

ORDINANCE NO. 2024 – 118

AN ORDINANCE ACCEPTING A DONATION OF A PERMANENT RIGHT OF WAY FROM KENT STATE UNIVERSITY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the Kent State University is donating a permanent right of way for the East Main Street Improvement Project; and

WHEREAS, the City needs the property for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as East Main Street Improvement Project; and

WHEREAS, this is the final parcel to be acquired for this project.

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

SECTION 1. That Council does hereby accept the donation of a permanent right of way from Kent State University for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as East Main Street Improvement Project in substantial conformity with the terms of the Agreement marked as Exhibit "A", attached hereto and made a part thereof.

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: December 18, 2024
Date

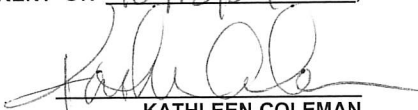
J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: December 18, 2024
Date

ATTEST: Kathleen Coleman
Kathleen Coleman
Interim Clerk of Council

I, KATHLEEN COLEMAN, 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. 2024-118, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON 12/18/24, 20_____.

(SEAL)


KATHLEEN COLEMAN
INTERIM CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave
Ruller
Kathy
Coleman

FROM: Jon Giaquinto

DATE: 12/5/24

RE: East Main Street Improvement Project – Right of Way Donation

The Service Department is requesting council time for approval to accept the donation of permanent right of way from Kent State University for the East Main Street Improvement project. A copy of the Director's Deed from ODOT is included. ODOT will sign the deed and record it with the County. This is the final parcel to be acquired for the project.

Property Owner	R/W Plan Number	Description	Amount
Kent State University	4-WD,4A-WD,4A-WD1,4B-WD1,4B-WD2,4B-WD3,4B-WD4	Permanent	Donation

c: Melanie Baker, Service
Director Jim Bowling, City
Engineer
Patti Long, Executive Assistant
Hope Jones, Law Director
Rhonda Hall, Budget and Finance Director
Sandy Lance

Director's Deed

STATE OF OHIO DEPARTMENT OF TRANSPORTATION

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, in connection with the maintenance and construction of the state highway system within the City of Kent, Ohio, the State of Ohio, Department of Transportation, acquired via a Transfer of Jurisdiction Agreement the fee title of the following parcel(s):

<u>GRANTOR</u>	<u>PARCEL NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
Kent State University	4 WD, 4A-WD, 4A-WD1, 4B-WD1, 4B-WD2, 4B-WD3, 4B-WD4	Instrument No.	
Ohio Department of Administrative Services	POR 59-2.14		

WHEREAS, the Director of Transportation, after consulting with the Director of Natural Resources, has determined that the property described in Exhibit A ["Premises"] is not needed by the State of Ohio for highway or recreation purposes; and

WHEREAS, the Director of Transportation, State of Ohio, has determined that City of Kent is a political subdivision and therefore eligible under Section 5501.45 of the Ohio Revised Code to have the Premises conveyed to it upon such consideration as may be determined by the Director of Transportation to be fair and reasonable without competitive bidding; and

WHEREAS, the Director of Transportation has entered into a certain contract with City of Kent for the sale and purchase of the Premises; and

WHEREAS, the Director of Transportation has determined that City of Kent has fulfilled its obligations under the above-mentioned contract for the sale and purchase of the Premises; and

NOW THEREFORE, the State of Ohio, by Pamela Boratyn, Director of Transportation, pursuant to the provisions of Section 5501.45 the Ohio Revised Code, for the consideration specified in the above mentioned contract for the sale and purchase of the Premises and the agreements and exceptions and/or reservations contained herein, the receipt of which is hereby acknowledged, does hereby release and forever Quitclaim unto City of Kent, its successors and assigns forever, the Grantee herein, all of the rights, titles and interests the State of Ohio may have in and over the Premises more particularly described in Exhibit A attached hereto.

