

ORDINANCE NO. 2020-09

AN ORDINANCE ACCEPTING A DONATION TO THE CITY OF KENT OF A TEMPORARY EASEMENT (1-TV) FROM STEPHEN JOHN BALAZS, TRUSTEE OF THE BALAZS FAMILY TRUST, FOR THE NORTH WATER STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent has received a donation of a temporary easement (1-TV) from Stephen John Balazs, Trustee of the Balazs Family Trust 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 (1-TV) donation from Stephen John Balazs, Trustee of the Balazs Family Trust 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

LPA RE 807-D
Rev. 10/2017

TED
LPA

TEMPORARY EASEMENT

Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003, 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): 1-TV

POR-North Water Street

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel Nos. 17-024-20-00-042.000 & 17-024-20-00-043.000
Prior Instrument Reference: Instrument 200336747, Portage County Recorder's Office.

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 Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003, has hereunto set his hand on the ____ day of _____, 20____.

THE BALAZS FAMILY TRUST DATED FEBRUARY 6, 2003

By: Stephen John Balazs, Trustee

STATE OF OHIO, COUNTY OF PORTAGE SS:

BE IT REMEMBERED that on the ____ day of _____, 20 ____ before me the subscriber, a Notary Public in and for said state and county, personally came the above named Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003, 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.

NOTARY PUBLIC

My Commission expires: _____

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

EXHIBIT A

Page 1 of 2

RX 287 TV

Rev. 12/16

Ver. Date 12/10/2019

PID 109347

**PARCEL 1-TV
POR-NORTH WATER STREET
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
RECONSTRUCT PARKING LOT
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 Lots 4 and 5 of Block 10 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 Stephen John Balazs, Trustee of the Balazs Family Trust dated February 6, 2003 per Image Number 200336747, 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 4 of Block 10, and on the existing east right of way line of North Water Street (80 feet wide), being also the southwest corner of a parcel of land, now or formerly owned by Kent Wells Sherman House, Incorporated per Image Number 201219714, said point being 40.00 feet right of North Water Street centerline of right of way Station 25+78.91, said point also being the **TRUE POINT OF BEGINNING** for the following parcel of land herein described;

Thence S 89°56'49" E, 16.50 feet, along the Grantor's north line, the north line of Lot 4 and the south line of the Kent Wells Sherman House parcel, to a point, said point being located 56.50 feet right of North Water Street centerline of right of way Station 25+78.80;

Thence S 00°18'23" E, 36.62 feet, through the Grantor's parcel and into Lot 5, to a point, said point being located 56.50 feet right of North Water Street centerline of right of way Station 25+42.18;

Thence S 88°10'03" W, 16.51 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 25+41.74;

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, and the west line of Lots 5 and 4, to the point of beginning and containing 609 square feet of land, more or less.

EXHIBIT A

RX 287 TV

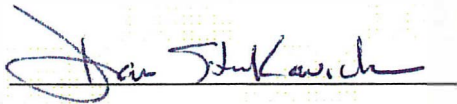
Page 2 of 2

Rev. 12/16

The above parcel is contained within Portage County Parcel Numbers 17-024-20-00-042.000 and 17-024-20-00-043.000

The above description was prepared by Dan Stankavich, 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.

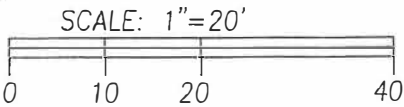
The bearing for the above description are based on the Ohio North Zone State Plane Coordinates, NAD83 (1986) datum.



