

RESOLUTION NO. 2008-158

**A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE IN 9,765 SQUARE FEET OF CERTAIN REAL PROPERTY OWNED BY ROBERT MAYFIELD AND KAY M. MAYFIELD FOR THE PURPOSE OF CONSTRUCTING THE NEW FAIRCHILD/CRAIN AVENUE BRIDGE, STREET WIDENING, CHANGING THE GRADE, DRIVEWAY, WALK CONSTRUCTION, AND GRADING IN FURTHERANCE OF PUBLIC ROADWAY RECONSTRUCTION OF SR 43, FAIRCHLD AVENUE, CRAIN AVENUE AND NORTH WATER STREET WHICH IS SITUATED ON BOTH SIDES OF THE CUYAHOGA RIVER, NEAR THE INTERSECTIONS OF FAIRCHILD AVENUE AND SR 43; CRAIN AVENUE AND SR 43; AND THE NEW INTERSECTION NEAR NORTH WATER STREET AND CRAIN AVENUE, IN THE CITY OF KENT, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City desires to establish the new Fairchild/Crain Avenue Bridge, street widening, changing the grade, driveway, walk construction, and grading in furtherance of public roadway reconstruction of SR 43, Fairchild Avenue, Crain Avenue and North Water Street on the east and west sides of the Cuyahoga River near the intersections of Fairchild Avenue and SR 43; Crain Avenue and SR 43, and North Water Street and Crain Avenue, in the City of Kent, Ohio, and

**WHEREAS**, negotiations between duly authorized representatives of the City and the owners of the parcel described in the resolution have failed to result in any determination of reasonable compensation for the parcel described in Section 1 below, acceptable to the City and the Owner.

**NOW, THEREFORE, BE IT RESOLVED** 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 it is deemed necessary and it is hereby declared to be the intent of this Council to appropriate all right, title and interest in fee simple in 9,765 square feet of certain real property owned by Robert Mayfield and Kay M. Mayfield, for the purpose of making, repairing, opening, widening, straightening, changing the grade of, and extending streets or roads and building the new Fairchild/Crain Avenue Bridge or other public places. The parcel to be appropriated is situated at 100 Crain Avenue and is more fully described as follows:

**PARCEL 27-WDV**

Situated in the City of Kent, County of Portage and State of Ohio, being part of Lot 30 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 S.R. 43 (N. Mantua Street) (R/W 66 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 1" bar in a monument box found at the intersection of the centerline of right-of-way of S.R. 43 (N. Mantua Street) (66 feet) and the centerline of right-of-way of S.R. 43 (Gougler Avenue) (60 feet), said monument box at Station 636+07.11, on the centerline of right-of-way of S.R. 43 (N. Mantua Street);

Thence **North 21° 39' 39" East 195.51'** along the centerline of right-of-way of S.R. 43 (N. Mantua Street) to Station 638+02.62 on said centerline;

Thence **South 68° 20' 21" East 33.00'** perpendicular from the centerline of right-of-way of S.R. 43 (N. Mantua Street) to an iron pin set at the southwesterly corner of a parcel of land now or formerly owned by Robert Mayfield and Kay M. Mayfield (Grantor) recorded in Instrument Number 200330304, at Station 638+02.62, 33.00' right of the centerline of right-of-way of said S.R. 43 (N. Mantua Street); also being the TRUE PLACE OF BEGINNING of the parcel herein described:

1. Thence **North 21° 39' 39" East 54.74'** continuing along the easterly right-of-way line of S.R.

43 (N. Mantua Street) to an iron pin set at a point of curve at Station 638+57.36, 33.00' right of the centerline of S.R. 43 (N. Mantua Street);