PROVIDED, HOWEVER, Grantor hereby reserves unto itself, its successors and assigns, any and all of the oil and gas and their constituents, sulfur, coal, lignite, uranium, and other fissionable material, geothermal energy, base and precious metals, rock, stone, gravel, and any other mineral substances presently in or under the premises described in Exhibit A. The within reservation of the aforesaid materials and minerals pertains to the exclusive right to execute any and all oil and gas leases and any other mineral leases or other contractual arrangements whereby the right of exploring, mining, removing and marketing of the hereinabove reserved minerals could be transferred by Grantor to third parties, and the within reservation also pertains to the exclusive right to receive any and all bonuses, royalties, shut-in and/or delayed marketing payments and any other types of rental or lease payments associated with any of the aforementioned leases or other contractual arrangements with third parties; together with the ownership of any future reversionary oil and gas and their constituents, and other mineral rights, in total, upon the expiration of any such lease or other contractual arrangement with third parties. The foregoing reservation does not include a right to enter upon or use the surface of the premises described in Exhibit A.

IT IS PROVIDED FURTHER THAT the within grant and conveyance to the above-named Grantee is specifically conditioned upon and subject to the following rights of reversion hereby reserved by Grantor:

A. CONTINUED PUBLIC USE

If Grantee should ever fail to use the Premises for a public purpose, then and in that event Grantee shall be divested forthwith of all of the Premises conveyed by these presents, and thereupon all of the rights, titles and interests conferred upon and vested in Grantee by this conveyance shall revert immediately to the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.

B. NON-DISCRIMINATION

By accepting the within conveyance, Grantee for itself, its personal representatives, successors in interest, and assigns, as part of the consideration hereof does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, disability, low-income status or limited English proficiency shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, disability, low-income status or limited English proficiency shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
- (5) All of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

IN TESTIMONY WHEREOF, I, Gery Noirot, the duly authorized representative of Pamela Boratyn, Director of Transportation, pursuant to the provisions of Section 5501.45 of the Ohio Revised Code, for and in the name of the State of Ohio, have signed this instrument at Akron, Ohio, on this the _____ day of _____, 20__ .

STATE OF OHIO
DEPARTMENT OF TRANSPORTATION

PAMELA BORATYN, Director
By: Gery Noirot

STATE OF OHIO, COUNTY OF SUMMIT SS:

BE IT REMEMBERED, that on this the _____ day of _____, 20____, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Gery Noirot, the duly authorized representative of Pamela Boratyn, Director of Transportation, who acknowledged the foregoing instrument to be the voluntary act and deed of the State of Ohio, Department of Transportation. No oath or affirmation was administered to Gery Noirot with regard to the notarial act.

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 form RE 74-08 was updated to conform to new notarial language requirements as per Revised Code 147.542.

This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT A

LPA RX 851 WD

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Ver. Date 04/19/23

PID 112026

**PARCEL 4A-WD
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to KENT STATE UNIVERSITY BOARD OF TRUSTEES (Grantor) as recorded in Instrument 201013943, 201201181, 201201182, 201201185, 201711058 on file in the Portage County Recorder's Office and laying on the right side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod, to be set during East Main Street Area Improvements construction, in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Haymaker Parkway (State Route 59) as shown on said right-of-way plans being Station 112+99.20; said rod being South 89° 31' 04" West a distance of 2166.28 feet from a 1 inch diameter steel rod found in a monument box at the intersection with the centerline of Luther Avenue as shown on said right-of-way plans;

Thence North 89° 31' 04" East, along said centerline, a distance of 44.26 feet being Station 113+43.46;

Thence South 00° 28' 56" East, leaving said centerline, a distance of 40.00 feet to the Grantor's northwesterly corner and to the southerly right-of-way line of said East Main Street being the Point of Beginning being 40.00 feet right of Station 113+43.46;

EXHIBIT "A"
(Continued)

