ORDINANCE NO. 2017-115

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN CMG ONE, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.011 ACRES OF REAL PROPERTY, FOR $325.00 FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT FOR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain a temporary easement of 0.011 acres of real property from CMG One, LLC; and

WHEREAS, CMG One, LLC is willing to grant a temporary easement in said property for $325.00; 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

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 accepts and authorizes the City Manager or his designee to execute the agreement for the City of Kent to obtain a temporary easement of 0.011 acres of real 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 from CMG One, LLC for $325.00; 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

EFFECTIVE: September 20, 2017
Date

ATTEST: Tara Grimm, CMC
Clerk of Council


TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: CMG One, LLC, an Ohio limited liability company, the Grantor(s) herein, in consideration of the sum of $325.00, to be paid by the City of Kent, Portage County, Ohio, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 31-T
POR-43-10.26

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

To have and to hold said temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement herein granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement interest granted herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.
IN WITNESS WHEREOF CMG One, LLC, an Ohio limited liability company has caused its name to be subscribed by Charles E. Galloway, its duly authorized Sole Member, and its duly authorized agent on the 10th day of AUGUST, 2017.

CMG ONE, LLC, AN OHIO LIMITED LIABILITY COMPANY

By: Charles E. Galloway, Sole Member

STATE OF OHIO, COUNTY OF Summitt ss:

BE IT REMEMBERED, that on the 10th day of AUGUST, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Charles E. Galloway, who acknowledged being the Sole Member and duly authorized agent of CMG One, LLC, an Ohio limited liability company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC
My Commission expires:

This document was prepared by: The City of Kent, Portage County, Ohio
PARCEL 31-T
POR-43-10.26
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO REGRADE PARKING AREA 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 13 in Franklin Township, and being part of lands described in the deed to CMG ONE, LLC (Grantor) as recorded in Instrument 200719002 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 586+02.61;

1. Thence North 89° 59’ 35” East, along the Grantor’s northerly line, a distance of 8.00 feet being 38.00 feet right of Station 586+02.58;

2. Thence South 00° 10’ 50” East, through the Grantor, a distance of 61.36 feet to the Grantor’s southerly line being 38.00 feet right of Station 585+41.22;

3. Thence South 89° 00’ 51” West, along said southerly line, a distance of 8.00 feet to said existing easterly right of way line of said State Route 43 being 30.00 feet right of Station 585+41.11;

4. Thence North 00° 10’ 50” West, along said existing easterly right of way line, a distance of 61.50 feet to the Point of Beginning.

The above described easement contains 0.011 acres (491 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-013-20-00-026-000 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;

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 200719002 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
CERTIFIED RESOLUTION OF

CMG ONE, LLC, AN OHIO LIMITED LIABILITY COMPANY

The undersigned, being the Member of CMG One, LLC, an Ohio limited liability company ("Company"), hereby certify that on the 10 day of AUGUST, 2017, the resolutions set forth below were duly adopted by the Sole Member of the Company; that such Charles E. Galloway, Sole Member, is duly authorized and empowered to adopt such resolutions, that the same are in full force and effect and have not been revoked or modified and that such resolutions were duly adopted (a) at a meeting of the Company (b) by the written consent of the Company in accordance with the governing documents of said Company and the provisions of the applicable law with respect thereto.

WHEREAS, the City of Kent, Portage County, Ohio desires to acquire a certain parcel or parcels of real property and/or interests therein owned by this Company and more particularly described on Exhibit “A” attached hereto and made a part hereof (the “Property Interests”) in the name of and for the use of the City of Kent, Portage County, Ohio;

WHEREAS, this company and the City of Kent, Portage County, Ohio have agreed to the sum of Three Hundred Twenty Five and 00 / 100 Dollars ($325.00) as consideration to the Company for the purchase of the Property Interests;

WHEREAS, the Company hereby authorizes Charles E. Galloway, Sole Member, of the Company, to take all action, do all things and enter into all documents and instruments necessary or desirable with respect to the acceptance of the above offer and the consummation of the transaction contemplated thereby.

NOW THEREFORE BE IT RESOLVED, that the Sole Member of the Company, Charles E. Galloway, is hereby authorized and directed to take all action and do all things necessary or desirable on behalf of the Company to implement and consummate the above resolution and transaction contemplated thereby and to enter into, execute and deliver all documents and instruments on behalf of this LLC with respect to the foregoing including, but not limited to, all contracts, deeds, instruments of conveyance, bills of sale, licenses and certificates.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 10 day of AUGUST, 2017.

[Signature]

Charles E. Galloway, Sole Member
EXHIBIT "A"

PARCEL 31-T
POR-43-10.26
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO REGRADE PARKING AREA 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 13 in Franklin Township, and being part of lands described in the deed to CMG ONE, LLC (Grantor) as recorded in Instrument 200719002 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 586+02.61;

1. Thence North 89° 59' 35" East, along the Grantor’s northerly line, a distance of 8.00 feet being 38.00 feet right of Station 586+02.58;

2. Thence South 00° 10' 50" East, through the Grantor, a distance of 61.36 feet to the Grantor’s southerly line being 38.00 feet right of Station 585+41.22;

3. Thence South 89° 00' 51" West, along said southerly line, a distance of 8.00 feet to said existing easterly right of way line of said State Route 43 being 30.00 feet right of Station 585+41.11;

4. Thence North 00° 10' 50" West, along said existing easterly right of way line, a distance of 61.50 feet to the Point of Beginning.

The above described easement contains 0.011 acres (491 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-013-20-00-026-000 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;

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 200719002 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.  
Robert G. Hoy, Ohio Professional Surveyor No. 8142