

ORDINANCE NO. 2024 – 111

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FOLLOWING AGREEMENTS WITH THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING TEMPORARY EASEMENTS, FOR RIGHT-OF-WAY PURPOSES, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain temporary easements and are granted the easements from the following:

- 1) Graves West Virginia, LLC (15T) - \$2,475
- 2) Montgomery & Claudia Miller (22T) - \$2,985

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 for the City of Kent to obtain temporary easements 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", on file in the Council office.

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: November 20, 2024
Date

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

EFFECTIVE: November 20, 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. 2024-111, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON November 20, 2024.

(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: 11/7/24

RE: East Main Street Improvement Project – Right of Way Purchase – Parcels 15 and 22

The Service Department is requesting council time for approval to purchase temporary right of way on two parcels within the East Main Street Improvement project. All purchases follow the Federal Uniform Relocation Act that is required when using Federal Funding. To determine the Fair Market Value Estimate (FMVE), an appraisal is completed from an ODOT pre-qualified appraiser. That appraisal is also reviewed by a separate ODOT pre-qualified appraisal.

All right of way must be cleared by November 2024 to start construction in 2025.

Attached to this memo is the property map for the project highlighting the parcels included in this request. The Service Department is requesting payments be approved for the following owner.

<u>Property Owner</u>	<u>R/W Plan Number</u>	<u>Description</u>	<u>Amount</u>
Graves West Virginia, LLC	15T	Temporary	\$2,475
Montgomery and Claudia Miller	22T	Temporary	\$2,985

The City will be reimbursed 90% by ODOT and 5% by KSU for these purchases. Thus far, 30 have signed, 1 donation, and 1 appropriation.

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

TEMPORARY EASEMENT

Graves West Virginia Properties, LLC, a Minnesota limited liability company, the Grantor(s), in consideration of the sum of \$2,475.00, to be paid by City of Kent, Portage County, Ohio, 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): 15-T
POR-59-2.14

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-023-10-00-199-000
Prior Instrument Reference: #202410720, Portage County Recorder's Office.

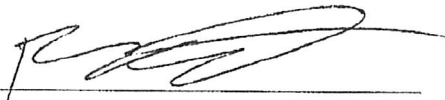
To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is thirty-six (36) 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 establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF Graves West Virginia Properties, LLC, a Minnesota limited liability company, has caused its name to be subscribed by Eric Stadther, its duly authorized ^{Director of Construction} and Facilities, and its duly authorized agent on the 10th day of October, 2024.

GRAVES WEST VIRGINIA PROPERTIES, LLC, A
MINNESOTA LIMITED LIABILITY COMPANY


By: 

STATE OF Minnesota, COUNTY OF Kandiyohi SS:

BE IT REMEMBERED, that on the 10th day of October, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Eric Stadther who acknowledged being the ^{Director of Construction} and Facilities and duly authorized agent of Graves West Virginia Properties, LLC, a Minnesota limited liability company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to N/A 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: 1/31/2028

This document was prepared by: City of Kent, Portage County, Ohio

EXHIBIT A

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 02/15/23

PID 112026

**PARCEL 15-T
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
REGRADE
FOR 36 MONTHS FROM DATE OF ENTRY BY THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

[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 ALFRED E. DAIGNEAU, TRUSTEE OF THE ALFRED E. DAIGNEAU TRUST U/A 11/9/93 (Grantor) as recorded in Instruments 200510262, 201914313 and 201914315 on file in the Portage County Recorder's Office and laying on the left 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:

Beginning on the westerly right-of-way line of Linden Road as shown on said right-of-way plans at 20.55 feet left of Linden Road Station 1+58.00;

1. Thence South 00° 04' 02" East, continuing along said westerly right-of-way line, a distance of 8.15 feet being 20.55 feet left of Linden Road Station 1+49.85;
2. Thence South 43° 23' 09" West, continuing along said westerly right-of-way line, a distance of 13.87 feet to the northerly right-of-way line of said East Main Street being 40.00 feet left of Station 127+59.29;
3. Thence South 89° 31' 04" West, leaving the said westerly right-of-way line and along the said northerly right-of-way line, a distance of 84.61 feet to the Grantor's southwesterly corner being 40.00 feet left of Station 126+74.68;
4. Thence North 00° 44' 45" West, along the Grantor's westerly line, a distance of 5.00 feet being 45.00 feet left of Station 126+74.66;
5. Thence North 89° 31' 04" East, leaving the Grantor's westerly line and through the Grantor, a distance of 86.34 feet being 45.00 feet left of Station 127-61.00;

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

6. Thence North $30^{\circ} 43' 45''$ East, continuing through the Grantor, a distance of 15.37 feet to the **Point of Beginning**;

The above-described easement contains 0.011 acres (475 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-10-00-199-000 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

