ORDINANCE NO. 2017 - 110

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT WITH THE CITY OF KENT, OHIO, BUYING AN INTEREST IN 0.002 ACRES OF REAL PROPERTY FROM 1341-1343 S. WATER ST., LLC, AN OHIO LIMITED LIABILITY COMPANY FOR $1,400.00 AND AN AGREEMENT FOR A TEMPORARY EASEMENT OF 0.001 ACRES OF REAL PROPERTY, FOR $100.00 FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to purchase an interest in 0.002 acres of real property from 1341-1343 S. Water St., LLC; and

WHEREAS, 1341-1343 S. Water St., LLC, is willing to sell said interest in said property for $1,400.00; and

WHEREAS, the City of Kent Council desires to obtain a temporary easement of 0.001 acres of real property from 1341-1343 S. Water St., LLC;

WHEREAS, 1341-1343 S. Water St., LLC, is willing to grant a temporary easement in said property for $100.00; and

WHEREAS, the City needs the property for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as SR 43 Traffic Improvement Project; and

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 purchase agreement for the City of Kent, buying an interest in 0.002 acres of real property from 1341-1343 S. Water St., LLC, for $1,400.00 and an agreement for a temporary easement of 0.001 acres of real property from 1341-1343 S. Water St., LLC, for $100.00 for right-of-way purposes, to install, construct and reconstruct for the project known as SR 43 Traffic Improvement Project in substantial conformity with the terms of the Contract for Sale/Purchase of Real Property and Temporary Easement; said Agreement marked as Exhibit "A", on file in the Council office.

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: September 20, 2017
Date

Jerry T. Fiela
Mayor and President of Council

EFFECTIVE: September 20, 2017

ATTEST:
Tara Grimm, CMC
Clerk of Council


TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
EXHIBIT A

PARCEL 16-WD
POR-43-10.26
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression “Grantor/Owner” includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor’s description of the premises follows]

Situated in the City of Kent, County of Portage, State of Ohio, part of Block “A” as shown on Replat of Block “AR” Glenview Allotment No. 3 as recorded in 2006-48 of Portage County Plat Records, and being part of Lot 6 in Franklin Township, and being part of lands described in the deed to 1341-1343 S. WATER ST., LLC (Grantor) as recorded in Instrument 200813447 on file in the Portage County Recorder’s office and laying on the right side of the existing centerline of right-of-way of State Route 43 as recorded as Plat ________ and as shown on the POR-43-10.26 right-of-way plans prepared by Arcadis U.S., Inc. for the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter pin found in a monument box at the intersection of the centerline of right of way of State Route 43 and the centerline of right of way of Cherry Street as shown on said Plat and on said right-of-way plans being Station 565+45.34; said pin being South 89° 02’ 36” East, a distance of 963.97 feet from a 1 inch pin found in a monument box found at intersection of the centerline of right of way of Cherry Street and the centerline of right of way of Franklin Avenue;

Thence North 20° 49’ 49” West, along said centerline of right of way of said State Route 43 a distance of 43.02 feet being Station 565+88.36;

Thence North 69° 10’ 11” East, leaving said centerline of right of way, a distance of 30.00 feet to the existing easterly right of way line of said State Route 43 being the Grantor’s westerly line being 30.00 feet right of Station 565+88.36 where a capped rebar set being the Point of Beginning;
EXHIBIT A

1. Thence North 69° 10' 11" East, through the Grantor, a distance of 4.00 feet to a capped rebar set being 34.00 feet right of Station 565+88.36;

2. Thence South 20° 49' 49" East, continuing through the Grantor, a distance of 5.51 feet to a capped rebar set at a point of curvature being 34.00 feet right of Station 565+82.86;

3. Thence along the arc of a curve deflecting to the left, continuing through the Grantor, a distance of 9.42 feet to a capped rebar set being 29.00 feet left of Bowman Drive Station 1+40.00; said curve having a radius of 6.00 feet, a central angle of 90° 00' 00", a chord length of 8.49 feet which bears South 65° 49' 49" East;