EXHIBIT A

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1. Thence North $89^{\circ} 31' 04''$ East, along the said southerly right-of-way line and along the Grantor's northerly line, a distance of 252.75 feet being 40.00 feet right of Station 115+96.22 where a capped rebar set;
2. Thence South $85^{\circ} 08' 37''$ west, leaving the Grantor's northerly line and leaving said northerly right-of-way line and through the Grantor, a distance of 41.80 feet to a capped rebar set being 43.19 feet right of Station 115+54.53;
3. Thence along the arc of a curve to the left, continuing through the Grantor, a distance of 187.56 feet to a capped rebar set being 89.25 feet right of South Willow Street Station 9+01.37; said curve having a radius of 408.00 feet, a central angle of $26^{\circ} 20' 23''$, a chord length of 185.92 feet which bears South $71^{\circ} 58' 26''$ West;
4. Thence South $58^{\circ} 48' 14''$ West, continuing through the Grantor, a distance of 48.89 feet to a capped rebar set being 47.39 feet right of South Willow Street Station 8+76.12;
5. Thence South $48^{\circ} 31' 30''$ West, continuing through the Grantor, a distance of 17.84 feet to a capped rebar set being 34.00 feet right of South Willow Street Station 8+64.32;
6. Thence South $00^{\circ} 05' 45''$ East, continuing through the Grantor, a distance of 222.32 feet to a capped rebar set being 34.00 feet right of South Willow Street Station 6+42.00;
7. Thence South $89^{\circ} 54' 15''$ West, continuing through the Grantor, a distance of 4.00 feet to the easterly right-of-way line of South Willow Street as shown on said right-of-way plans and to the Grantor's westerly line being 30.00 feet right of South Willow Street Station 6+42.00 where a capped rebar set;
8. Thence North $00^{\circ} 05' 45''$ West, along said easterly right-of-way line and along the Grantor's westerly line, a distance of 298.20 feet being 30.00 feet right of South Willow Street Station 9+40.20;
9. Thence North $51^{\circ} 03' 50''$ East, continuing along said easterly right-of-way line and along the Grantor's westerly line, a distance of 32.16 feet to the Point of Beginning;

The above described parcel contains 0.218 acres (9484 square feet, including 0.000 acres within the present road occupied) of which 0.001 acres lie within Parcel Number 17-024-40-00-158-000, and 0.005 acres lie within Parcel Number 17-024-40-00-157-000, and 0.005 acres lie within Parcel Number 17-024-40-00-155-000, and 0.004 acres lie within Parcel Number 17-024-40-00-154-000, and 0.104 acres lie within Parcel number 17-024-40-00-153-000, and 0.060 acres lie within Parcel Number 17-024-40-00-152-000, and 0.028 acres lie within Parcel Number 17-024-

EXHIBIT "A"
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40-00-151-000, and 0.001 acres lie within Parcel Number 17-024-40-00-150-000, and 0.008 acres lie within Parcel Number 17-024-40-00-149-000, and 0.002 acres lie within Parcel Number 17-024-40-00-148-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (State Route 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142



EXHIBIT "A"
(Continued)

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Ver. Date 12/01/23

PID 112026

PARCEL 4A-WD1
POB-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to KENT STATE UNIVERSITY BOARD OF TRUSTEES (Grantor) as recorded in Instruments 201711058, 201201184, 201213894, 201022284 and 201114728 on file in the Portage County Recorder's Office and laying on the left side of the centerline of right-of-way South Lincoln Street as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod, to be set during East Main Street Area Improvements construction, in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Haymaker Parkway (State Route 59) as shown on said right-of-way plans being Station 112+99.20; said rod being South 89° 31' 04" West a distance of 2166.28 feet from a 1 inch diameter steel rod found in a monument box at the intersection with the centerline of Luther Avenue as shown on said right-of-way plans;

Thence North 89° 31' 04" East, along said centerline of East Main Street, a distance of 460.86 feet to the intersection with the centerline of right-of-way of South Lincoln Street as shown on said right-of-way plans being Station 117+60.06;

