

ORDINANCE NO. 2020-127

**AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE RIGHT OF WAY AGREEMENTS FOR THE PURPOSE OF OBTAINING TEMPORARY AND PERMANENT EASEMENTS FOR THE CONSTRUCTION OF THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent Council desires to obtain certain temporary and permanent easements from property owners for the construction of the Southwest Sanitary Pump Station Project ("Project"); and

**WHEREAS**, the property owners listed below have agreed to sell the easement interests to the City for the Project in the amounts listed; and

**WHEREAS**, the City needs the property for right-of-way purposes for the construction of said Project.

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

**SECTION 1.** That Council does hereby accept and authorize the City Manager or his designee to execute the agreements for the City of Kent to obtain temporary and permanent easements for construction of the Southwest Sanitary Pump Station project in substantial conformity with the terms of the Agreement marked as Exhibit "A", attached hereto and incorporated herein for the following properties:

- a) Donald A. Strongoli, 1234 Middlebury, temporary easement (3-T), \$300.00; previously sent to Council and approved on July 15, 2020, Ord. 2020-67.
- b) Steven Kellhofer and Erica Kellhofer, 672 Yacavona, sanitary sewer easement (15-S) for \$377.00 for right-of-way purposes.

**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: December 16, 2020  
Date

Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: December 16, 2020  
Date

ATTEST: Amy Wilkens  
Amy Wilkens  
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 *RESOLUTION* No. \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
AMY WILKENS  
CLERK OF COUNCIL

