

ORDINANCE NO. 2019- 103

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN EASEMENT TO ACCESS FOR THE PURPOSE OF INSTALLING A CONCRETE PAD AND BUS PASSENGER SHELTER FROM KENTWAY, INC., AS GRANTOR, TO THE CITY OF KENT AND THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY (PARTA), AS GRANTEEES, AND DECLARING AN EMERGENCY.

WHEREAS, the easement will allow the City of Kent, Ohio and PARTA the perpetual right to a permanent access to allow for the erection of a bus passenger shelter and install a concrete pad along Summit Street; and

WHEREAS, the bus passenger shelter would serve the residents of Kentway Apartments and the area surrounding the apartments; and

WHEREAS, the easement is being granted for the sum of \$1.00. This work is part of the Bus Passenger Shelter Agreement between the City of Kent, Ohio and PARTA.

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 an Easement with Kentway, Inc. to allow the City of Kent, Ohio and PARTA to install a concrete pad and bus passenger shelter along Summit Street, and is more fully described in Exhibit "A", 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: August 21, 2019  
Date

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

EFFECTIVE: August 21, 2019  
Date

ATTEST:   
\_\_\_\_\_  
Dawn Bishop  
Interim Clerk of Council

I, DAWN BISHOP, INTERIM 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)

\_\_\_\_\_  
DAWN BISHOP  
INTERIM CLERK OF COUNCIL

EASEMENT AGREEMENT

GRANTING AN ACCESS EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned Kentway, Inc., an Ohio Corporation, hereinafter referred to as "Grantor", who claim title to certain real estate by deed recorded in the Portage County records and recorded per Deed Volume 848, Page 09, does for their heirs, successors, and assigns, hereby give, devise, grant and convey to the City of Kent, Ohio, an Ohio Municipal Corporation, and the Portage Area Regional Transit Authority, which are hereinafter referred to as "Grantees," its successors and assigns, the perpetual right to a permanent access to allow for the erection of a bus shelter and all related necessary appurtenances over and through said real estate situated in the City of Kent, County of Portage and State of Ohio, known as being part of Lot 13 of Original Franklin Township, said easement being more fully described as follows:

Situated in the City of Kent, County of Portage, and State of Ohio, being part of Original Lot 13 of Franklin Township, this and all further references made to the Portage County Recorder records, being part of a parcel of land, now or formerly owned by Kentway Inc. An Ohio Corp. per Deed Volume 848, Page 09, and being more fully described as follows:

Being a parcel of land lying on the south side of East Summit Street.

Beginning at a point on the existing southerly right of way line of East Summit Street and being the Grantor's northeasterly corner.,

Thence S 89°36'52" W, 5.00 feet, along the existing southerly right of way line of East Summit Street, to a point, said point also being **TRUE POINT OF BEGINNING** of the following parcel herein described;

Thence S 0°23' 8" W, 10.00 feet, to a point;

Thence S 89°36'52" W, 20.00 feet, through the Grantor's parcel to a point;

Thence N 0°23' 8" E, 10.00 feet to a point on the existing southerly right of way line of East Summit Street;

Thence N 89°36'52" E, 20.00 feet, along the existing southerly right of way line of East Summit Street, to the true point of beginning and containing **0.0046 acres (200 square feet) of land**, more or less.

The above described area is contained within Portage County Auditor Parcel Number 17-013-10-00-099.000.

Bearings are assumed and shown to denote angles only.

The Grantor hereby reserves the right to use the premises for the passage or transportation of personnel, materials or equipment, and to make such other use of the premises as is not expressly prohibited by or inconsistent with the terms of this easement.

The Grantor hereby restricts said easement premises against the construction thereon of any buildings of a temporary or permanent type, excepting any sidewalks, and bus shelter and/or pavements as installed by the Grantees, and to restrict the storing or placing of any materials, equipment or other obstruction thereon, or otherwise interfering with the access to or the maintenance of the existing uses and appurtenances. The bus shelter and concrete pad upon the easement premises shall be maintained and repaired by Grantees, at Grantees's sole cost and expense, and with the least possible interference with the use of Grantor's property.

The Grantor covenants with the Grantees that it is well seized of the premises as a good and indefeasible estates and has the right to grant and convey the premises in the manner and form above written.

