

ORDINANCE NO. 2007-82

AN ORDINANCE DIRECTING THE APPROPRIATION OF A FEE SIMPLE INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN CONNECTION WITH ACTIVITIES NECESSARY FOR THE ELIMINATION AND PREVENTION OF THE RECURRENCE OF CONDITIONS OF BLIGHT AND DETERIORATION, AND TO PROCEED AND DECLARING AN EMERGENCY.

WHEREAS, this Council, pursuant to Resolution No. 2007-81, passed August 29, 2007, declared the necessity and intent of the City of Kent, Ohio (the "City") to appropriate the fee simple interest in and to the real property described in Section 1 of that Resolution for the purposes of elimination and prevention of the recurrence of conditions of blight and deterioration in the Plan Area described in Resolution No. 2007-81, and to provide for the redevelopment of properties within the Plan Area; and

WHEREAS, notice of the passage of Resolution No. 2007-81 has been served on each owner, each person in possession of, and each person having an interest of record in those properties, including any such person's authorized agent; and

WHEREAS, negotiations between duly authorized representatives of the City and the owners of the property described in Resolution No. 2007-81 have failed to result in any determination of reasonable compensation for said property interests to be acquired which is acceptable to the City and the owners of such property;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Kent, County of Portage, State of Ohio, at least two thirds (2/3) of all members elected or appointed thereto concurring:

SECTION 1. That for the purposes of elimination and prevention of the recurrence of conditions of blight and deterioration in the Plan Area described in Resolution No. 2007-81, and to provide for the redevelopment of properties within the Plan Area, this Council hereby directs the appropriation of the fee simple interest in and to the following described property (hereinafter the "Fee Simple Parcels") to proceed:

Parcel # 1: Situated in the City of Kent, County of Portage and State of Ohio: And being known as all of Lots 16 and 17 of Block No. 7 of the Original Plat of Kent, as platted in Deed Volume 25, Page 132 of Portage County Recorder's Office Deed Records.

Parcel # 2: Situated in the City of Kent, County of Portage and State of Ohio: And known as being all of Lot 18 in Block No. 7 of the Original Plat of Kent as platted in Volume 25, Page 132, Portage County Records of Deeds: EXCEPTING THEREFROM the above described Lot 18 the following described real estate: Situated in the City of Kent, County of Portage and State of Ohio, and known as being a part of Lot 18 Block 7 of the Original Plat of the City of Kent as recorded in Volume 25, Page 132 of the Deed Records of Portage County, Ohio, bounded and described as follows: Commencing at the intersection of the northerly line of College Avenue and the westerly line of Depeyster Street; thence South 86 deg. 44' 39" West along the northerly line of College Avenue a distance of 60.00 feet to the southeast corner of Lot 18 which is 46.44 feet left of centerline survey Station 101+30.75 and the true place of beginning for the tract of land conveyed herein; thence continuing South 86 deg. 44'39" West along the northerly line of College Avenue and the southerly line of Lot 18, same being this grantor's property line, a distance of 15.39 feet to a point on the northerly proposed limited access line which is 53.42 feet left of centerline survey Station 101+16.67; thence North 60 deg. 01'00" East along said proposed limited access line a distance of 17.24 feet to a point on the easterly line of Lot 18; thence South 3 deg. 08'08" East along the easterly line of Lot 18, same being the grantor's property line, a distance of 7.76 feet to the true place of

beginning and contains 60 square feet of land. Description for the above parcel is based on a survey made by W.E. Quicksall, Jr., Registered Surveyor No. 4710.

PPNs 17-024-10-00-028-001 (Otherwise Known as 131 College Avenue)
17-024-10-00-028-002 (Otherwise Known as 129 & 133 College Avenue)

SECTION 2. That the Director of Law is hereby authorized to commence proceedings in the Court of Common Pleas, Portage County, Ohio, by directing Squire, Sanders & Dempsey L.L.P., retained as special counsel to the City, to file a Petition for Appropriation of the interests in the properties described in Section 1 and to take all necessary steps in connection therewith.

SECTION 3. That the cost and expense of the appropriation of those interests in the property is hereby appropriated and directed to be paid out of the General Fund. The Auditor is authorized and directed to make appropriate certification as to the availability of funds for that purpose and to issue an appropriate order for the payment of the same as they shall become payable.

SECTION 4. 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 actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code..

SECTION 5. 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, and for the further reason that this Ordinance is required to be immediately effective to enable the City to provide for the elimination and prevention of the recurrence or spread of conditions of blight and deterioration of the Plan Area as described in Resolution No. 2007-81, for which reasons 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: 09/19 _____, 2007

Mayor and President of Council

ATTEST: _____
Acting Clerk of Council

I hereby certify that Ordinance No. 2007-82 was duly enacted on this 19th day of September 19, 2007 by the Council of the City of Kent, Ohio.

Acting Clerk of Council