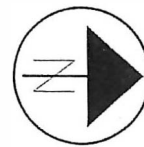
Dan Stankavich, P.S. 7122



Date

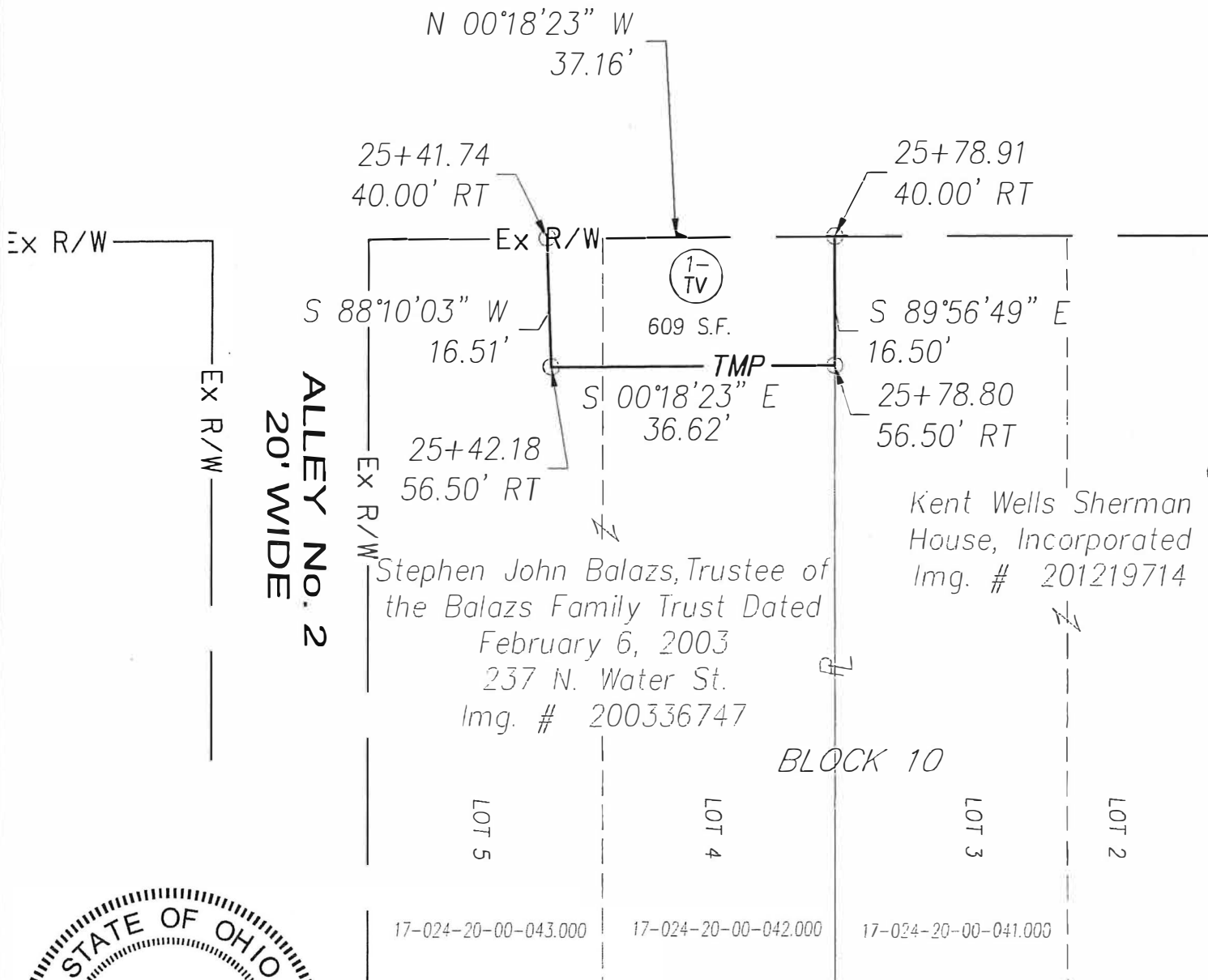


NORTH BASED ON GRID
OHIO NORTH ZONE



25 +50 26
N 00°18'23" W

NORTH WATER STREET 80' R/W



Stephen John Balazs, Trustee of
the Balazs Family Trust Dated
February 6, 2003
237 N. Water St.
Img. # 200336747



Dan Stankavich
DAN STANKAVICH, PS. 7122
12/10/2019
DATE

PARCEL 1-TV
POR-NORTH WATER STREET
CITY OF KENT, COUNTY OF PORTAGE,
STATE OF OHIO
PART OF ORIG. FRANKLIN TWP. LOT 24
PART OF ORIGINAL BLOCK 10, LOT 4 & 5
DEED VOL. 25, PAGE 132
DECEMBER 2019

Name: 1-T

North: 544503.1281' East: 2282866.0363'

Segment #1 : Line

Course: N00° 18' 23"W Length: 37.16'
North: 544540.2876' East: 2282865.8376'

