

ORDINANCE NO. 2024 – 063

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN NINTH BRAND REALTY, LLC AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A PERMANENT AND TEMPORARY EASEMENT FOR RIGHT-OF-WAY PURPOSE FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain a small permanent parcel (0.0002 acres) and a small temporary parcel (0.020 acres) from Ninth Brand Realty, LLC for right-of-way purposes; and

WHEREAS, Ninth Brand Realty, LLC is willing to grant the right-of-ways for an amount above the fair market value of \$4,680.00. Ninth Brand Realty, LLC has requested an additional amount of \$820.00 which would bring the settlement amount to \$5,500.00. The City's portion of the additional requested amount would be \$43.00 (5%); 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, time is of the essence because the sooner the City acquires the necessary right-of-way for this project, the sooner construction may begin.

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

SECTION 1. That Council does hereby accept and authorizes the City Manager or his designee to execute the agreement with Ninth Brand Realty, LLC for the City of Kent to obtain a permanent and temporary easement 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 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: July 10, 2024
Date

EFFECTIVE: July 10, 2024
Date

ATTEST: Amy Wilkens
Amy Wilkens, CMC
Clerk of Council

Jerry T. Fiala
Jerry T. Fiala
Mayor and President 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. 1674-003 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON July 10, 2024.

(SEAL)

Amy Wilkens
AMY WILKENS, CMC
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Mayor Fiala
Dave Ruller
Amy Wilkens

FROM: Jim Bowling *Jab*

DATE: 6/18/2024

RE: E Main Street Improvements – R/W Acquisition

The Service Department is requesting an executive session of City Council to discuss a proposed right-of-way settlement with Ninth Brand Realty, LLC whose parcel is located at the northwest corner of E. Main Street and University Drive. Dunkin Donuts is currently located on the parcel. The right-of-way impacts to the property are shown in Figure 1 below. These impacts include a small permanent parcel (0.0002 acres) and a small temporary parcel along the frontage of the property totaling (0.020 acres). A summary of the purchase values are shown below:

Fair Market Value Estimate -	\$4,680
Additional Amount Requested -	\$820
<u>Negotiated Settlement Amount -</u>	<u>\$5,500</u>

The basis of the dispute is the price per acre used in the appraisal.

The Ohio Department of Transportation (ODOT) has already approved the Negotiated Settlement Amount. The right-of-way costs for the project are funded with money from grants, KSU and the City. Our portion of the additional requested amount would be \$43.00 (5%).

We recommend approving the negotiated settlement.

