ORDINANCE NO. 2017-61

AN ORDINANCE ACCEPTING, FOR DEDICATION PURPOSES, FROM NEWCOMER DEVELOPMENT GROUP, LLC (LAPPIN FARM) THE EXISTING NEWCOMER ROAD RIGHT-OF-WAY, AND DECLARING AN EMERGENCY.

WHEREAS, the Newcomer Development Group, LLC wishes to dedicate a portion of its property to the City for roadway right-of-way purposes for Newcomer Road; and

WHEREAS, the City's Development Engineer has delivered to the City the necessary dedication plat for the street right-of-way, a copy of which is marked Exhibit "A", and attached to this Ordinance; and

WHEREAS, the Development Engineer for the City has given her opinion that the street right-of-way for Newcomer Road should be accepted for dedication purposes; and

WHEREAS, a committee of Council has reviewed the street right-of-way offer for dedication and has recommended to Council that the City accept the street right-of-way as contained on the attached Exhibit "A".

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 concurring:

SECTION 1. That Council does hereby accept for dedication purposes, from the Newcomer Development Group, LLC, the street right-of-way of Newcomer Road as the same is shown upon the copy of the dedication plat marked Exhibit "A" incorporated herein.

SECTION 2. That Council does hereby direct the President and Clerk of Council to sign the original dedication plat, evidencing the dedication approval as authorized herein.

SECTION 3. 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 4. 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 the reason that it is immediately necessary to allow for the conclusion of the dedication process for these phase of the subject subdivision, 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: ____________________________
Date

 effectiveness: ____________________________

Jerry T. Flata
Mayor and President of Council

ATTEST: ____________________________
Date

Tara Grimm, CMC
Clerk of Council

I, TARA GR IMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. ______________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ______________, 20_____.

____________________
TARA GR IMM, CMC
CLERK OF COUNCIL
(SEAL)
LEGAL DESCRIPTION
Right-of-Way Dedication
0.3612 Acres

Situated in the City of Kent, County of Portage, and State of Ohio, and being part of Original Franklin Township Lot Number 46, and furthermore being part of land conveyed to Newcomer Development Group, LLC as P.P.N. 13-046-00-00-019.000 recorded in Document Number 2007-06211 of the Portage County Recorders Records, and being further bounded and described as follows:

Commencing at a 5/8" Iron Pin found (N. 0.38', E 1.04') located at the centerline intersection of Johnson Road (T.H. 141-A, 60 feet wide) and Newcomer Road (C.H. 85, Right-of-Way Varies), referenced by a "Three Mile" Stone found North 00°28'45" West at a distance of 1,142.11 feet at an angle break of said Newcomer Road (also being Portage/Summit County Line); Thence South 00°28'45" East along the centerline of said Newcomer Road (also being Portage/Summit County Line), a distance of 810.39 feet to a point in the centerline of said Newcomer Road, and being the PRINCIPAL PLACE OF BEGINNING of a 0.3612 acre parcel of land herein intended to be described;

Thence North 89°31'15" East, to the easterly Right-of-Way dedicated to the City of Kent, a distance of 22.50' to a 5/8" Iron Pin found with Cap BLR S-7774

Thence South 00°28'45" East, along the easterly Right-of-Way of Newcomer Road to a point on the northerly line of property conveyed to Newcomer Development Group, LLC, as P.P.N. 17-045-00-00-011 recorded in Document Number 2007-06211 of the Portage County Recorders Records a distance of 699.16 feet to a 5/8" Iron Pin Set with Cap “BLROBINSON S-7774”;

Thence South 89°09'47" West, to said centerline of said Newcomer Road (also being Portage/Summit County Line), a distance of 22.50 feet to a point;

Thence North 00°28'45" West, along the centerline of said Newcomer Road, a distance of 699.30 feet to the PRINCIPAL PLACE OF BEGINNING and containing 0.3612 acres, 15,734 Sq.Ft. of land, be the same more or less, but subject to all legal highways, and easements of record as determined by a survey performed by Bruce L. Robinson, P.E., P.S. 7774, of B.L. Robinson Engineering & Surveying, Co. in April of 2017.

Bruce L. Robinson, P.E., P.S. 7774

Date 4/4/17