Segment #2 : Line

Course: S89° 56' 49"E Length: 16.50'
North: 544540.2723' East: 2282882.3376'

Segment #3 : Line

Course: S00° 18' 23"E Length: 36.62'
North: 544503.6528' East: 2282882.5334'

Segment #4 : Line

Course: S88° 10' 03"W Length: 16.51'
North: 544503.1248' East: 2282866.0319'

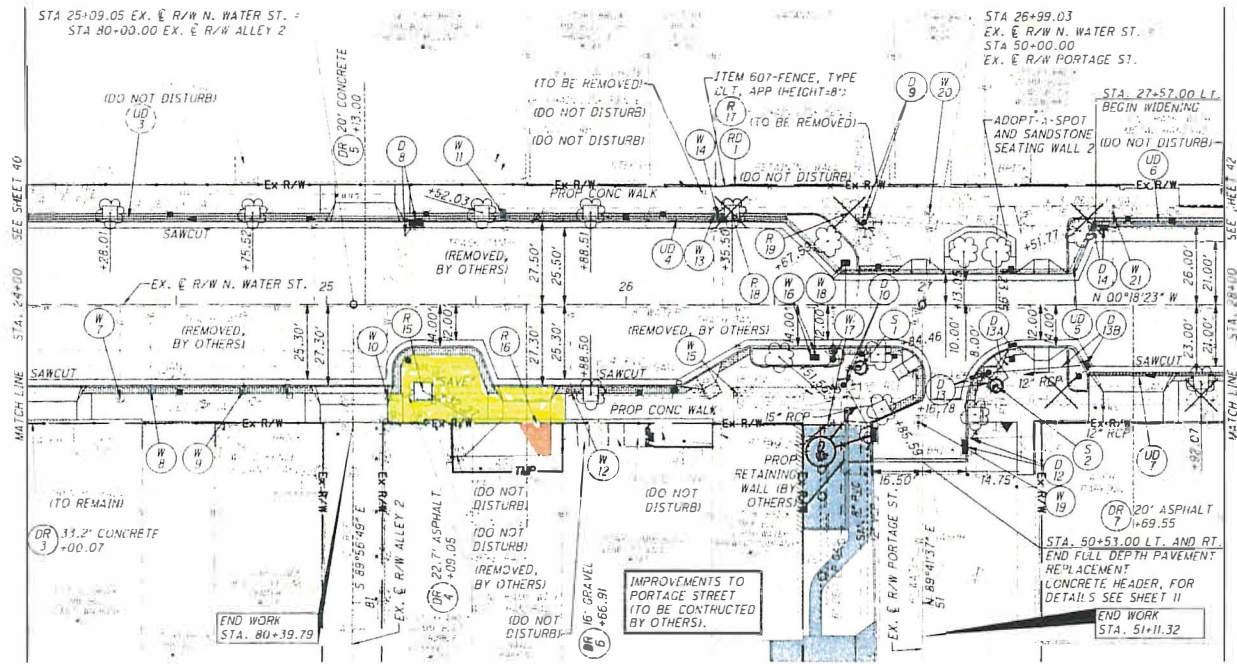
Perimeter: 106.79' Area: 608.73 Sq. Ft.

