

RESOLUTION NO. 2021-007

A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF KENT TO APPROPRIATE A TEMPORARY EASEMENT IN 0.1546 ACRES AND A SANITARY SEWER EASEMENT IN 0.0229 ACRES OF CERTAIN REAL PROPERTY FROM STEVEN J. SMITH FOR THE PURPOSE OF COMPLETING THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to complete the construction of the Southwest Sanitary Pump Station project, and

WHEREAS, negotiations between duly authorized representatives of the City and the owner of the parcel described in the resolution have failed to result in any determination of reasonable compensation for the parcel described in Section 1 below, acceptable to the City and the Owner.

NOW, THEREFORE, BE IT RESOLVED by the Council of The City of Kent, Portage County, Ohio, that:

SECTION 1. That it is deemed necessary and it is hereby declared to be the intent of this Council to appropriate a temporary easement in 0.1546 acres and a sanitary sewer easement in 0.0229 acres of certain real property from Steven J. Smith, for the purpose of completing the Southwest Sanitary Pump Station Project The parcel to be appropriated is situated at 1218 Middlebury Street, Kent, Ohio and is more fully described on Exhibit "A" attached hereto.

SECTION 2. That the City Manager be and he is hereby authorized and directed to cause written notice of the adoption of this Resolution to be given to each owner, person in possession, or person having an interest of record in the above-described parcel. This notice shall be served by the City Manager, or by a person designated by him for that purpose, by personally handing a copy of this notice to this owner or person or his authorized agent, or by leaving a copy thereof at the usual place of residence of this owner or person or if this owner, person or agent cannot be found, by publication once a week for three (3) consecutive weeks in an English newspaper of general circulation in the City of Kent. A return of service shall be made in the manner provided by law.

SECTION 3 That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 4. That this Resolution 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 resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: January 20, 2021
Date

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

EFFECTIVE: January 20, 2021
Date

ATTEST: Amy Wilkens
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 RESOLUTION No. 2021-007, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON January 20, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

TEMPORARY EASEMENT

Stephen J. Smith, Divorced and Not Remarried, the Grantor(s), in consideration of the sum of \$2,050.00, to be paid by City of Kent, the Grantee, does grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 17-009-20-00-058-000 T

CITY OF KENT – SOUTHWEST SANITARY PUMP STATION

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-009-20-00-058-000

Prior Instrument Reference: Instrument No. 201717552, 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 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 construction and maintenance of a sewer and utilities in the name of and for the use of the City of Kent.

IN WITNESS WHEREOF Stephen J. Smith have hereunto set his hand on the _____
day of _____, _____.

STEPHEN J. SMITH

STATE OF OHIO, COUNTY OF Portage SS:

BE IT REMEMBERED that on the _____ day of _____, _____, before me
the subscriber, a Notary Public in and for said state and county, personally came the above
named Stephen J. Smith, 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: The City of Kent, Ohio on forms approved by the Ohio
Attorney General

EASEMENT AND RIGHT-OF-WAY AGREEMENT
GRANTING EASEMENT FOR UTILITY LINE CONSTRUCTION

1218 MIDDLEBURY ROAD

FOR AND IN CONSIDERATION of the sum of \$332.00, the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned Stephen J. Smith, hereinafter referred to as "Grantor(s)", who claim title to certain real estate by deed recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records, does for their heirs, successors, and assigns, hereby give, devise, grant and convey to the City of Kent, Ohio, a municipal corporation, which is hereinafter referred to as "Grantee," its successors and assigns, the perpetual right to a permanent exclusive easement and right-of-way to lay, maintain, operate, repair, remove and replace sanitary and related necessary appurtenances over and through said real estate situated in the City of Kent, County of Portage, State of Ohio and known as being a part of Lot 9 and further known as being part of Sublot 24 of original Franklin Township, said easement being more fully described as follows:

Boundary Description for
1218 Middlebury Road
10 foot Sanitary Sewer Easement
City of Kent, County of Portage, State of Ohio
0.0229 Acre Easement