TEMPORARY EASEMENT

Montgomery F. Miller and Claudia L. Miller, Co-Trustees of The Miller Trust UAD June 9, 2016, the Grantor(s), in consideration of the sum of \$2,985.00, to be paid by City of Kent, Portage County, Ohio, the Grantee, do 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): 22-T

POR-59-2.14

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-023-10-00-149-000 and 17-023-10-00-148-000
Prior Instrument Reference: #201609655, 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 thirty-six (36) 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 establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF The Miller Trust UAD June 9, 2016 by and through Montgomery F. Miller and Claudia L. Miller, the Co-Trustees of The Miller Trust UAD June 9, 2016, has hereunto subscribed their names on the 11th day of September, 2024.

THE MILLER TRUST UAD JUNE 9, 2016

Monty F. Miller, Co-Trustee
By: MONTGOMERY F. MILLER, CO-TRUSTEE

Claudia L. Miller Co-Trustee
By: CLAUDIA L. MILLER, CO-TRUSTEE

STATE OF OHIO, COUNTY OF Portage ss

BE IT REMEMBERED, that on the 11th day of September, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Montgomery F. Miller and Claudia L. Miller, who acknowledged being the Co-Trustees of The Miller Trust UAD June 9, 2016, and who acknowledged the foregoing instrument to be the voluntary act and deed of said The Miller Trust UAD June 9, 2016. No oath or affirmation was administered to through Montgomery F. Miller and Claudia L. Miller 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.



Abigail Jane Vilyus

NOTARY PUBLIC

My Commission expires: 3/6/2029

This document was prepared by: City of Kent, Portage County, Ohio

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 2/15/23

PID 112026

**PARCEL 22-T
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
REGRADE
FOR 36 MONTHS FROM DATE OF ENTRY BY THE
CITY OF KENT, PORTAGE COUNTY, OHIO**

[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 MONTGOMERY F. MILLER & CLAUDIA L. MILLER, CO-TRUSTEES OF THE MILLER TRUST UAD JUNE 9TH, 2016 (Grantor) as recorded in Instrument 201609655 on file in the Portage County Recorder's Office and laying on the left 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:

Beginning on the westerly right-of-way line of Frances Drive as shown on said right-of-way plans at 25.00 feet right of Frances Drive Station 1+60.00;

1. Thence along the arc of a curve to the right, along the westerly right-of-way line of said Frances Drive and along the Grantor's easterly line, a distance of 31.42 feet to the northerly right-of-way line of said East Main Street being 40.00 feet left of Station 140+74.48; said curve having a radius of 20.00 feet, a central angle of 89° 59' 57", and a chord length of 28.28 feet which bears South 44° 27' 02" West;
2. Thence South 89° 27' 01" West, leaving the said westerly right-of-way line and along said northerly right-of-way line, a distance of 140.00 to the Grantor's southwesterly corner being 40.00 feet left of Station 139+34.48;
3. Thence North 00° 32' 59" West, leaving said northerly line and along the Grantor's westerly line, a distance of 5.00 feet being 45.00 feet left of Station 139+34.48;
4. Thence North 89° 27' 01" East, leaving the Grantor's westerly line and through the grantor, a distance of 16.52 feet being 45.00 feet left of Station 139+51.00;

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

5. Thence North $72^{\circ} 31' 22''$ East, continuing through the Grantor, a distance of 24.04 feet being 52.00 feet left of Station 139+74.00;
6. Thence South $83^{\circ} 50' 24''$ East, continuing through the Grantor, a distance of 51.35 feet being 46.00 feet left of Station 140+25.00;
7. Thence North $89^{\circ} 27' 01''$ East, continuing through the Grantor, a distance of 50.00 feet being 46.00 feet left of Station 140+75.00;
8. Thence North $53^{\circ} 44' 32''$ East, continuing through the Grantor, a distance of 23.99 feet to the **Point of Beginning**;

