## **ORDINANCE NO. 2024 - 065**

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN GEORGE AND DIANE E. GROVE-ACKERMAN AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A 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 temporary parcel (0.018 acres) from George and Diane E. Grove-Ackerman for right-of-way purposes; and

WHEREAS, George and Diane E. Grove-Ackerman is willing to grant the right-of-way for an amount above the fair market value of \$2,040.00. George and Diane E. Grove-Ackerman has requested an additional amount of \$960.00 which would bring the settlement amount to \$3,000.00. The City's portion of the additional requested amount would be \$48.00 (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-ofway for this project, the sooner construction may begin.

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

<u>SECTION 1.</u> That Council does hereby accept and authorizes the City Manager or his designee to execute the agreement with George and Diane E. Grove-Ackerman 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", attached hereto and made a part hereof.

<u>SECTION 2</u>. 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.

<u>SECTION 3</u>. 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	Don Sat
TIME CHORESTON IN STREET	Date	Jerry T. Fiala
EFFECTIVE:	July 10, 2024	Mayor and President of Council
	Date	
ΔΤΤΕςΤ.	anne Williams	

Amy Wilkens, CMC Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COU	JNTY OF PORTAGE, AN	D STATE OF OHIO, AND IN
WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COL		
OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING I	IS A TRUE AND EXACT	COPY OF ORDINANCE No.
ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON	July 10	, 20
	X	
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(SEAL)

AMY WILKENS, CMC GLERK 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:

5/15/2024

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 George and Diane E. Grove-Ackerman whose parcel is located at the northeast corner of E Main Street and Elmwood Drive. The right-of-way impacts to the property are shown in Figure 1 below. These impacts include a small temporary parcel along the frontage of the property totaling (0.018 acres). A summary of the purchase values are shown below:

Fair Market Value Estimate - \$2,040
Additional Amount Requested - \$960
Negotiated Settlement Amount - \$3,000

The basis of the dispute is the value of existing vegetation (shrubs) to be removed from the site.

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 \$48.00 (5%).

We recommend approving the negotiated settlement.

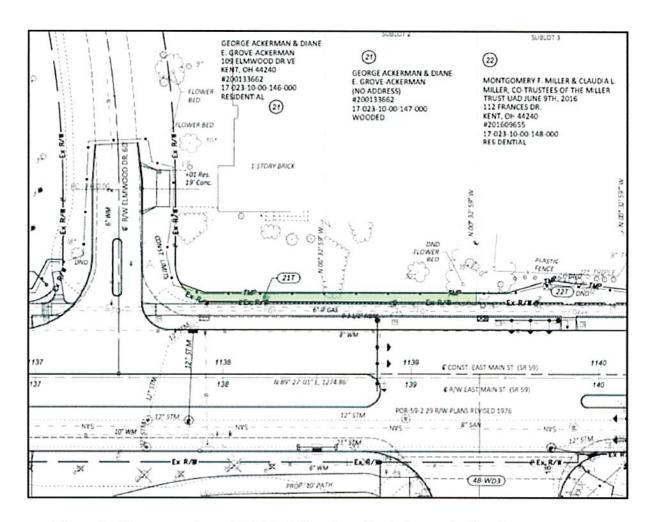


Figure 1 – Temporary (green) Right-of-Way from the Ackerman's Parcel

C: Hope Jones Melanie Baker Sandy Lance Jon Giaquinto