2. Thence along the proposed right-of-way line of S.R. 43 (N. Mantua Street) along the arc of a curve to the right, non-tangent to the previous course, said curve having a delta of 24° 19' 15", a radius of 29.50', a tangent of 6.36' and a chord of 12.43' with a chord bearing of North 81° 36' 28" East, an **arc distance of 12.52'** to Station 638+63.58, 43.76' left of the centerline of right-of-way of S.R. 43 (N. Mantua Street);
3. Thence **South 73° 59' 21" East 107.13'** non-tangent to the previous course along the northerly property line of said Mayfield parcel, also being the southerly right-of-way line of the existing Crain Avenue (R/W varies), to an iron pin set at the northeast corner of said Mayfield parcel at Station 638+74.13, 150.37' right of the centerline of S.R. 43 (N. Mantua Street);
4. Thence **South 11° 39' 39" West 21.14'** along the easterly property line of said Mayfield parcel to an iron pin set at an angle point at Station 638+53.31, 154.04' right of the centerline of S.R. 43 (N. Mantua Street);
5. Thence **South 14° 10' 39" West 48.45'** along the easterly property line of said Mayfield parcel to an iron pin set at an angle point at Station 638+05.28, 160.35' right of the centerline of S.R. 43 (N. Mantua Street);
6. Thence **South 52° 39' 39" West 50.00'** along the easterly property line to an iron pin set at the southeast corner of said Mayfield parcel at Station 637+62.42, 134.60' right of the centerline of S.R. 43 (N. Mantua Street), witness a 1" iron pipe found at Station 637+62.75, 129.73' right of the centerline of S.R. 43 (N. Mantua Street);
7. Thence **North 68° 20' 21" West 29.84'** along the southerly property line of said Mayfield parcel to an iron pin set at an angle point at Station 637+62.42, 104.76' right of the centerline of S.R. 43 (N. Mantua Street), witness a 1" iron pipe found at Station 637+62.64, 99.91' right of the centerline of S.R. 43 (N. Mantua Street);
8. Thence **North 21° 39' 39" E 40.20'** continuing along the southerly property line of said Mayfield parcel to an iron pin set at an angle point at Station 638+02.62, 104.76' right of the centerline of S.R. 43 (N. Mantua Street), witness a ½" iron pin found at Station 638+02.88, 99.37' right of the centerline of S.R. 43 (N. Mantua Street);
9. Thence **North 68° 20' 21" West 71.76'** continuing along the southerly property line of said parcel to the TRUE PLACE OF BEGINNING.

The above described parcel contains 9765 square feet of land, which includes 0 square feet in the present road occupied, resulting in a net take of 9765 square feet of land of which is contained within Portage County Auditor's Permanent Parcel Number 17030200007 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 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.

Grantor claims title by instrument(s) of record in Instrument Number 200330304 of the records of Portage County.

The stations referred to herein are from the centerline of right-of-way of S.R. 43 (N. Mantua Street) 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 depending upon the nature of the material that is present at each corner after construction.

Grantor conveys all of the property described above, except they reserve the right of ingress and egress to and from S.R. 43 (N. Mantua Street) for himself and his heirs, executors, administrators and assigns.

Grantor, for himself and his heirs, executors, administrators and assigns, reserves the right of ingress and egress to and from any residual area.

**SECTION 2.** That the City Manager be and he is hereby authorized and directed to cause written notice of the adoption of this Resolution to be given to each owner, person in possession, or person having an interest of record in the above-described parcel. This notice shall be served by the City Manager, or by a person designated by him for that purpose, by personally handing a copy of this notice to this owner or person or his authorized agent, or by leaving a copy thereof at the usual place of residence of this owner or person or if this owner, person or agent cannot be found, by publication once a week for three (3) consecutive weeks in an English newspaper of general circulation in the City of Kent. A return of service shall be made in the manner provided by law.

**SECTION 3** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 09/17/08  
DATE

\_\_\_\_\_  
MAYOR AND PRESIDENT OF COUNCIL

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

I hereby certify that Resolution No. 2008- 158 was duly enacted this 17th day of September, 2008, by the Council of the City of Kent, Ohio.

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CLERK OF COUNCIL