

ORDINANCE NO. 2024 -086

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN JUDITH TRUEMAN HARDEN AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT, FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY FOR THE PROJECT KNOWN AS EAST MAIN STREET IMPROVEMENT PROJECT FROM JUDITH TRUEMAND HARDEN; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain a temporary easement from Judith Trueman Harden; and

WHEREAS, Judith Trueman Harden is willing to grant a temporary easement in said property for \$1,260.00; 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 for the City of Kent to obtain a 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", 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: August 21, 2024
Date

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

EFFECTIVE: August 21, 2024
Date

ATTEST: Amy Wilkens
Amy Wilkens, CMC
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 ORDINANCE No. 2024-086 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 21, 2024.

(SEAL)

Amy Wilkens
AMY WILKENS, CMC
CLERK OF COUNCIL

TEMPORARY EASEMENT

Judith Trueman Harden, divorced, the Grantor(s), in consideration of the sum of \$1,260.00, 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): 23-T

POR-59-2.14

SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-023-10-00-129-000

Prior Instrument Reference: #201718786 & #201718787, 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 Judith Trueman Harden, divorced have hereunto set her hand on the 25th day of July, 2024.

Judith Trueman Harden
JUDITH TRUEMAN HARDEN, DIVORCED

STATE OF OHIO, COUNTY OF Portage SS:

BE IT REMEMBERED that on the 25th day of July, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Judith Trueman Harden, divorced, who acknowledged the foregoing instrument to be her voluntary act and deed. No oath or affirmation was administered to Judith Trueman Harden 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

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Ver. Date 02/15/23

PID 112026

**PARCEL 23-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 JAMES H. TRUEMAN II & JUDITH TRUEMAN HARDEN (Grantor) as recorded in Instrument 201718786 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 Grantor's easterly line at 52.00 feet left of Station 142+31.48;

1. Thence South $00^{\circ} 32' 59''$ East, along the Grantor's easterly line, a distance of 12.00 feet to the Grantor's southeasterly corner and to the northerly right-of-way line of said East Main Street being 40.00 feet left of Station 142+31.48;
2. Thence South $89^{\circ} 27' 01''$ West, leaving the Grantor's easterly line and along said northerly right-of-way line, a distance of 67.00 feet to the easterly right-of-way line of Frances Drive as shown on said right-of-way plans being 40.00 feet left of Station 141+64.48;
3. Thence along the arc of a curve to the right, along the easterly right-of-way line of said Frances Drive, a distance of 14.45 feet being 45.00 feet left of Station 141+51.25; said curve having a radius of 20.00 feet, a central angle of $41^{\circ} 24' 35''$, and a chord length of 14.14 feet which bears North $69^{\circ} 50' 42''$ West;
4. Thence North $89^{\circ} 27' 01''$ East, leaving said easterly right-of-way line and through the Grantor, a distance of 46.75 feet being 45.00 feet left of Station 141+98.00;
5. Thence North $72^{\circ} 20' 51''$ East, continuing through the Grantor, a distance of 27.20 feet being 53.00 feet left of Station 142+24.00;

EXHIBIT A

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6. Thence South $82^{\circ} 55' 56''$ East, continuing through the Grantor, a distance of 7.54 feet to the **Point of Beginning**;

The above-described easement contains 0.012 acres (540 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-10-00-129-000 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