

**ORDINANCE NO. 2008- 33**

**AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT IN 1449 SQUARE FEET OF REAL PROPERTY FROM RICHARD LOWENTHAL, 440 FAIRCHILD AVENUE FOR \$1,020.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent Council desires to obtain a temporary easement in 1449 square feet of real property from Richard Lowenthal, 440 Fairchild Avenue in Kent/Franklin Township, Portage County, Ohio; and

**WHEREAS**, Richard Lowenthal is willing to grant a temporary easement in said property for \$1,020.00; and

**WHEREAS**, the City needs the property for right-of-way purposes for the construction of the new Crain Avenue/Fairchild Avenue Bridge project; and

**WHEREAS**, time is of the essence because the sooner the City acquires the necessary right-of-way for this project, the sooner construction may begin.

**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:

**SECTION 1.** That Council does hereby accepts and authorizes the City Manager or his designee to execute the agreement for the City of Kent to obtain a temporary easement for a total of 1449 square feet of real property from Richard Lowenthal, 440 Fairchild Avenue for \$1,020.00 for right-of-way purposes for the new Crain Avenue/Fairchild Avenue Bridge project in substantial conformity with the terms of the Agreement marked as Exhibit "1", attached hereto and incorporated herein.

**SECTION 2.** 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 3.** 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 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: 02/20/2008  
DATE

\_\_\_\_\_  
PRESIDENT PRO TEM

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

I hereby certify that Resolution No. 2008-33 was duly enacted this 20<sup>th</sup> day of February, 2008, by the Council of the City of Kent, Ohio.

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ACTING CLERK OF COUNCIL

