

ORDINANCE NO. 2025- 013

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE A PURCHASE AGREEMENT BETWEEN PORTAGE COUNTY LAND REUTILIZATION CORPORATION AND THE CITY OF KENT, OHIO FOR PARCEL #17-011-20-00-003-000 (603 WEST STREET) FOR \$100.00 TO MAINTAIN THE STORM WATER FACILITY, AND DECLARING AN EMERGENCY.

WHEREAS, the Portage County Land Reutilization Corporation (the "Land Bank") has acquired a vacant subplot in the City, Parcel #17-011-20-00-003-000 (603 West Street); and

WHEREAS, the Land Bank desires to sell the subplot to the City and the City desires to purchase it under the Land Bank's Vacant Lot Disposition Program; and

WHEREAS, the City of Kent acquiring the subplot will be able to maintain a storm water ditch that flows behind properties on Harris Street and under the Wheeling & Lake Erie RR.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to execute a purchase agreement between Portage County Land Reutilization Corporation for parcel #17-011-20-00-003-000 (603 West Street) for \$100.00 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: February 19, 2025
Date

Jerry T. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: February 19, 2025
Date

ATTEST: Kathleen Coleman
Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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. 2025-013*, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON February 19, 2025.

(SEAL)

Kathleen Coleman
KATHLEEN COLEMAN
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Kathy Coleman

FROM: Jim Bowling *Job*

DATE: 1/7/2025

RE: 603 West Street – Vacant Parcel Acquisition

The Service Department is requesting council consideration and approval of the purchase of Parcel #17-011-20-00-003-000 (603 West Street) for \$100. The proposed purchase agreement is attached. The parcel is currently owned by the Portage County Reutilization Corporation (Land Bank). The Land Bank reached out to the City to determine the City's interest in accepting the purchase of the property. The property is located between two separate Wheeling and Lake Erie Railroad properties, a "paper" alley and a city parcel. See the attached figure for clarification.

The existing City parcel is used to maintain a storm water ditch that flows behind properties on Harris Street and under the Wheeling & Lake Erie RR. The acquisition of the requested parcel will allow for improved access to the existing City Parcel to maintain the storm water facility.

C: Melanie Baker
Hope Jones
Brad McKay
Gary Labajetta
Hallie Stone
Sandy Lance

Real Estate Sale and Purchase Agreement

This Agreement is entered into this _____, 20____, by the Portage County Land Reutilization Corporation (the "Land Bank"), an Ohio nonprofit corporation, and the City of Kent, Portage County, Ohio (the "City"), an Ohio municipal corporation.

Whereas, the Land Bank has acquired a vacant subplot in the City (PPN 17-011-20-00-003-000), as more fully described in attached **Exhibit A** (the "Sublot"); and

Whereas, the Land Bank desires to sell the Sublot to the City, and the City desires to purchase it under the Land Bank's Vacant Lot Disposition Program; and

Whereas, acquiring the Sublot will facilitate the City being able to maintain its sewer inlet that is located on the contiguous City-owned parcel (PPN 17-011-20-00-007-000); and

NOW, THEREFORE, in consideration of the covenants made each to the other, as set forth below, the parties agree as follows:

(1) Sale. The Land Bank will sell and convey the Sublot to the City, and the City will purchase the Sublot on the terms and conditions outlined in this Agreement.

(2) Purchase Price. The purchase price for the Sublot is \$100.00, payable in cash at closing.

(3) Deed. On payment of the purchase price, the Land Bank will execute and deliver a quitclaim deed describing the Sublot and conveying it to the City.

(4) Title. At the City's request and cost, the Land Bank will furnish for its examination as soon as practicable a preliminary title report issued by AMS Title Agency, Inc., 229 South Chestnut Street, Ravenna, Ohio 44266, 330-298-1070, showing the condition of the title of the Sublot as of the date of issuance of the report. Title to the Sublot will be good and marketable, free and clear of all liens and encumbrances, except those created or assumed by the City, zoning laws, legal highways, and covenants, restrictions, conditions, and easements of record. If any title restrictions, defects, or burdens appear on the report to which the City objects, the objection will be stated in writing to the Land Bank and will be allowed a reasonable time, not exceeding 30 days, to correct the same. If the Land Bank is unable or unwilling to do so, the City may terminate this Agreement or accept the Sublot with all such restrictions, defects, or burdens. If the City does not request a title report within 10 days of this date, it accepts the Sublot with all title restrictions, defects, or burdens.

(5) Closing; Costs; Time of Essence. Unless extended by written agreement of the parties, this Agreement will be completed, and the transaction closed by the AMS Title Agency, per its standard escrow, on or before _____, 20____. The Land Bank will prepare the deed;

tax apportionment will be unnecessary (the Land Bank is tax-exempt under Ohio R.C. 5709.12(F)). Time is of the essence of this contract.

(6) Transfer of the Sublot; Inspection. The City will have possession of the Sublot on the date the deed is recorded. The City acknowledges that the Land Bank (or its agents, including its Executive Director) has made no representations or warranties concerning the Sublot, that the City is purchasing the Sublot in its present "AS IS" condition, that the City is relying solely on its investigation and inspection of the Sublot regarding access and the condition, character, and size, and that the City has completed that investigation and inspection before signing this Agreement.

(7) Binding Effect; Entire Agreement. This Agreement will inure to the benefit of and bind the successor and assigns of the respective parties. This Agreement constitutes the entire agreement between the Land Bank and the City regarding the Sublot and supersedes any other prior communications, representations, or statements regarding this transaction.

The City affirms that before entering into this Agreement, it had an opportunity to seek advice and counsel from others, including an attorney, regarding this Agreement and the purchase of the Sublot.

IN WITNESS WHEREOF, the parties have signed as of the date indicated above.

Portage County Land Reutilization Corporation: The City of Kent:

By _____
Dan Morganti, its Executive Director

By _____
Dave Ruller, its City Manager

Exhibit A

SITUATED IN THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO: AND KNOWN AS ALL OF LOT NUMBER 50 IN HENRY AINSWORTH ADDITION TO THE VILLAGE OF KENT, OHIO, AS RECORDED IN DEED VOLUME 88, PAGE 3 OF PORTAGE COUNTY, OHIO, RECORDS, EXCEPT SUCH PART OF SAID LOT HERETOFORE DEEDED TO THE CITY OF KENT, OHIO, TOGETHER WITH ANY AND ALL BUILDINGS AND IMPROVEMENTS THEREON SITUATE.

PPN 17-011-20-00-003-000

Legend:

- Existing City of Kent Property
- Property Requesting Acquisition
- Wheeling & Lake Erie RR Property



