ORDINANCE NO. 2008- 180

AN ORDINANCE AMENDING ORDINANCE NO. 2008-150, PASSED SEPTEMBER 17, 2008, ENTITLED "AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING TWO (2) TEMPORARY EASEMENTS, ONE CONSISTING OF 462 SQUARE FEET AND ONE CONSISTING OF 3,273 SQUARE FEET FOR A TOTAL OF 3,735 SQUARE FEET; AND A PERPETUAL EASEMENT OF 4,995 SQUARE FEET OF REAL PROPERTY FROM SCOTT A. HERSHISER, 425 GOUGLER AVENUE FOR $26,813.00 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, OHIO IS OBTAINING TWO (2) TEMPORARY EASEMENTS, ONE CONSISTING OF 462 SQUARE FEET AND ONE CONSISTING OF 3,273 SQUARE FEET FOR A TOTAL OF 3,735 SQUARE FEET; AND A PERPETUAL EASEMENT OF 4,995 SQUARE FEET OF REAL PROPERTY FROM SCOTT A. HERSHISER, 425 GOUGLER AVENUE FOR $41,000.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION FOR THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council previously authorized the purpose of 8,730 square feet of real property from Scott A. Hershiser by approving Ordinance No. 2008-150, passed September 17, 2008; and

WHEREAS, clarification is needed that Scott A. Hershiser is willing to grant the two (2) temporary and perpetual easements in said property for $41,000.00; and

WHEREAS, the City needs the property for right-of-way purposes for the construction of the new Crain Avenue/Fairchild Avenue Bridge; 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. 2008-150, passed September 17, 2008, so as to authorize the City Manager or his designee to execute the agreement for the City of Kent to obtain two (2) temporary easements, one consisting of 462 square feet and one consisting of 3,273 square feet for a total of 3,735 square feet; and a perpetual easement of 4,995 square feet of real property from Scott A. Hershiser, 425 Gougler Avenue for $41,000.00 for right-of-way purposes for the Crain Avenue/Fairchild Avenue Bridge project in substantial conformity with the terms of the Purchase 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.
I hereby certify that Ordinance No. 2008-180 was duly enacted this 15th day of October, 2008 by the Council of the City of Kent, Ohio.

Linda M. Copley, Clerk of Council