Error Closure: 0.0055 Course: S53° 57' 42"W

Error North: -0.00324 East: -0.00445

Precision 1: 19416.36

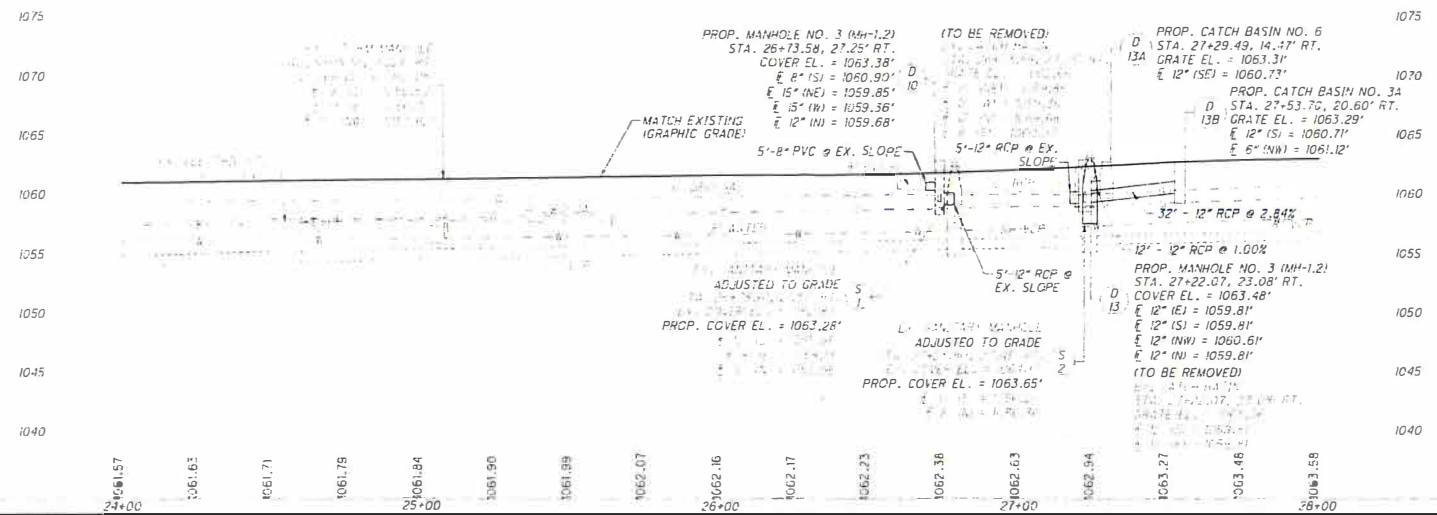
C:\arom\DCS\Projects\RM\6095\63-WATERST-900-CAD\05-910-CAD\109347-Dwg_15-Nov-19_2-16.dwg



BENCHMARK NO. 11475
 BM 2 = 1" IN ARJELER ON
 FIRE HYDRANT FLANGE
 STA. 26+67.48', 39.94' RT.
 ELEV. 1065.63'
 N. 544643.86
 E. 2283199.71

- NOTES**
- PAVEMENT DIMENSIONS ARE MEASURED TO THE FACE OF CURB.
 - FOR SANDSTONE SEATING WALL DETAILS, SEE SHEET 8.
 - FOR PROP WORK LIMITS, GRADING AND INTERSECTION DETAILS, SEE SHEETS 48-49.
 - FOR DRIVE 6 DETAILS, SEE SHEET 51.
 - FOR STORM SEWER PROFILES, SEE SHEETS 52-53.
- LEGEND:**
- ITEM 608 - WALKWAY, MISC.: BRICK PAVERS ON CONCRETE BASE
 - PROPOSED RESURFACING
 - PROPOSED LIGHT POLE
 - PROPOSED TREE
 - EXISTING TREE
 - CONSTRUCTION LIMITS
 - APPROX. LOCATION OF PROPOSED UTILITY POLE (BY OTHERS)

PLAN AND PROFILE - NORTH WATER STREET
 STA. 24+00 TO STA. 28+00
 POR-CR502-0.18 (NORTH WATER STREET)



LEGEND

- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- EXISTING FINISHED FLOOR ELEVATION

NOTES

- ALL DIMENSIONS ARE MEASURED TO THE FACE OF THE CURB
- ALL ELEVATIONS ALONG THE CURB ARE \bar{E} ELEVATIONS. ADD 6-INCHES IN AREAS OF FULL HEIGHT CURB AND 1-INCH IN AREAS OF DROP CURB TO OBTAIN TOP OF CURB ELEVATIONS AT FACE OF CURB
- CENTERLINE ELEVATIONS ARE AT 25' INTERVALS, UNLESS OTHERWISE NOTED
- ALL STATIONING SHOWN IS ALONG THE CENTERLINE OF NORTH WATER STREET UNLESS OTHERWISE SHOWN.
- CONTRACTOR MAY ADJUST THE PLACEMENT OF CURB RAMPS IF EXISTING FIELD CONDITIONS WARRANT WITH THE APPROVAL OF THE ENGINEER.
- TRANSITION NEW CURB TO MATCH EXISTING CURB OVER 10'.
- TRANSITION TYPE 6 CURB, APP 1 WITH 4" REVEAL TO TYPE 6 CURB WITH 6" REVEAL OVER 10'.
- FOR PLAN AND PROFILE, SEE SHEET 41.