Thence N 00° 05' 29" East, along said South Lincoln Street centerline, a distance of 163.99 feet being South Lincoln Street Station 8+36.00;

EXHIBIT "A"
(Continued)

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Thence South $89^{\circ} 55' 03''$ East, leaving said centerline, a distance of 30.00 feet to the Grantor's easterly line and to the westerly right-of-way line of said South Lincoln Street being the Point of Beginning being 30.00 feet left of South Lincoln Street Station 8+36.00;

1. Thence South $00^{\circ} 05' 28''$ West, along the Grantor's easterly line and along the said westerly right-of-way line, a distance of 194.50 being 30.00 feet left of South Lincoln Street Station 6+41.50 where a capped rebar set;
2. Thence North $89^{\circ} 54' 39''$ West, leaving the Grantor's easterly line and leaving said westerly right-of-way line and through the Grantor, a distance of 3.50 feet to a capped rebar set being 33.50 feet left of South Lincoln Street Station 6+41.50;
3. Thence North $00^{\circ} 05' 29''$ East, continuing through the Grantor, a distance of 54.29 feet to a capped rebar set 33.50 feet left of South Lincoln Street Station 6+95.79;
4. Thence South $89^{\circ} 51' 45''$ West, continuing through the Grantor, a distance of 9.00 feet to a capped rebar set 42.50 feet left of South Lincoln Street Station 6+95.76;
5. Thence North $00^{\circ} 05' 29''$ East, continuing through the Grantor, a distance of 34.00 feet to a capped rebar set 42.50 feet left of South Lincoln Street Station 7+29.76;
6. Thence North $89^{\circ} 51' 45''$ East, continuing through the Grantor, a distance of 8.50 feet to a capped rebar set 34.00 feet left of South Lincoln Street Station 7+29.79;
7. Thence North $00^{\circ} 05' 29''$ East, continuing through the Grantor, a distance of 106.21 feet being 34.00 feet left of South Lincoln Street Station 8+36.00;
8. Thence South $89^{\circ} 54' 16''$ East, continuing through the Grantor, a distance of 4.00 feet to the Point of Beginning;

The above described parcel contains 0.0252 acres (1098 square feet, including 0.000 acres within the present road occupied) of which 0.0009 acres lie within Parcel Number 17-024-40-00-144-000, and 0.006 acres lie within Parcel Number 17-024-40-00-143-000, and 0.010 acres lie within Parcel Number 17-024-40-00-142-000, 0.008 acres lie within Parcel Number 17-024-40-00-141-000, and 0.0003 acres within Parcel Number 17-024-40-00-140-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

EXHIBIT "A"
(Continued)

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Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (State Route 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

Capped rebar set is 5/8 inch diameter rebar 30 inches long with plastic cap stamped: ARCADIS US INC

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142



EXHIBIT "A"
(Continued)

EXHIBIT A

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Ver. Date 04/19/23

PID 112026

**PARCEL 4B-WD1
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to STATE OF OHIO (Grantor) as recorded in Deed Volume 221 Page 406 on file in the Portage County Recorder's Office and laying on the right side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod, to be set during East Main Street Area Improvements construction, in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Haymaker Parkway (State Route 59) as shown on said right-of-way plans being Station 112+99.20; said rod being South 89° 31' 04" West a distance of 2166.28 feet from a 1 inch diameter steel rod found in a monument box at the intersection with the centerline of Luther Avenue as shown on said right-of-way plans;

Thence North 89° 31' 04" East, along said centerline, a distance of 608.80 feet being Station 119+08.00;

Thence South 00° 28' 56" East, leaving said centerline, a distance of 45.00 feet to the southerly right-of-way line of said East Main Street being the Point of Beginning and being 45.00 feet right of Station 119+08.00 where a capped rebar set;

1. Thence North 89° 31' 04" East, along said southerly right-of-way line, a distance of 162.00 feet being 45.00 feet right of Station 120+70.00 where a capped rebar set;

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(Continued)

