

RESOLUTION NO. 2024 –104

A RESOLUTION DIRECTING THE ADMINISTRATION TO PROCEED WITH THE APPROPRIATION OF TEMPORARY EASEMENT OF THE REAL PROPERTY LOCATED AT 405 EAST MAIN STREET, KENT, OHIO, PPN: 17-024-33-00-123-000 FOR THE EAST MAIN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

WHEREAS, on July 24, 2024, the Council adopted Resolution No. 2024-061 declaring the necessity of and intention to appropriate a temporary easement in and to a portion of the real property known as 405 East Main Street, Kent, Ohio, PPN: 17-024-33-00-123-000 ("Property") for the East Main Street Improvement Project; and

WHEREAS, pursuant to Ohio Revised Code Section 719.05, the City has caused notice of the City's intent to appropriate [interest] in said Property to be given to the title owners of the Property; and

WHEREAS, pursuant to R.C. § 163.04, the City may appropriate real property only after the agency is unable to agree on a conveyance or the terms of a conveyance, for any reason, with any owner or the guardian or trustee of any owner unless each owner is incapable of contracting in person or by agent to convey the property and has no guardian or trustee, each owner is unknown, or the residence of each owner is unknown to the agency and the residence of no owner can with reasonable diligence be ascertained; and

WHEREAS, the City has been unable to reach an agreement with the property owner in order to acquire the [interest] in the Property.

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

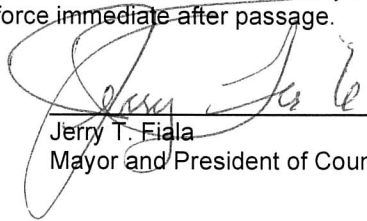
SECTION 1. This Council hereby directs the appropriation of a temporary easement in and to that portion of 405 East Main Street, Kent, Ohio, PPN: 17-024-33-00-123-000 necessary for the Project, as depicted in the attached Exhibit A [legal description], attached hereto and made a part hereof.

SECTION 2. The Director of Law and/or her designee be, and hereby is, authorized and directed to petition a court of competent jurisdiction to have a jury empaneled to make inquiry into and assess the compensation to be paid for the temporary easement in the Property.

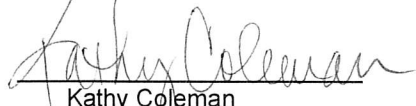
SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formation action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution 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 reason manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: October 16, 2024
Date


Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: October 16, 2024
Date

ATTEST: 
Kathy Coleman
Interim Clerk of Council

I, KATHY 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 *RESOLUTION* No. 2024 - 104, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON October 16, 2024.

(SEAL)



KATHY COLEMAN
INTERIM CLERK OF COUNCIL

EXHIBIT A

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Rev. 07/09

Ver. Date 07/19/23

PID 112026

**PARCEL 6-T
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
REGRADE, RECONSTRUCT DRIVE, REMOVE VEGETATION, REMOVE
RAILROAD TIES, ASPHALT PARKING AREA
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 24 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deeds to ZUGARO REVOCABLE FAMILY TRUST and FRANK R. ZUGARO & NORMA J. ZUGARO (Grantor) as recorded in Deed Volume 1139 Page 95 and Deed Volume 955 Page 299 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 northerly right-of-way line of said East Main Street at 40.00 feet left of Station 114+55.02 being the Grantor's southwesterly corner;

1. Thence North 00° 13' 47" West, leaving said northerly right-of-way line and along the Grantor's westerly line, a distance of 22.00 feet being 62.00 feet left of Station 114+55.12;
2. Thence North 89° 31' 04" East, leaving the Grantor's westerly line and through the Grantor, a distance of 124.28 feet being 62.00 feet left of Station 115+79.40;
3. Thence South 00° 13' 17" East, along the Grantor's easterly line, a distance of 22.00 feet to the Grantor's southeasterly corner being 40.00 feet left of Station 115+79.30;
4. Thence South 89° 31' 04" West, leaving the Grantor's easterly, a distance of 124.28 feet to the **Point of Beginning**;

The above described easement contains 0.063 acres (2734 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-024-33-00-123-000 and subject to all legal highways and easements of record;

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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