TO HAVE AND TO HOLD the above granted easement for the purposes above mentioned, unto the Grantees forever.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this \_\_\_\_ day of \_\_\_\_\_, 2019.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

GRANTOR: \_\_\_\_\_

By:

STATE OF OHIO                    )  
  ) Ss:  
COUNTY OF PORTAGE             )

This day, before me, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, with whom I am personally acquainted and who upon oath acknowledged himself to be such City Manager of aforementioned City of Kent, Ohio and that he as such City Manager being authorized so to do executed the foregoing instrument for the purpose therein contained by signing in the name of the City of Kent as the City Manager.

Witness my hand official seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

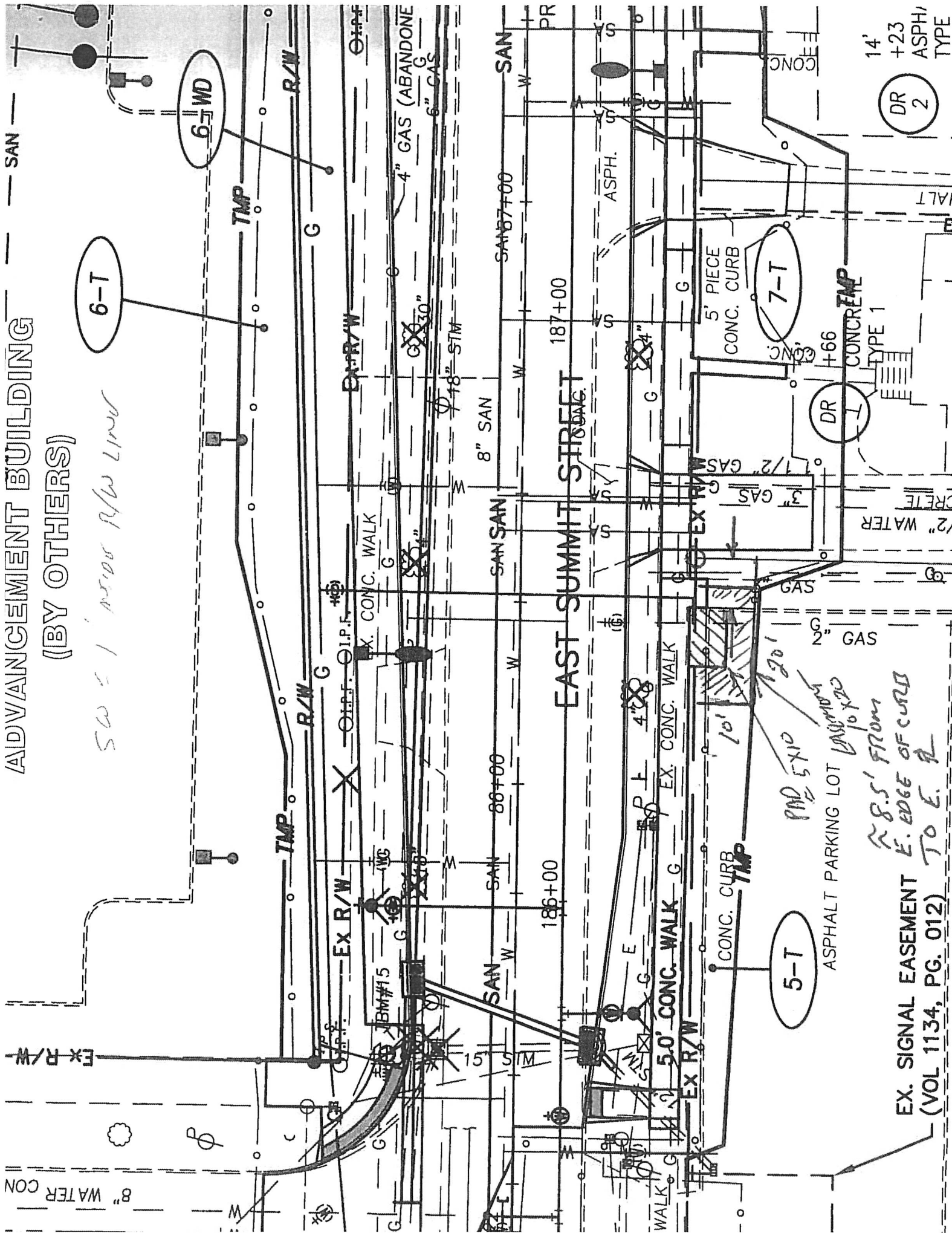
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary

This instrument prepared by:  
Hope L. Jones  
Law Director  
320 S. Deypeyster Street  
Kent, Ohio 44240

# ADVANCEMENT BUILDING (BY OTHERS)

*SW = 1' FROM R/W LINE*



EX. SIGNAL EASEMENT  
(VOL 1134, PG. 012)