main Street;
7. Thence North 86 Degrees 30 Minutes 54 Seconds West along the south line of said West Main Street, a distance of 71.17 feet to a 5/8 inch rebar with cap "GPD" set on the west line of said Klaben's parcel and on the east line of a parcel conveyed to Montrose Real Estate II, LLC (Instrument No. 20427058);
8. Thence North 00 Degrees 20 Minutes 54 Seconds West along the west line of said Klaben's parcel and the east line of said Montrose's parcel, a distance of 30.07 feet to the northwest corner of said Klaben's parcel and the northeast corner of said Montrose's parcel and on the centerline of said West Main Street;

9. Thence South 86 Degrees 30 Minutes 54 Seconds East along the north line of said Klaben's parcel and the centerline of said West Main Street, a distance of 115.28 feet to the True Place of Beginning and containing 0.238 acres (10,374 Sq. Ft.) of land, of which 0.070 acres (0.068 acres of existing R/W) is out of Parcel No. 17-027-00-00-044-000, 0.085 acres (0.077 acres of existing R/W) is out of Parcel No. 17-027-00-00-045-000 and 0.083 acres (0.083 acres of existing R/W) is out of Parcel No. 17-027-00-00-047-000, 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 December of 2008.

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

Being a part of Auditor's Parcel Nos. 17-027-00-00-044-000, 17-027-00-00-045-000 and 17-027-00-00-047-000.