Situated in the City of Kent, County of Portage and State of Ohio and known as being part of the Original Franklin Township Lot No. 9 and further known as being part of Sublot 24 as shown on Portage Homesites, recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records and is bounded and described as follows: Beginning at the northeasterly corner of Sublot 24 and is the PRINCIPAL PLACE OF BEGINNING of the easement herein to be described:

thence South 17°39'49" East, along the easterly line of Sublot 24, 10.00 feet to a point thereon;

thence South 72°23'11" West, 10 feet from and parallel with the northerly line of Sublot 24, 99.91 feet to a point on the westerly line of Sublot 24;

thence North 17°39'49" West, along the westerly line of Sublot 24, 10.00 feet to the northwesterly corner thereof;

thence North 72°23'11" East, along the northerly line of Sublot 24, 99.91 feet to the Principal Place of Beginning and containing 999 square feet or 0.0229 acres of land according to a survey by Guy P. Haney, P.S. No. S-7631, for TGC Engineering, LLC in July of 2020. Subject to all highways, easements and covenants of legal record.

Bearings are based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.

For Drawings see attached Exhibit A

Together with the right of the City of Kent, its agents or employees, to store earth and materials during the period of construction, repair or replacement of such sewers and other utility lines upon the premises of the Grantor within the described easement.

And grantor does agree to keep said easement free of all permanent structures, providing that the City of Kent, Portage County, Ohio shall operate and maintain said improvement as a public facility in accordance with the standards, policies and procedures of other similar public facilities within the City of Kent and shall properly backfill and restore the ground surface and ground cover vegetation to the condition existing immediately prior to such construction, reconstruction, maintenance or repair; except that said City shall not be required to repair any structures (such as buildings, driveways, light poles and appurtenances, catch basins, storm sewers, utility service lines, pavement, curbing or landscape islands) belonging to Grantor and located within the easement and right-of-way, unless such damage was caused by an intentional act of negligence of the City of Kent, its agents, employees, contractors, licensees, or invitees.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this ____ day of _____, 2020.

WITNESS:

GRANTOR: _____

By: Stephen J. Smith

STATE OF OHIO, COUNTY OF PORTAGE, ss.:

This day, before me, a Notary Public of the State and County aforesaid, personally appeared Stephen J. Smith, to me known to be the person described in and who executed the foregoing instrument and acknowledgment that he executed the same as his free act and deed, for the purposes therein set forth.

Witness my hand official seal this _____ day of _____, 2020.

My Commission Expires: _____

Notary

Accepted by City of Kent Council: _____, 2020.

THIS INSTRUMENT PREPARED BY: CTI Engineers, inc.

SKETCH FOR

SANITARY EASEMENT

1218 Middlebury Road

Situated in the City of Kent, County of Portage and State of Ohio and known as being part of Original Franklin Township Lot No. 9

2021-007 Exhibit 'A'

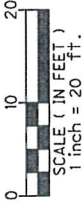
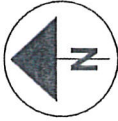
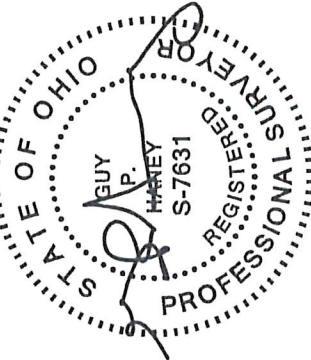


EXHIBIT A

Part of
S/L 14

Part of
S/L 14

Part of
S/L 14

Part of
S/L 23

Part of
S/L 24

17-009-20-00-058-000
Stephen J. Smith

Part of
S/L 25

P.O.B.

S 17°39'49" E
10.00'

N 17°02'33.11" E
99.16'

W 11°11'11" S
99.91'

Sanitary Easement
(999 SF)
0.0229 Ac.

N 17°39'49" W
10.00'

10.0'

49.37'

1218 MIDDLEBURY

KENT SANITARY ESMTS.

PROJECT
NUMBER

1654-D

DATE

2020-07-08



TGC Engineering, LLC
1310 SHARON CORLEY ROAD, P.O. BOX 37
SHARON CENTER, OHIO 44224
(PHONE) 330.550.8004 (FAX) 888.820.8423