4. Thence North 69° 10' 11" East, continuing through the Grantor, a distance of 4.00 feet to a capped rebar set being 29.00 feet left of Bowman Drive Station 1+44.00;

5. Thence South 20° 49' 49" East, continuing through the Grantor, a distance of 4.00 feet to the existing northerly right of way line of Bowman Drive being the Grantor's southerly line being 25.00 feet left of Station 1+44.00 where a capped rebar set;

6. Thence South 69° 10' 11" West, along said existing northerly right of way line and along the Grantor's southerly line, a distance of 4.00 feet to a point of curvature being 25.00 feet left of Bowman Drive Station 1+40.00;

7. Thence along the arc of a curve deflecting to the right, leaving said existing northerly right of way line and leaving the Grantor's southerly and along said existing easterly right of way line of State Route 43 and the Grantor's westerly line, a distance of 15.71 feet being 30.00 feet right of Station 565+82.86; said curve having a radius of 10.00 feet, a central angle of 90° 00' 00", and a chord length of 14.14 feet which bears North 65° 49' 49" West;

8. Thence North 20° 49' 49" West, continuing along said existing easterly right of way line and along the Grantor's westerly line, a distance of 5.51 feet to the Point of Beginning.

The above described parcel contains 0.002 acres (88 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-006-11-00-013-000 and subject to all legal highways and easements of record.

This description was prepared by Arcadis U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in September 2014 under the direction of Robert G. Hoy, Ohio Professional Surveyor No. 8142;
EXHIBIT A

Bearings in this description are based on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North;

Grantor claims title as recorded in Instrument 200813447 of Portage County Deed Records.

The stations referred are from the existing centerline of right-of-way of State Route 43 as shown on the POR-43-10.26 right-of-way plans unless noted otherwise.

Capped rebar set is a 5/8 inch diameter, 30 inches long rebar set with Ohio surveyor’s identification cap.

Arcadis U.S., Inc.  Date
Robert G. Hoy, Ohio Professional Surveyor No. 8142
EXHIBIT A

PARCEL 16-T
POR-43-10.26
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO BORING PIT FOR 12 MONTHS FROM DATE OF ENTRY BY THE CITY OF KENT, PORTAGE COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the City of Kent, County of Portage, State of Ohio, being part of Lot 6 in Franklin Township, and being part of lands described in the deed to 1341-1343 S. WATER ST., LLC (Grantor) as recorded in Instrument 200813447 on file in the Portage County Recorder’s office and laying on the right side of the existing centerline of right-of-way of State Route 43 as recorded as Plat ____________ and as shown on the POR-43-10.26 right-of-way plans prepared by Arcadis U.S., Inc. for the City of Kent, Ohio, and more fully described as follows:

Beginning on the existing easterly right of way line of said State Route 43 at 30.00 feet right of Station 565+98.36;

1. Thence North 69° 10' 11" East, through the Grantor, a distance of 4.00 feet being 34.00 feet right of Station 565+98.36;

2. Thence South 20° 49' 49" East, continuing through the Grantor, a distance of 10.00 feet to the proposed easterly right of way line of said State Route 43 being 34.00 feet right of Station 565+88.36;

3. Thence South 69° 10' 11" West, along said proposed easterly right of way line, a distance of 4.00 feet to the existing easterly right of way line of said State Route 43 being 30.00 feet right of Station 565+88.36;

4. Thence North 20° 49' 49" West, along said existing easterly right of way line, a distance of 10.00 feet to the Point of Beginning.

The above described easement contains 0.001 acres (40 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-006-11-00-013-000 and subject to all legal highways and easements of record.
EXHIBIT A

LPA RX 887 T

This description was prepared by Arcadis U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in September 2014 under the direction of Robert G. Hoy, Ohio Professional Surveyor No. 8142;

Bearings in this description are based on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North;

Grantor claims title as recorded in Instrument 200813447 of Portage County Deed Records.

The stations referred are from the existing centerline of right-of-way of State Route 43 as shown on the POR-43-10.26 right-of-way plans unless noted otherwise.

Arcadis U.S., Inc. Date
Robert G. Hoy, Ohio Professional Surveyor No. 8142