VERTICAL SCALE: IN FEET

HORIZONTAL SCALE: IN FEET

DATE: 08/14/18

PROJECT: POR-CR02-0.18

SCALE: 1" = 10'

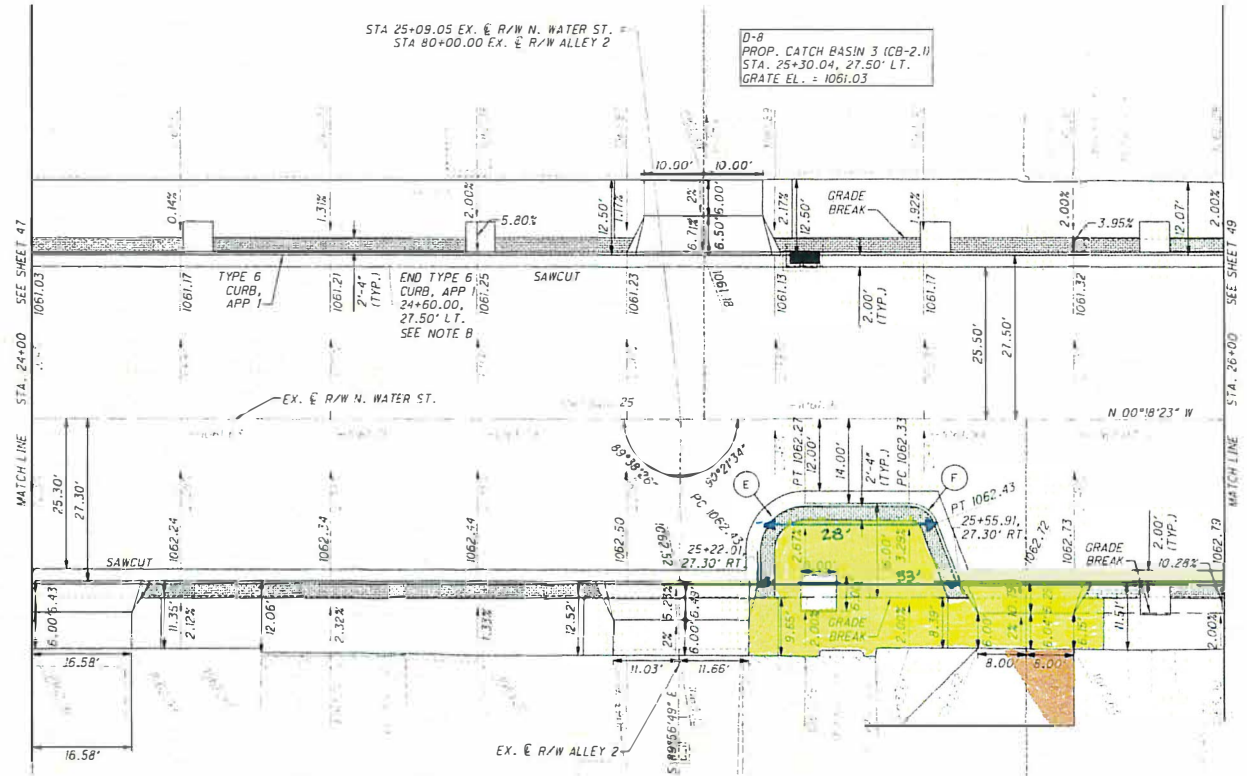
GRADING AND INTERSECTION DETAILS

STA. 24+00 TO STA. 26+00

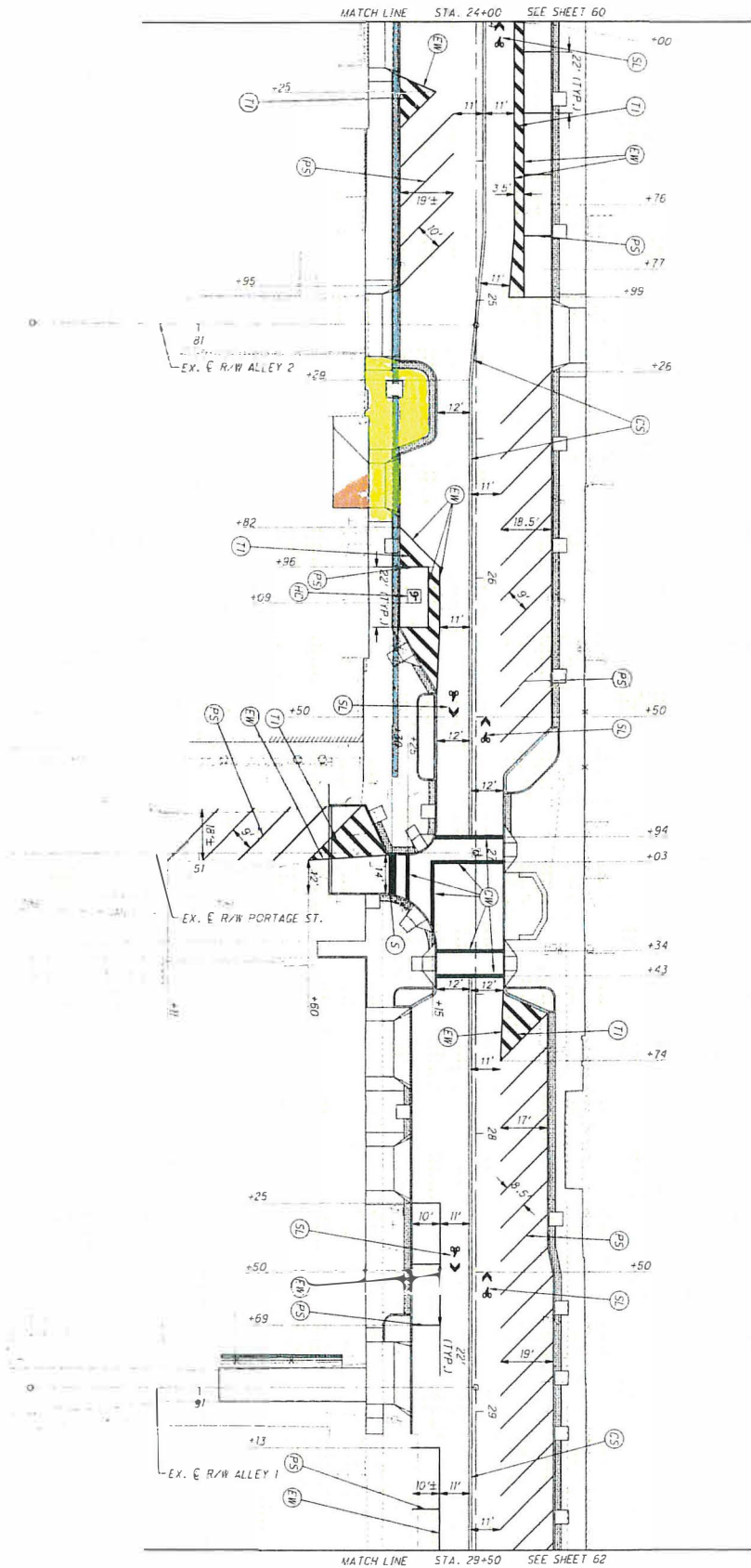
POR-CR02-0.18 (NORTH WATER STREET)

48

73



<p>\bar{E} CURVE DATA</p> <p>$\Delta=89^{\circ}47'03''$</p> <p>R=8.00'</p> <p>T=7.97'</p> <p>L=12.54'</p>	<p>\bar{E} CURVE DATA</p> <p>$\Delta=69^{\circ}26'26''$</p> <p>R=5.00'</p> <p>T=3.46'</p> <p>L=6.06'</p>
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61
71
POR-CR502-0.18 (NORTH WATER STREET)

PAVEMENT MARKING PLAN
STA. 24+00 TO STA. 29+50

DRAWN BY TKI CHECKED BY JMB	
HORIZONTAL SCALE: 6" = 1'	

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:

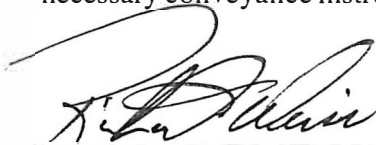
Your real property is needed by the City of Kent for a transportation improvement project. As such, you are hereby advised that you have the right to have your property appraised by a competent appraiser and you have the right to accompany the appraiser on the inspection of your property. You have the 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

1-14-2020

Date

Richard T. Weiss

Print name