ORDINANCE NO. 2020-10

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT OF A TEMPORARY EASEMENT (2-TV) FROM RICHARD T. WEISS, FOR THE NORTH WATER STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has received a donation of a temporary easement (2-TV) from Richard T. Weiss for the North Water Street Improvement project; and

WHEREAS, the City wishes to accept said donation.

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 authorize the City Manager on behalf of the City of Kent to accept the temporary easement (2-TV) donation from Richard T. Weiss for the North Water Street Improvement project, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

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: _____________________________
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: __________________________
Date

ATTEST:

Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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_______.

(SEAL)

__________________________
AMY WILKENS
CLERK OF COUNCIL
DONATION LETTER

January 14, 2020

Richard T. Weiss
3833 Industry Road
Rootstown, Ohio 44272

Re: POR-North Water Street
    313 North Water Street, Parcel 2-TV
    PID 109347

Dear Mr. Weiss:

Your real property is needed by the City of Kent for a transportation improvement project. As such, you are hereby advised that you have the right to have your property appraised by a competent appraiser and you have the right to accompany the appraiser on the inspection of your property. You have the right to be provided a written offer for the full amount of the fair market value as determined by the agency based upon the appraisal. You have the right to negotiate with the agency and if an acceptable agreement cannot be reached, the right to have the value determined by a court of law. You also have the right to be paid the full amount of the fair market value before being required to surrender possession of your property. Notwithstanding these rights, we understand you are willing to waive all, or any part of your rights noted and willingly agree to donate the property needed for the transportation project. The property is described in the attached Exhibit A which is incorporated herein.

Please be advised that if you desire to use the donation for a tax deduction, you should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for appraisal valuation.

Respectfully,

James S. Bowling, PE
Deputy Service Director/Superintendent of Engineering
City of Kent

The undersigned hereby acknowledges that he/she has been fully advised by a City of Kent representative of his/her rights reflected above and agrees to: (1) Waive the right to receive just compensation for the property, (2) Release the City from obtaining an appraisal of the acquired property and (3) Execute the necessary conveyance instrument to transfer said property to the City of Kent.

Property owner signature

Richard T. Weiss
Print name

1-14-2020

Date

2020-09 Exhibit A
TEMPORARY EASEMENT

Richard T. Weiss, the Grantor(s), as a DONATION, does grant to the City of Kent, Ohio, the Grantee, the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 2-TV
POR-North Water Street

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-024-20-00-084.000

To have and to hold the temporary easement(s), 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(s) granted to the Grantee is twelve (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(s) interest granted 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 Richard T. Weiss, has hereunto set his hand on the 15th day of

Richard T. Weiss

STATE OF OHIO, COUNTY OF PORTAGE SS:

BE IT REMEMBERED that on the 14th day of JAN, 2021 before me
the subscriber, a Notary Public in and for said state and county, personally came the above
named Richard T. Weiss, who acknowledged the foregoing instrument to be his voluntary act
and deed.

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

TERESA A. HERR, NOTARY PUBLIC
Residence - Portage County
State Wide Jurisdiction, Ohio
My Commission Expires Dec 21, 2020

This document was prepared by or on behalf of the City of Kent
EXHIBIT A

PARCEL 2-TV
POR-NORTH WATER STREET
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
RECONSTRUCT PARKING LOT & RETAINING WALL
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, and being part of Original
Franklin Township Lot 24, being also part of Lot 6 of Block 11 of the Original Plat of the Town
of Franklin (now City of Kent) per Deed Volume 25, Page 132, this and all further references
made to the Portage County Recorder records, being also part of a parcel of land, now or
formerly owned by Richard T. Weiss per Image Numbers 200123030, 200123031 and
200123032, and being further described as follows:

Commencing at a point at the Grantor’s northwest corner, said point also being the northwest
corner of Lot 6 of Block 11 and at the intersection of the existing east right of way line of North
Water Street (80 feet wide) and the existing south right of way of Alley No. 1 (20 feet wide),
said point being 40.00 feet right of North Water Street centerline of right of way Station
28+80.58, said point also being the TRUE POINT OF BEGINNING for the following parcel
of land herein described:

Thence S 89°39'34" E, 58.00 feet, along the Grantor’s north line, the north line of Lot 6 and the
exist south right of way line of Alley No. 1, to a point, said point being located 98.00 feet right of
North Water Street centerline of right of way Station 28+80.62;

Thence S 00°18'23" E, 13.31 feet, through the Grantor’s parcel, to a point, said point being
located 98.00 feet right of North Water Street centerline of right of way Station 28+67.31;

Thence S 89°39'34" W, 58.00 feet, to point on the Grantor’s west line and the existing east right of
way line of North Water Street, said point being located 40.00 feet right of North Water Street
centerline of right of way Station 28+67.28;

Thence N 00°18'23" W, 37.16 feet, along the Grantor’s west line, the existing east right of way
line of North Water Street, to the point of beginning and containing 772 square feet of land, more
or less.
EXHIBIT A

RX 287 TV

The above parcel is contained within Portage County Parcel Number 17-024-20-00-084.000

The above description was prepared by Dan Stankovich, Professional Surveyor Number 7122, on December 10, 2019 and is based on a survey made for AECOM and the City of Kent by Euthenics, Inc., by or under the direct supervision of Scott Horan, Professional Surveyor Number 8678, in March of 2019.

The bearing for the above description are based on the Ohio North Zone State Plane Coordinates, NAD83 (1986) datum.

\[Signature\]
Dan Stankovich, P.S. 7122

\[Seal\]
DAN STANKOVICH
7122

\[Date\]
Dec 10, 2019

2020-10 Exhibit A
2-T Closure.txt

Name: 2-T

North: 544844.5619'  East: 2282925.3583'

Segment #1 : Line
Course: S89° 39' 34"W  Length: 58.00'
North: 544844.2171'  East: 2282867.3594'

Segment #2 : Line
Course: N00° 18' 23"W  Length: 13.31'
North: 544857.5289'  East: 2282867.2882'

Segment #3 : Line
Course: N89° 39' 33"E  Length: 58.00'
North: 544857.8720'  East: 2282925.2872'

Segment #4 : Line
Course: S00° 18' 23"E  Length: 13.31'
North: 544844.5622'  East: 2282925.3583'

Perimeter: 142.61'  Area: 771.70 Sq. Ft.

Error Closure: 0.0003  Course: N00° 20' 27"W

Error North: 0.00028  East: -0.00000

Precision 1: 475400.00