

ORDINANCE NO. 2008- 122

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 OF 771 SQUARE FEET OF REAL PROPERTY FROM ROGER G. THURMAN, 114 CRAIN AVENUE, FOR \$500.00 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 of 771 square feet of real property from Roger G. Thurman, 114 Crain Avenue in Kent/Franklin Township, Portage County, Ohio; and

WHEREAS, Roger G. Thurman is willing to grant a temporary easement in said property for \$500.00; 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 of 771 square feet of real property from Roger G. Thurman, 114 Crain Avenue, for \$500.00 for right-of-way purposes for the 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: 08/20/08
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2008- 122 was duly enacted this 20 day of August, 2008 by the Council of the City of Kent, Ohio.

Linda M. Copley, Clerk of Council

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**PARCEL 61-T
POR-CRAIN AVENUE
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
RECONSTRUCT DRIVE, STEPS AND COMPLETE GRADING
FOR APPROXIMATELY 24 MONTHS FROM DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

[Surveyor's description of the premises follows]

Situated in the City of Kent, County of Portage and State of Ohio, being part of Lot 31 of Original Franklin Township, T-3-N, R-9-W, being a parcel of land lying on the right side of the centerline of right-of-way of Crain Avenue (60 feet), as shown on the POR-CRAIN AVENUE plans made for the City of Kent, Ohio by ARCADIS G & M of Ohio, Inc. and as recorded in Reception Number _____ of the records of Portage County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a bolt found at the intersection of the westerly line of Original Lot 31 and the centerline of right-of-way of Crain Avenue (60 feet) at Station 99+66.63 on the centerline of right-of-way of Crain Avenue;

Thence **South 65° 24' 53" East 172.97'** along the centerline of right-of-way of Crain Avenue to Station 101+39.60 on the centerline of right-of-way of said Crain Avenue;

Thence **South 24° 35' 07" West 30.00'** perpendicular from the centerline of right-of-way line of Crain Avenue to the northwest corner of a parcel of land now or formerly owned by Roger G. Thurman (Grantor) recorded in Volume 953, Page 760 at Station 101+39.60, 30.00' right of the centerline of right-of-way of said Crain Avenue; also being the TRUE PLACE OF BEGINNING of the temporary easement herein described:

1. Thence **South 65° 24' 53" East 54.37'** along the southerly right-of-way line of Crain Avenue to the easterly property line of said Thurman parcel to Station 101+93.97, 30.00' right of the centerline of Crain Avenue;
2. Thence **South 18° 06' 23" West 12.08'** along the easterly property line of said Thurman parcel to Station 101+95.31, 42.00' right of the centerline of Crain Avenue;
3. Thence **North 63° 51' 51" West 38.45'** through said Thurman parcel to Station 101+56.90, 40.96' right of the centerline of Crain Avenue;
4. Thence **South 25° 53' 55" West 16.07'** through said Thurman parcel to Station 101+56.53, 57.02' right of the centerline of Crain Avenue;
5. Thence **North 65° 24' 53" West 7.53'** through said Thurman parcel to the westerly property line of said parcel at Station 101+49.00, 57.02' right of the centerline of Crain Avenue;
6. Thence **North 05° 24' 11" East 28.61'** along the westerly property line of said Thurman parcel to the TRUE PLACE OF BEGINNING.

The above described parcel contains 771 square feet of land, which includes 0 square feet in the present road occupied, resulting in a net take of 771 square feet of land of which is contained within Portage County Auditor's Permanent Parcel Number 170312200209 and subject to all legal highways and easements of record.

This description was prepared by Angela M. Metz, E.I. in December 2006 under the direct supervision of Charles A. Hauber, Registered Surveyor Number 8034 and is based on a field survey

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performed by Finkbeiner, Pettis & Strout, Inc. (now known as ARCADIS G & M of Ohio, Inc.) in 2004 under the direction and supervision of Michael E. Durbin, Registered Surveyor Number 7528.

Bearings in this description are based on the Ohio Coordinate System, NAD83(86), North Zone.

The stations referred to herein are from the centerlines of right-of-way of Lake Street and Crain Avenue as found on the City of Kent Right-of-Way Plan POR-CRAIN AVENUE.

Iron pins set in the above description are 5/8 inch diameter by 30 inch long rebars with a plastic cap stamped "HAUBER 8034" or a drill hole set depending upon the nature of the material that is present at each corner after construction.

It is understood the area of land above described contains 771 square feet, more or less.

Grantor claims title by instrument(s) of record in Volume 953, Page 760 of the records of Portage County.

This instrument prepared by ARCADIS G & M of Ohio, Inc. for the City of Kent, Ohio.