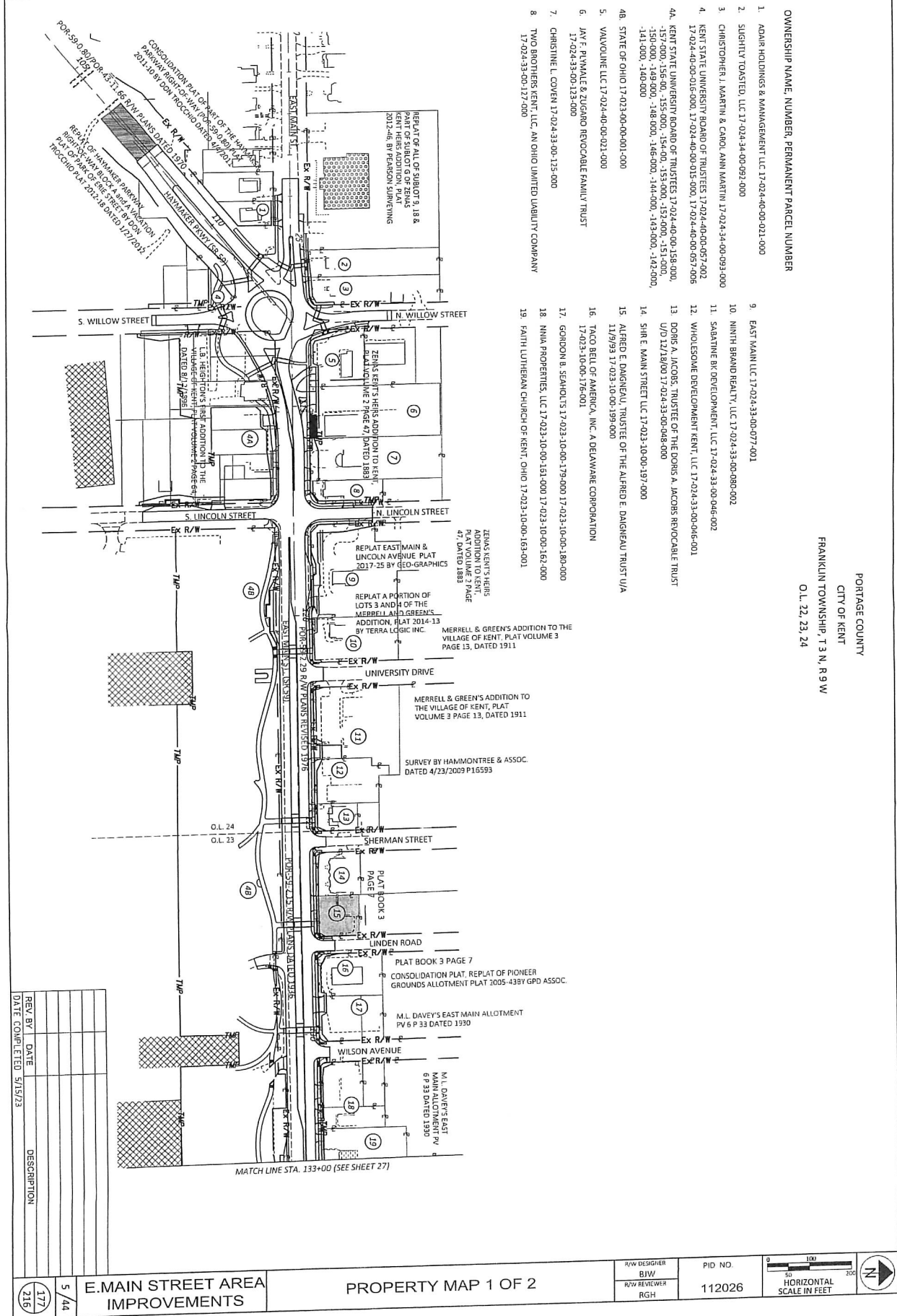
The above-described easement contains 0.028 acres (1204 square feet, including 0.000 acres within the present road occupied) within Parcel Numbers 17-023-10-00-149-000 and 17-023-10-00-148-000 and subject to all legal highways and easements of record;

