

ORDINANCE NO. 2009-59

**AN ORDINANCE ACCEPTING, FOR DONATION DEDICATION PURPOSES, ONE PARCEL FOR A RIGHT-OF-WAY UTILITY EASEMENT FROM ALBERT AND ROSALINE KLABEN FOR A PORTION OF THE STONE WATER DRIVE RECONSTRUCTION PROJECT, CONSISTING OF 0.157 ACRES VALUED AT \$11,965.75, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Albert and Rosaline Klaben wishes to donate one parcel of land for a right-of-way utility easement to the City of Kent for a portion of Stone Water Drive reconstruction project valued at \$11,965.75; and

**WHEREAS**, Albert and Rosaline Klaben have delivered to the City the necessary dedication plat for the right-of-way utility easement, 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 0.157 acres of right-of-way utility easement for Stone Water Drive should be accepted for dedication purposes; and

**WHEREAS**, a committee of Council has reviewed the right-of-way utility easement offer for dedication and has recommended to Council that the City accept the right-of-way utility easement 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 0.157 acres of land from Albert and Rosaline Klaben valued at \$11,965.75, for the right-of-way utility easement 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. 2009-59 was duly enacted this 20 day of  
May, 2009, by the Council of the City of Kent, Ohio

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

**EXHIBIT "A"**  
**0.157 ACRE UTILITY EASEMENT**

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 1067 at Page 563, Deed Volume 1081 at Page 523 and Official Record 167 at 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). Thence North 00 Degrees 23 Minutes 11 Seconds West along the centerline of said Stone Water Drive, a distance of 30.07 feet to a point. Thence South 86 Degrees 30 Minutes 54 Seconds East, a distance of 30.07 feet to a pk nail found. Thence North 00 Degrees 23 Minutes 11 Seconds West, a distance of 48.44 feet to a point on the west line of said Klaben's parcel and the east line of said Stone Water Drive, said point being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence in a clockwise direction the following fourteen (14) courses and distances:

1. Thence North 00 Degrees 23 Minutes 11 Seconds West along the west line of said Klaben's parcel and east line of said Stone Water Drive, a distance of 439.55 feet to the northwest corner of said Klaben's parcel and on the south line of a parcel conveyed to Don Joseph, Inc. (Instrument No. 200716556);
2. Thence North 89 Degrees 40 Minutes 06 Seconds East along the north line of said Klaben's parcel and south line of said Don Joseph's parcel, a distance of 12.00 feet to a point;
3. Thence South 00 Degrees 23 Minutes 11 Seconds East, a distance of 235.90 feet to a point;
4. Thence North 89 Degrees 36 Minutes 49 Seconds East, a distance of 59.53 feet to a point;
5. Thence South 00 Degrees 23 Minutes 11 Seconds East, a distance of 12.00 feet to a point;
6. Thence South 89 Degrees 36 Minutes 49 Seconds West, a distance of 59.53 feet to a point;
7. Thence South 00 Degrees 23 Minutes 11 Seconds East, a distance of 189.60 feet to a point;
8. Thence South 19 Degrees 39 Minutes 10 Seconds East, a distance of 20.50 feet to a point;
9. Thence South 52 Degrees 08 Minutes 22 Seconds East, a distance of 57.25 feet to a point on the south line of said Klaben's parcel and the north line 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 north line of said West Main Street, a distance of 5.75 feet to a point;
11. Thence North 03 Degrees 29 Minutes 06 seconds East continuing along the south line of said Klaben's parcel and the north line of said West Main Street, a distance of 2.00 feet to a point;
12. Thence North 86 Degrees 30 Minutes 54 seconds West continuing along the south line of said Klaben's parcel and the north line of said West Main Street, a distance of 18.43 feet to a point;
13. Thence North 52 Degrees 08 Minutes 22 Seconds West, a distance of 39.67 feet to a point on the west line of said Klaben's parcel and the east line of said Stone Water Drive;
14. Thence North 19 Degrees 39 Minutes 10 Seconds West along the west line of said Klaben's parcel and the east line of said Stone Water Drive, a distance of 26.03 feet to the **TRUE PLACE OF BEGINNING** and containing 0.157 acres (6,825 Sq. Ft.) of land, of which 0.045 of an acre is out of Parcel No. 17-027-00-00-023-000, 0.067 of an acre is out of Parcel No. 17-027-00-00-025-001 and 0.045 of an acre is out of Parcel No. 17-027-00-00-021-000, 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 March of 2009.

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

Being a part of Portage County Auditor's Parcel Nos. 17-027-00-00-023-000, 17-027-00-00-025-001 & 17-027-00-00-021-000.