ORDINANCE NO. 2017 - 117

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN FIFTH THIRD BANK, FKA THE FALLS SAVINGS & LOAN ASSOCIATION AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.004 ACRES OF REAL PROPERTY, FOR $300.00 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 obtain a temporary easement of 0.004 acres of real property from Fifth Third Bank fka The Falls Savings & Loan Association; and

WHEREAS, Fifth Third Bank is willing to grant a temporary easement in said property for $300.00; 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 0.004 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 Fifth Third Bank for $300.00; 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: Fifth Third Bank, fka The Falls Savings & Loan Association, the Grantor(s) herein, in consideration of the sum of $300.00, 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): 4-T
POR-43-10.26

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

Portage County Current Tax Parcel No. 17-006-20-00-001-00

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.

Page 1 of 2
IN WITNESS WHEREOF Fifth Third Bank, fka The Falls Savings & Loan Association has caused its name to be subscribed by Jeffrey Wagner its duly authorized Vice President and by __________________ its duly authorized agent on the 27th day of July 2017.

FIFTH THIRD BANK, FKA THE FALLS SAVINGS & LOAN ASSOCIATION

By: Jeffrey Wagner, Vice President

By:

STATE OF OHIO, COUNTY OF Oakland ss:

BE IT REMEMBERED, that on the 27th day of July 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Jeffrey Wagner who acknowledged being the Vice President and __________________ who acknowledged being the _______ and duly authorized agent of Fifth Third Bank, fka The Falls Savings & Loan Association, 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.

FAITH SIMICK
NOTARY PUBLIC, STATE OF OHIO, COUNTY OF OAKLAND
MY COMMISSION EXPIRES
MY COMMISSION EXPIRES: May 2, 2020

This document was prepared by: The City of Kent, Portage County, Ohio
EXHIBIT A

PARCEL 4-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, being part of Sublot 1 as shown on Resubdivision Younkmam Allotment Subdivision No. 1 as recorded in Volume 14 Page 17 of Portage County Plat Records, and being part of lands described in the deed to FALLS SAVING BANK, FSB (Grantor) as recorded in Instrument 9520874 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 545+90.24;

1. Thence South 53° 17' 41" East, through the Grantor, a distance of 45.33 feet to the existing northerly right of way line of Beryl Drive being 56.03 feet right of Station 545+53.12;

2. Thence South 89° 46' 49" West, along said northerly existing right of way line, a distance of 8.41 feet to said existing easterly right of way line of said State Route 43 being 48.03 feet right of Station 545+55.73;

3. Thence North 53° 11' 56" West, along said existing easterly right of way line, a distance of 31.47 feet being 30.00 feet right of Station 545+81.53;

4. Thence North 18° 15' 11" West, continuing along said existing easterly right of way line, a distance of 8.71 feet to the Point of Beginning.

The above described easement contains 0.004 acres (193 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-006-20-00-001-000 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 9520874 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.
SECRETARY'S CERTIFICATE

The undersigned does hereby certify that she is the duly elected, qualified and acting Assistant Secretary of Fifth Third Bank, an Ohio banking corporation, and the undersigned does hereby further certify that the following individual has achieved the title set forth opposite his name and is acting in his respective capacity at this date.

Jeffrey Wsinger       Vice President

IN WITNESS WHEREOF, I hereunto subscribe my name as of this 19 day of July, 2017.

Erica R. Kojetin
Assistant Secretary