

**ORDINANCE NO. 2024 –074**

**AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN FAITH LUTHERAN CHURCH OF KENT 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 (0.007 acres) and a small temporary parcel (0.028 acres) from Faith Lutheran Church of Kent for right-of-way purposes; and

**WHEREAS**, Faith Lutheran Church of Kent is willing to grant the right-of-ways for an amount above the fair market value of \$13,755.00. Faith Lutheran Church of Kent has requested an additional amount of \$1,745.00 which would bring the settlement amount to \$15,500.00. The City's portion of the additional requested amount would be \$87.25 (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 Faith Lutheran Church of Kent 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 24, 2024  
Date

Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: July 24, 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. 2024-074 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON July 24, 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 *Job*

DATE: 7/12/2024

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 the Faith Lutheran Church of Kent located at the northwest corner of E Main Street and Luther Avenue. The right-of-way impacts to the property are shown in Figure 1 below. These impacts include a small permanent parcel (0.007 acres) and a small temporary parcel (0.028 acres). A summary of the purchase values is shown below:

Fair Market Value Estimate -	\$13,755
Additional Amount Requested -	\$1,745
<u>Negotiated Settlement Amount -</u>	<u>\$15,500</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 \$87.25 (%).

We recommend approving the negotiated settlement.

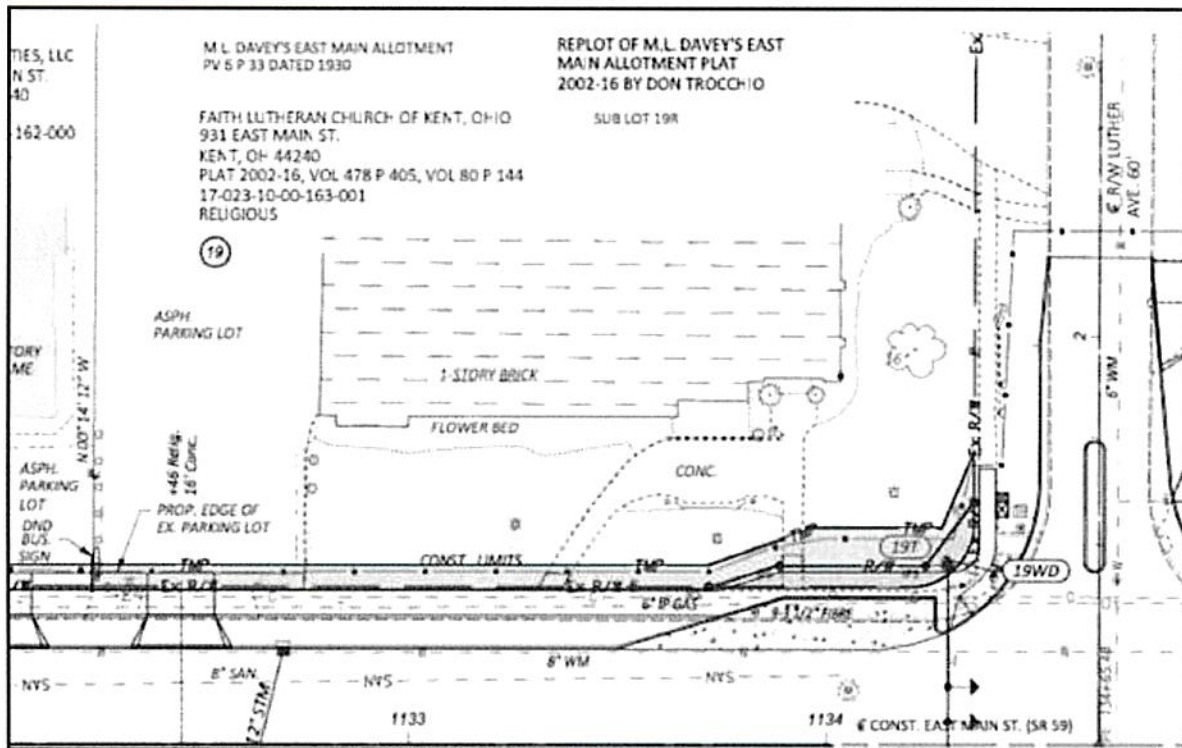


Figure 1 – Temporary (green) and permanent (pink) Right-of-Way from Faith Lutheran Church of Kent Parcel

- C: Hope Jones
- Melanie Baker
- Sandy Lance
- Jon Giaquinto