

**ORDINANCE NO. 2010- 47**

**AN ORDINANCE ACCEPTING AND DEDICATING A 0.1072 ACRE PARCEL OF PROPERTY OWNED BY MARSHA AND ROBERT CICCARELLI FOR PURPOSES OF ROAD RIGHT-OF-WAY FOR MIDDLEBURY ROAD AND DECLARING AN EMERGENCY.**

**WHEREAS**, Marsha and Robert Ciccarelli are restructuring lots they own on Middlebury Road, Kent, Ohio; and

**WHEREAS**, Marsha and Robert Ciccarelli wish to donate a 0.1072 acre parcel of land to the City of Kent to be dedicated for road right-of-way purposes; and

**WHEREAS**, the City Engineer recommends said acceptance dedication; and

**WHEREAS**, the City Engineer would like the acceptance and dedication to occur as soon as possible.

**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 and dedicate the 0.1072 acre parcel of land described in Exhibit "A" and attached hereto for road right-of-way purposes.

**SECTION 2.** That Council does hereby direct the President and Clerk of Council to sign the 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.

**I hereby certify that Ordinance No. 2010- 48 was duly enacted on this 19 day of May, 2010 by the Council of the City of Kent, Ohio.**

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**Clerk of Council**

PUBLISHED BY TITLE ONLY IN THE RECORD COURIER ON THE \_\_\_\_\_ DAY OF MAY, 2010, BY LINDA COPLEY, CLERK OF COUNCIL.

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**Clerk of Council**

**EXHIBIT "A"**

**LANDMARK Associates, Inc.**

P.O. Box 3991  
Cuyahoga Falls, Ohio 44223  
330-923-8731

March 18, 2010

Description of a 0.1072 Acre Tract

Located in the City of Kent, County of Portage, State of Ohio and being part of Lot 9, formerly Franklin Township, same being a tract of land now or formerly owned by Marsha S. Ciccarelli & Robert A. Ciccarelli, Jr. by a deed recorded in Doc. #200534526 and a tract of land now or formerly owned by Marsha Sue Ciccarelli & Robert Arnold Ciccarelli Jr. by a deed recorded in Vol. 11 Pg. 395 of the Portage County Records.

Beginning at the intersection of the centerline of Middlebury Road C.H. 138 a 60 foot wide public right of way and the centerline of Yacavona Drive a 50 foot wide public right of way; thence N72°17'09"E along the centerline of said Middlebury Road 671.08 feet to a point and the true place of beginning;

1. Thence, N 72°17'09" E, along the centerline of said Middlebury Road, 152.47 feet to a 1/2" iron bar found;
2. Thence, S 29°57'51" E, along the west line of a tract of land now or formerly owned by James R. Spear II by a deed recorded in Doc. #200529680 of the Portage County Records, 30.00 feet to a 5/8" iron bar with cap #7503 set;
3. Thence, S 60°02'09" W, along the south right of way line of said Middlebury Road, 3.22 feet to a point;
4. Thence S72°17'09"W, along the south right of way line of said Middlebury Road, 155.69 feet to a 1/2" iron pipe found;
5. Thence N17°42'40"W, along the east line of a tract of land now or formerly owned by Marsha S. & Robert A. Ciccarelli Jr. by a deed recorded in Doc. #200122228 of the Portage County Records, 30.00 feet to a point and the true place of beginning;

The above described tract of land contains 0.1072 acres and lye within the right of way of said Middlebury Road, as surveyed by Thomas J. King Jr. P.S. #7503 of LANDMARK Associates, Inc. Land Surveyors of Cuyahoga Falls, Ohio in March of 2010.

The basis of Bearings for this description is N 72°17'20"E along the centerline of Middlebury Road from survey record P-1515 of the Portage County Records.