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2. Thence South $61^{\circ} 26' 43''$ West, leaving said southerly right-of-way line and through the Grantor, a distance of 34.00 feet to a capped rebar set 61.00 feet right of Station 120+40.00;
3. Thence South $89^{\circ} 31' 04''$ West, continuing through the Grantor, a distance of 35.50 feet to a capped rebar set 61.00 feet right of Station 120+04.50;
4. Thence South $00^{\circ} 28' 56''$ East, continuing through the Grantor, a distance of 8.00 being 69.00 feet right of Station 120+04.50;
5. Thence South $89^{\circ} 31' 04''$ West, continuing through the Grantor, a distance of 33.50 feet being 69.00 feet right of Station 119+71.00;
6. Thence North $00^{\circ} 28' 56''$ West, continuing through the Grantor, a distance of 8.00 feet to a capped rebar set 61.00 feet right of Station 119+71.00;
7. Thence South $89^{\circ} 31' 04''$ West, continuing through the Grantor, a distance of 35.00 feet to a capped rebar set 61.00 feet right of Station 119+36.00;
8. Thence North $60^{\circ} 44' 14''$ West, continuing through the Grantor, a distance of 32.25 feet to the Point of Beginning;

The above described parcel contains 0.055 acres (2396 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-00-00-001-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (SR 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

EXHIBIT "A"
(Continued)

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Capped rebar set is 5/8 inch diameter rebar 30 inches long with plastic cap stamped: ARCADIS
US INC

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142



EXHIBIT "A"
(Continued)

EXHIBIT A

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Ver. Date 04/19/23

PID 112026

**PARCEL 4B-WD2
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 23 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to STATE OF OHIO (Grantor) as recorded in Deed Volume 221 Page 406 on file in the Portage County Recorder's Office and laying on the right side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod, to be set during East Main Street Area Improvements construction, in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Haymaker Parkway (State Route 59) as shown on said right-of-way plans being Station 112+99.20; said rod being South 89° 31' 04" West a distance of 2166.28 feet from a 1 inch diameter steel rod found in a monument box at the intersection with the centerline of Luther Avenue as shown on said right-of-way plans;

Thence North 89° 31' 04" East, along said centerline, a distance of 1872.80 feet being Station 131+72.00;

Thence South 00° 28' 56" East, leaving said centerline, a distance of 43.00 feet to the southerly right-of-way line of said East Main Street being the Point of Beginning being 43.00 feet right of Station 131+72.00 where a capped rebar set;

1. Thence North 89° 31' 04" East, along said southerly right-of-way line, a distance of 218.68 feet being 43.00 feet right of Station 133+90.68;

EXHIBIT "A"
(Continued)

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2. Thence South $00^{\circ} 28' 56''$ East, along said southerly right-of-way line, a distance of 2.00 feet being 45.00 feet right of Station 133+90.68;
3. Thence North $89^{\circ} 31' 04''$ East, along said southerly right-of-way line, a distance of 74.82 feet being 45.00 feet right of Station 134+65.47;
4. Thence North $89^{\circ} 27' 01''$ East, along said southerly right-of-way line, a distance of 94.55 feet being 45.00 feet right of Station 135+60.00 where a capped rebar set;
5. Thence South $53^{\circ} 11' 47''$ West, leaving the said southerly right-of-way line and through the Grantor, a distance of 18.60 feet being 56.00 feet right of Station 135+45.00;
6. Thence South $89^{\circ} 27' 01''$ West, continuing through the Grantor, a distance of 145.07 feet to a capped rebar set being 56.08 feet right of Station 134+00.00;
7. Thence South $74^{\circ} 53' 12''$ West, continuing through the Grantor, a distance of 51.16 feet being 69.00 feet right of Station 133+50.50;
8. Thence South $89^{\circ} 31' 04''$ West, continuing through the Grantor, a distance of 33.00 feet being 69.00 feet right of Station 133+17.50;
9. Thence South $79^{\circ} 55' 29''$ West, continuing through the Grantor, a distance of 36.00 feet being 75.00 feet right of Station 132+82.00;
10. Thence South $89^{\circ} 31' 04''$ West, continuing through the Grantor, a distance of 110.00 feet being 75.00 feet right of Station 131+72.00;
11. Thence North $00^{\circ} 28' 56''$ West, continuing through the Grantor, a distance of 32.00 feet to the Point of Beginning;

