

ORDINANCE NO. 2008- 35

AN ORDINANCE AMENDING ORDINANCE NO. 2008-21, PASSED JANUARY 16, 2008, ENTITLED "AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 651 SQUARE FEET OF REAL PROPERTY FROM TIMOTHY J. SURGEN FOR \$675.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY" SO AS TO CLARIFY THE CITY OF KENT IS OBTAINING A TEMPORARY EASEMENT OF 651 SQUARE FEET OF REAL PROPERTY FROM TIMOTHY J. SURGEN, 814 NORTH MANTUA, FOR \$675.00 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 previously authorized the purpose of 651 square feet of real property from Timothy J. Surgen by approving Ordinance No. 2008-21, passed January 16, 2008; and

WHEREAS, clarification is needed that the City was obtaining a temporary easement of 651 square feet of real property from Timothy J. Surgen, 814 North Mantua in Kent/Franklin Township, Portage County, Ohio; and

WHEREAS, Timothy J. Surgen is willing to grant the temporary easement in said property for \$675.00; 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 amend Ordinance No. 2008-21, passed January 16, 2008, so as to authorize the City Manager or his designee to execute the agreement for the City of Kent to allow for obtaining a temporary easement of 651 square feet of real property from Timothy J. Surgen, 814 North Mantua, for \$675.00 for right-of-way purposes for the Crain Avenue/Fairchild Avenue Bridge project.

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. 2008-35 was duly enacted this 20th day of February, 2008, by the Council of the City of Kent, Ohio.

ACTING CLERK OF COUNCIL