ORDINANCE NO. 2017-03

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A RIGHT OF WAY EASEMENT FOR PURPOSES OF A HIKE AND BIKE TRAIL FROM THE CITY AS GRANTOR, TO KISAMORE ENTERPRISES, LLC AS GRANTEE, AND DECLARING AN EMERGENCY.

WHEREAS, the Summit Metro Parks are purchasing the property from Kisamore Enterprises, LLC described on the attached easement marked as Exhibit “1” for purposes of extending their hike and bike trails; and

WHEREAS, the property in question needs access to Middlebury Road for the hike and bike trail extension; and

WHEREAS, Summit Metro Parks cannot purchase the property in question until said property has access to Middlebury Road; and

WHEREAS, the City is willing to give Summit Metro Parks access to Middlebury Road through this easement; and

WHEREAS, once this easement is given to Kisamore Enterprises, LLC, they can sell this property to Summit Metro Parks; and

WHEREAS, once Summit Metro Parks purchase said property, this easement will become a permanent easement; and

WHEREAS, the extension of Summit Metro Parks will be beneficial to the residents of the City of Kent who utilize the regions hike and bike trails; and

WHEREAS, time is of the essence for Summit Metro Parks to purchase said property.

NOW, THEREFORE, BE IT RESOLVED 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 authorize the City Manager, or his designee, to enter into a right of way easement with Kisamore Enterprises, LLC to allow the extension of the Summit Metro Parks hike and bike trail near Middlebury Road and the Cuyahoga River, and as is more fully described in Exhibit “1”, attached hereto and made a part hereof.

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: \( \text{January 18, 2017} \)

Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: \( \text{January 18, 2017} \)

ATTEST:  
Tara Grimm, CMC  
Clerk of Council

I, TARA GRIMM, 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 GRIMM, CMC  
CLERK OF COUNCIL  
(SEAL)
Portage Hike and Bike Trail Extension along SR59

Esplanade to Depeyster Street Segment

Depeyster Street to Water Street Segment