The above described parcel contains 0.185 acres (8037 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-00-00-001-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

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Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (State Route 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142



EXHIBIT "A"
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PID 112026

**PARCEL 4B-WD3
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 23 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to KENT STATE UNIVERSITY BOARD OF TRUSTEES (Grantor) as recorded in Instrument - on file in the Portage County Recorder's Office and laying on the right side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod found in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Luther Avenue as shown on said right-of-way plans being Station 134+65.48; said rod being South 89° 31' 04" West a distance of 2166.28 feet from a 1 inch diameter steel rod to be set in a monument box at the intersection with the centerline of Haymaker Parkway (State Route 59) as shown on said right-of-way plans;

Thence North 89° 27' 01" East, along said centerline, a distance of 418.12 feet being Station 138+83.60;

Thence South 00° 32' 59" East, leaving said centerline, a distance of 45.00 feet to the southerly right-of-way line of said East Main Street and to the Grantor's northerly line being the Point of Beginning being 45.00 feet left of Station 138+83.60 where a capped rebar set;

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(Continued)

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1. Thence North 89° 27' 01" East, along said southerly right-of-way line and along the Grantor's northerly line, a distance of 105.33 feet being 45.00 feet right of Station 139+88.93;
2. Thence North 00° 32' 59" West, along said southerly right-of-way line and along the Grantor's northerly line, a distance of 4.50 feet being 40.50 feet right of Station 139+88.93;
3. Thence North 89° 27' 01" East, along said southerly right-of-way line and along the Grantor's northerly line, a distance of 29.67 feet being 40.50 feet right of Station 140+18.60 where a capped rebar set;
4. Thence South 00° 32' 59" East, leaving said southerly right-of-way line and through the Grantor, a distance of 32.50 to a capped rebar set feet being 73.00 feet right of Station 140+18.60;
5. Thence South 89° 27' 01" West, continuing through the Grantor, a distance of 135.00 feet to a capped rebar set being 73.00 feet right of Station 138+83.60;
6. Thence North 00° 32' 59" West, continuing through the Grantor, a distance of 28.00 feet to the Point of Beginning;

The above described parcel contains 0.090 acres (3,914 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-00-00-001-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (State Route 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

EXHIBIT "A"
(Continued)

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Capped rebar set is 5/8 inch diameter rebar 30 inches long with plastic cap stamped: ARCADIS
US INC

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142



EXHIBIT "A"
(Continued)

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PID 112026

**PARCEL 4B-WD4
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 23 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to KENT STATE UNIVERSITY BOARD OF TRUSTEES (Grantor) as recorded in Instrument - on file in the Portage County Recorder's Office and laying on the right side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod found in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Luther Avenue as shown on said right-of-way plans being Station 134+65.48; said rod being South 89° 31' 04" West a distance of 2166.28 feet from a 1 inch diameter steel rod to be set in a monument box at the intersection with the centerline of Haymaker Parkway (State Route 59) as shown on said right-of-way plans;

Thence North 89° 27' 01" East, along said centerline, a distance of 1084.52 feet being Station 145+50.00;

Thence South 00° 32' 59" West, leaving said centerline, a distance of 45.00 feet to the southerly right-of-way line of said East Main Street and to the Grantor's northerly line being the Point of Beginning being 45.00 feet left of Station 145+50.00 where a capped rebar set;

EXHIBIT "A"
(Continued)