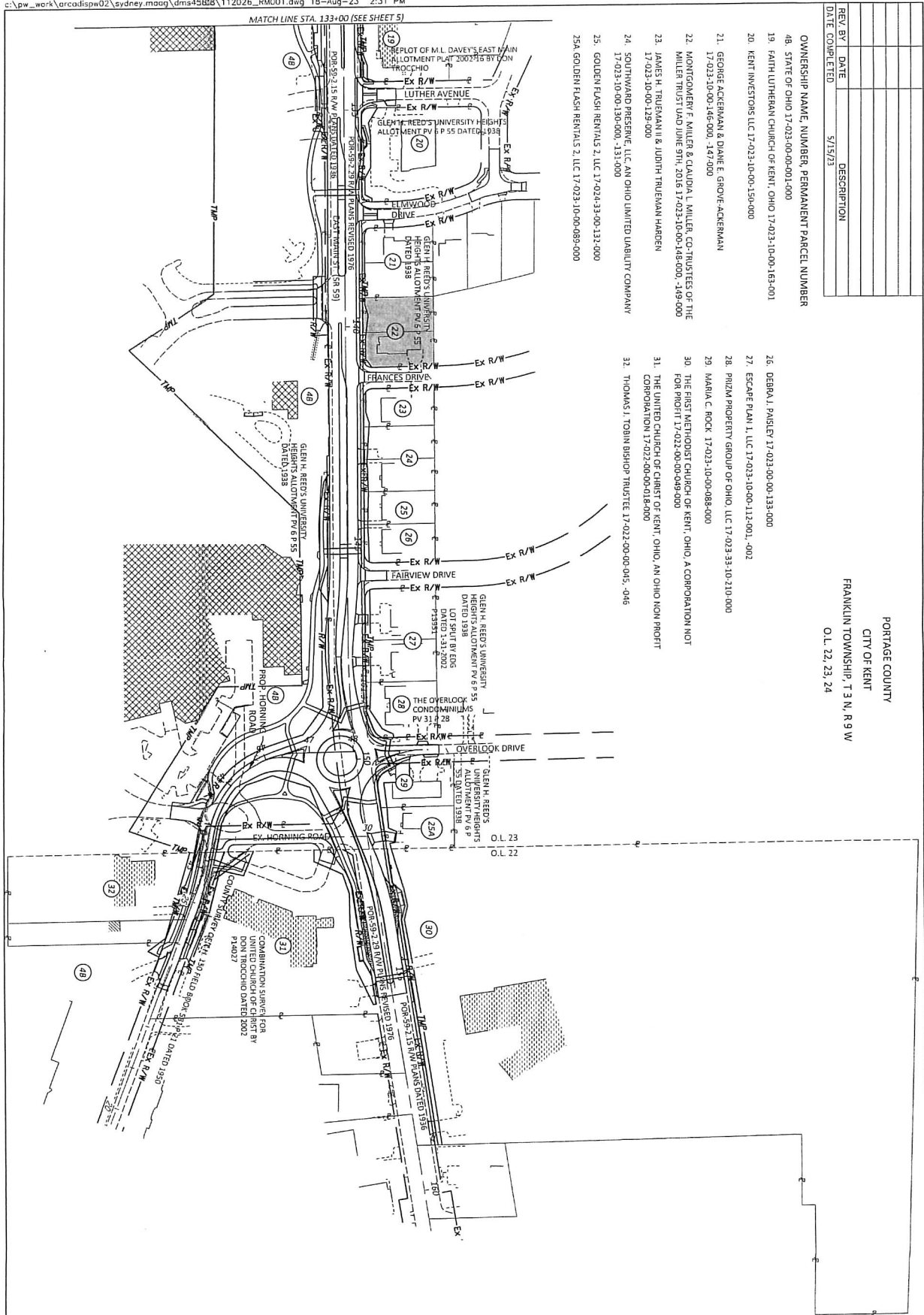
This description was prepared by Arcadis, U.S., Inc. under the supervision of Robert G. Hoy, Ohio Professional Surveyor No. 8142, and is based on a field survey performed by Arcadis U.S., Inc. in August 2022.

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





REV BY	DATE	DESCRIPTION
	5/15/23	

PORTAGE COUNTY
 CITY OF KENT
 FRANKLIN TOWNSHIP, T 3 N, R 9 W
 O.L. 22, 23, 24

- OWNERSHIP NAME, NUMBER, PERMANENT PARCEL NUMBER
- 48. STATE OF OHIO 17-023-00-00-001-000
 - 19. FAITH LUTHERAN CHURCH OF KENT, OHIO 17-023-10-00-163-001
 - 20. KENT INVESTORS LLC 17-023-10-00-150-000
 - 21. GEORGE ACKERMAN & DAINEE GROVE-ACKERMAN 17-023-10-00-146-000, -147-000
 - 22. MONTGOMERY F. MILLER & CLAUDIA L. MILLER, CO-TRUSTEES OF THE MILLER TRUST DATED JUNE 9TH, 2016 17-023-10-00-148-000, -149-000
 - 23. JAMES H. TRUESMAN II & JUDITH TRUESMAN HARDEN 17-023-10-00-129-000
 - 24. SOUTHWARD PRESERVE, LLC, AN OHIO LIMITED LIABILITY COMPANY 17-023-10-00-130-000, -131-000
 - 25. GOLDEN FLASH RENTALS 2, LLC 17-023-33-00-131-000
 - 25A. GOLDEN FLASH RENTALS 2, LLC 17-023-10-00-089-000
 - 26. DEBRA J. BANSLEY 17-023-00-00-133-000
 - 27. ESCAPE PLAN 1, LLC 17-023-10-00-112-001, -002
 - 28. PH2M PROPERTY GROUP OF OHIO, LLC 17-023-33-10-210-000
 - 29. MARIA C. ROCK 17-023-10-00-088-000
 - 30. THE FIRST METHODIST CHURCH OF KENT, OHIO, A CORPORATION NOT FOR PROFIT 17-022-00-00-049-000
 - 31. THE UNITED CHURCH OF CHRIST OF KENT, OHIO, AN OHIO NON-PROFIT CORPORATION 17-022-00-00-018-000
 - 32. THOMAS J. TOBIN BISHOP TRUSTEE 17-022-00-00-045, -046