

ORDINANCE NO. 2021-026

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A RIGHT OF WAY AGREEMENT FOR THE PURPOSE OF OBTAINING TEMPORARY AND PERMANENT EASEMENTS FOR THE CONSTRUCTION OF THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain certain temporary and permanent easements from property owners for the construction of the Southwest Sanitary Pump Station Project ("Project"); and

WHEREAS, the property owner listed below has agreed to sell the easement interests to the City for the Project in the amounts listed; and

WHEREAS, the City needs the property for right-of-way purposes for the construction of said Project.

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

SECTION 1. That Council does hereby accept and authorizes the City Manager or his designee to execute the agreement for the City of Kent to obtain a temporary and permanent easement for construction of the Southwest Sanitary Pump Station project in substantial conformity with the terms of the Agreement marked as Exhibit "A", attached hereto and incorporated herein for the following property:

- a) Stephen J. Smith, 1218 Middlebury, temporary easement (6-T) and sanitary sewer easement (6-S), \$3,000.00.

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: March 17, 2021
Date

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

EFFECTIVE: March 17, 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. 2021-026, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON March 17, 2021.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

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

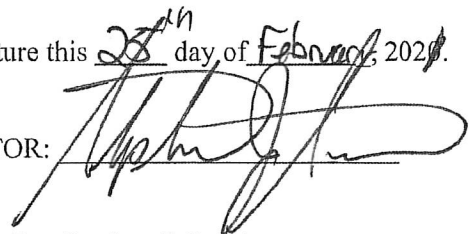
Together with the right of the City of Kent, its agents or employees, to store earth and materials during the period of construction, repair or replacement of such sewers and other utility lines upon the premises of the Grantor within the described easement.

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 25th day of February, 2020.

WITNESS:

GRANTOR:

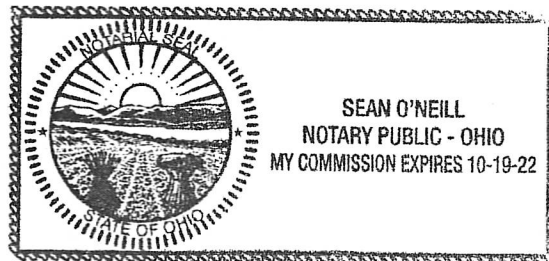

By: Stephen J. Smith

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 25th day of Feb, 2020.

My Commission Expires: 10-19-22
Sean O'Neill
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

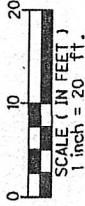
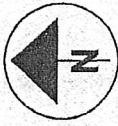
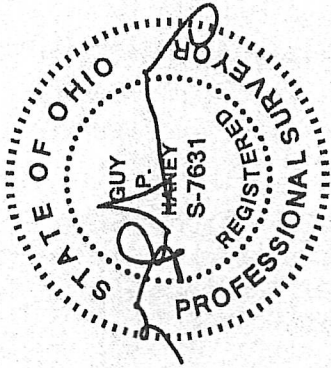


EXHIBIT A



TGC Engineering, LLC
 1310 SHARON CORLEY ROAD, P.O. BOX 37
 SHARON CENTER, OHIO 44274
 (PHONE) 330.590.8004 (FAX) 888.820.8423

1218 MIDDLEBURY

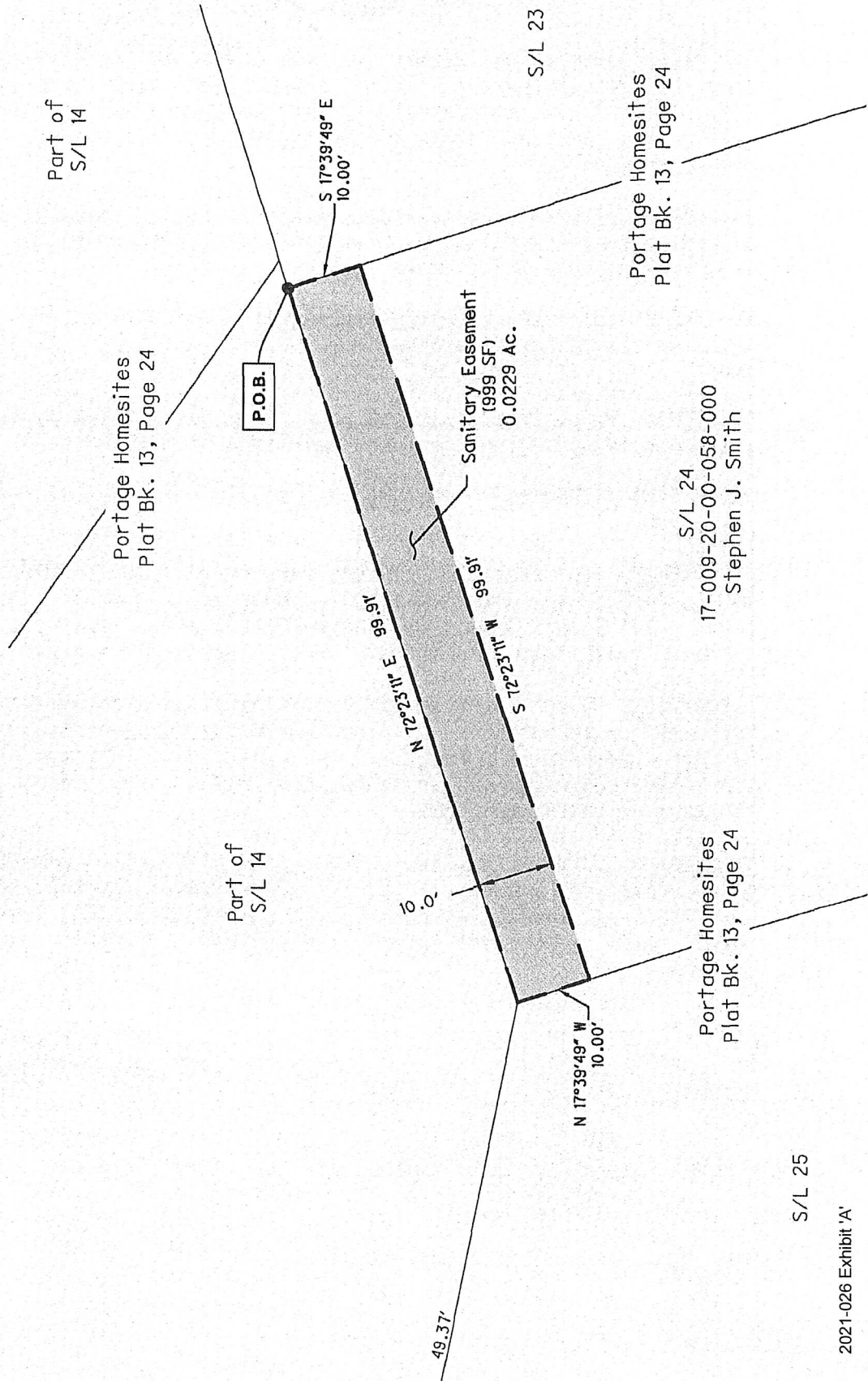
KENT SANITARY ESMTS.

PROJECT NUMBER

1654-D

DATE

2020-07-08



S/L 24
 17-009-20-00-058-000
 Stephen J. Smith

2021-026 Exhibit 'A'