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1. Thence North 89° 27' 01" East, along said southerly right-of-way line and along the Grantor's northerly line, a distance of 191.70 feet being 45.00 feet right of Station 147+41.67;
2. Thence along the arc of a curve to the left, continuing along said southerly right-of-way line and along the Grantor's northerly line, a distance of 328.91 feet being 45.00 feet right of Station 150+64.26; said curve having a radius of 2320.47 feet, a central angle of 8° 07' 17", and a chord length of 328.64 feet which bears North 85° 23' 22" East;
3. Thence North 81° 19' 44" East, along the said southerly right-of-way line and along the Grantor's northerly line, a distance of 35.44 feet being 44.98 feet right of Station 150+99.70;
4. Thence South 58° 45' 49" East, along said southerly right-of-way line and along the Grantor's northerly line, a distance of 46.76 feet to the Grantor's easterly line and to the westerly right-of-way line of Horning Road as shown on said right-of-way right plans being 30.0 feet left of Existing Horning Road Station 29+19.65;
5. Thence South 00° 01' 42" East, along the Grantor's easterly line and along the said westerly right-of-way line, a distance of 16.61 feet being 30.00 feet left of existing Horning Road Station 29+03.05 where a capped rebar set;
6. Thence South 67° 15' 43" West, leaving the Grantor's easterly line and leaving said westerly right-of-way line and through the Grantor, a distance of 90.39 feet to a capped rebar set 47+00 feet right of proposed Horning Road Station 47+00.00;
7. Thence South 18° 36' 27" West, continuing through the Grantor, a distance of 88.27 feet to a capped rebar set 40.00 feet right of proposed Horning Road Station 46+00.00;
8. Thence South 18° 47' 28" East, continuing through the Grantor, a distance of 63.94 feet to a capped rebar set being 24.50 feet right of proposed Horning Road Station 45+26.28;
9. Thence along the arc of a curve to the left, continuing through the Grantor, a distance of 108.44 feet to the Grantor's easterly line and to the westerly right-of-way line of said Horning Road being 24.50 feet right of proposed Horning Road Station 44+04.17 where a capped rebar set; said curve having a radius of 194.50 feet, a central angle of 31° 56' 43", and a chord length of 107.04 feet which bears South 58° 16' 23" East;

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10. Thence South $00^{\circ} 01' 42''$ East, along the Grantor's easterly line and along the said westerly right-of-way line, a distance of 34.98 feet to an angle point therein being 9.36 feet left of proposed Horning Road Station 43+95.05;
11. Thence South $69^{\circ} 10' 32''$ East, along the southerly right-of-way line of said Horning Road and along a northerly line of the Grantor, a distance of 64.21 feet to the westerly of lands described in the deed to THOMAS J. TOBIN TRUSTEE as recorded in Deed Volume 87 Page 288 on file in the Portage County Recorder's office being 30.00 feet left of existing Horning Road Station 26+09.79;
12. Thence South $00^{\circ} 01' 42''$ East, along the westerly line of said TOBIN's land, a distance of 6.87 to a capped rebar set feet being 27.00 feet left of proposed Horning Road Station 43+30.92;
13. Thence North $79^{\circ} 08' 54''$ West, leaving said TOBIN's westerly and through the Grantor, a distance of 54.51 feet to a capped rebar set 27.00 feet left of proposed Horning Road Station 43+85.44;
14. Thence along the arc of a curve to the right, continuing through the Grantor, a distance of 217.24 feet to a capped rebar set 27.00 feet left of proposed Horning Road Station 45+78.93; said curve having a radius of 246.00 feet, a central angle of $50^{\circ} 37' 12''$, and a chord length of 210.34 feet which bears North $53^{\circ} 50' 18''$ West;
15. Thence along the arc of a curve to the right, continuing through the Grantor, a distance of 40.63 feet to a capped rebar set being 27.00 feet left of proposed Horning Road Station 46+14.60; said curve having a radius of 221.67 feet, a central angle $10^{\circ} 30' 08''$, and a chord length of 40.58 feet which bears North $23^{\circ} 16' 38''$ West;
16. Thence North $18^{\circ} 01' 34''$ West, continuing through the Grantor, a distance of 82.06 feet to a capped rebar set being 41.41 feet left of proposed Horning Road Station 46+85.68;
17. Thence North $53^{\circ} 13' 44''$ West, continuing through the Grantor, a distance of 76.53 feet to a capped rebar set 64.03 feet right of Station 148+74.56;
18. Thence South $89^{\circ} 27' 01''$ West, continuing through the Grantor, a distance of 278.22 feet to a capped rebar set being 60.00 feet right of Station 146+00.00;
19. Thence North $73^{\circ} 51' 02''$ West, continuing through the Grantor, a distance of 52.20 feet to the Point of Beginning;

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The above described parcel contains 0.921 acres (40,004 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-00-00-001-000 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (State Route 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

Capped rebar set is 5/8 inch diameter rebar 30 inches long with plastic cap stamped: ARCADIS US INC

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

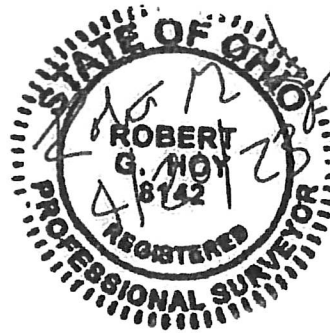


EXHIBIT "A"
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FID 112026

**PARCEL 4-WD
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands shown on the plat to KENT STATE UNIVERSITY BOARD OF TRUSTEES (Grantor) as recorded in Plat 2012-18 on file in the Portage County Recorder's Office and laying on the right side of the centerline of right-of-way of East Main Street (State Route 59) as shown on the East Main Street Area Improvements right-of-way plans prepared by Arcadis U.S., Inc for and on file with the City of Kent, Ohio, and more fully described as follows:

Commencing at a 1 inch diameter steel rod, to be set during East Main Street Area Improvements construction, in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Haymaker Parkway (State Route 59) as shown on said right-of-way plans being Station 112+99.20; said rod being South 89° 31' 04" West a distance of 2166.28 feet from a 1 inch diameter steel rod found in a monument box at the intersection with the centerline of Luther Avenue as shown on said right-of-way plans;

Thence South 50° 20' 13" West, along said centerline, a distance of 107.52 feet being Station 111+91.68;

Thence South 39° 39' 47" East, leaving said centerline, a distance of 66.51 feet to the Grantor's northerly corner and to the westerly right-of-way line of South Willow Street as shown on said right-of-way plans and being the southerly right-of-way line of Haymaker Parkway as shown on said right-of-way plans being the Point of Beginning being 30.00 feet left of South Willow Street Station 8+80.31;

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(Continued)

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1. Thence South 00° 05' 45" East, along said westerly right-of-way line and along the Grantor's easterly line, a distance of 70.00 feet being 30.00 feet left of South Willow Street Station 8+10.31 where a capped rebar set;
2. Thence North 62° 14' 54" West, leaving said westerly right-of-way line leaving the Grantor's easterly line and through the Grantor, a distance of 60.12 feet to said southerly right-of-way line and to the Grantor's northwesterly line being 64.96 feet left of Station 111+24.00 where a capped rebar set;
3. Thence North 51° 38' 53" East, along the said southerly right-of-way line and along the Grantor's northwesterly line, a distance of 67.70 feet to the Point of Beginning;

The above described parcel contains 0.043 acres (1861 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-024-40-00-057-002 and subject to all legal highways and easements of record;

This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

Bearings in this description are on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North, U.S. Survey Feet.

The stations are from the existing centerline of right-of-way of East Main Street (SR 59) as shown on said East Main Street Area Improvements right-of-way plans unless noted otherwise.

Capped rebar is 5/8 inch diameter rebar 30 inches long with plastic cap stamped: ARCADIS US INC

Arcadis U.S., Inc.
Robert G. Hoy, Ohio Professional Surveyor No. 8142