**CITY OF KEHT OHIO**  
**SOUTHWEST SANITARY PUMP STATION**

**OVERALL LOCATION AND CONTROL PLAN**

DATE: 11/15/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

PROJECT NO: 2010-127  
 SHEET NO: 1 OF 1

SCALE: AS SHOWN

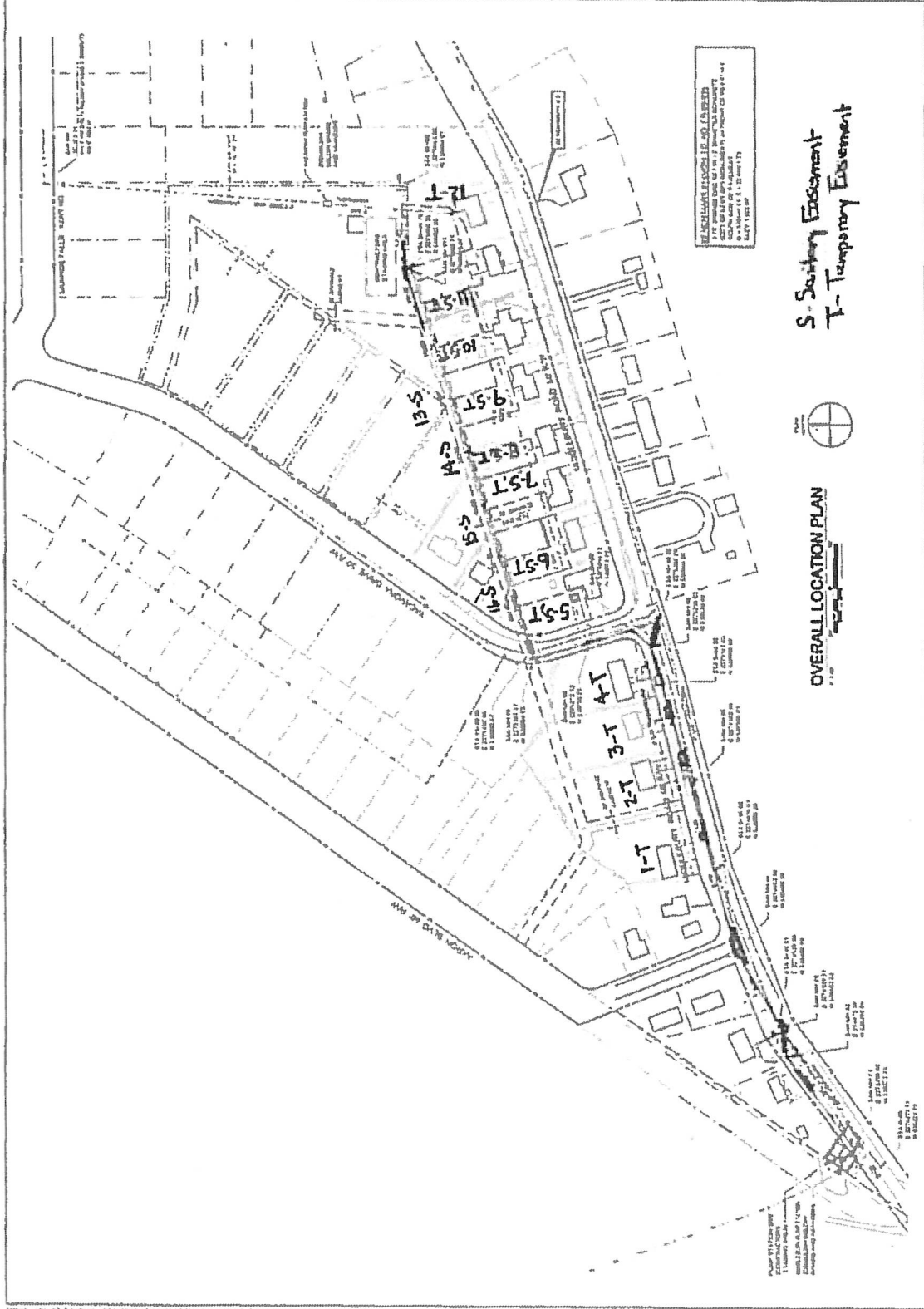
DATE: 11/15/11

PROJECT NO: 2010-127

SHEET NO: 1 OF 1

SCALE: AS SHOWN

DATE: 11/15/11



CITY OF KENT  
DEPARTMENT OF PUBLIC SERVICE  
DIVISION OF ENGINEERING

MEMO

To: Dave Ruller  
Amy Wilkens

From: Cori Finney

Date: November 16, 2020

RE: Southwest Sanitary Pump Station  
Temporary Work Agreements and Permanent Sanitary Easements

Engineering is requesting Council time for the approval of payments to two property owners of two parcels needed for the construction of the Southwest Sanitary Pump Station Project. The project is anticipated to start construction in 2021.

Portions of the existing sanitary sewer upstream of the Middlebury Pump Station and Yacavona Pump Station are located on private property. The new sanitary sewer that will be constructed with the Southwest Sanitary Pump Station project will be either located in the City's right-of-way or in a new sanitary sewer easement. In order to tie the existing laterals into the new sanitary sewer, some temporary work agreements are required. There is also a new sanitary sewer easement that will overlay an existing drainage easement along the rear properties of the east of Yacavona. A total of 11 temporary and 11 permanent easements will be required from 16 parcels. Please see attached map.

The following is a list of parcels and their perspective values included in this request:

<u>Property Owner</u>	<u>Take Number</u>	<u>Take Description</u>	<u>Amount</u>
Donald A. Strongoli	3-T	Temporary	\$300
Steven Kellhofer and Erica Kellhofer	15-S	Sanitary	\$377

\*3-T was previous sent to Council for approval and approved July 15, 2020, see memo dated June 9, 2020 – Updated 7-1-2020. During the approval process, the property was sold. The City's consultant negotiated with the new property owner, Donald A. Strongoli. No payment was made to Toni Kuno, the previous property owner.

The above values were obtained according to the federal right-of-way acquisition process. This process is required for the City to use Federal funds. Negotiation with the remaining four property owners is ongoing.

Cc: Melanie A. Baker, Service Director  
James Bowling, P.E., City Engineer  
Patti Long, Interim Assistant to the City Manager  
Hope Jones, Law Director  
Rhonda Hall, Budget & Finance Director  
file

2020-127 Exhibit A

LPA RE 807  
Rev. 10/2017

TE  
LPA

### TEMPORARY EASEMENT

Donald A. Strongoli, the Grantor(s), in consideration of the sum of \$300.00, to be paid by City of Kent, 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): 17-009-20-00-036-000 T  
CITY OF KENT – SOUTHWEST SANITARY PUMP STATION  
SEE EXHIBIT A ATTACHED

Portage County Current Tax Parcel No. 17-009-20-00-036-000  
Prior Instrument Reference: Instrument No. 202013584, 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 12 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 construction and maintenance of a sewer and utilities in the name of and for the use of the City of Kent.

IN WITNESS WHEREOF Donald A. Strongoli has hereunto set his hand on the 2<sup>ND</sup>  
day of November, 2020.

Donald A. Strongoli  
DONALD A. STRONGOLI

STATE OF OHIO, COUNTY OF PORTAGE SS:

BE IT REMEMBERED that on the 2<sup>nd</sup> day of November, 2020, before me  
the subscriber, a Notary Public in and for said state and county, personally came the above  
named Donald A. Strongoli, who acknowledged the foregoing instrument to be his voluntary act  
and deed. No oath or affirmation was administered to Donald A. Strongoli 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.



BRIAN MILLER  
Notary Public, State of Ohio  
My Commission Expires  
January 22, 2024

Brian Miller

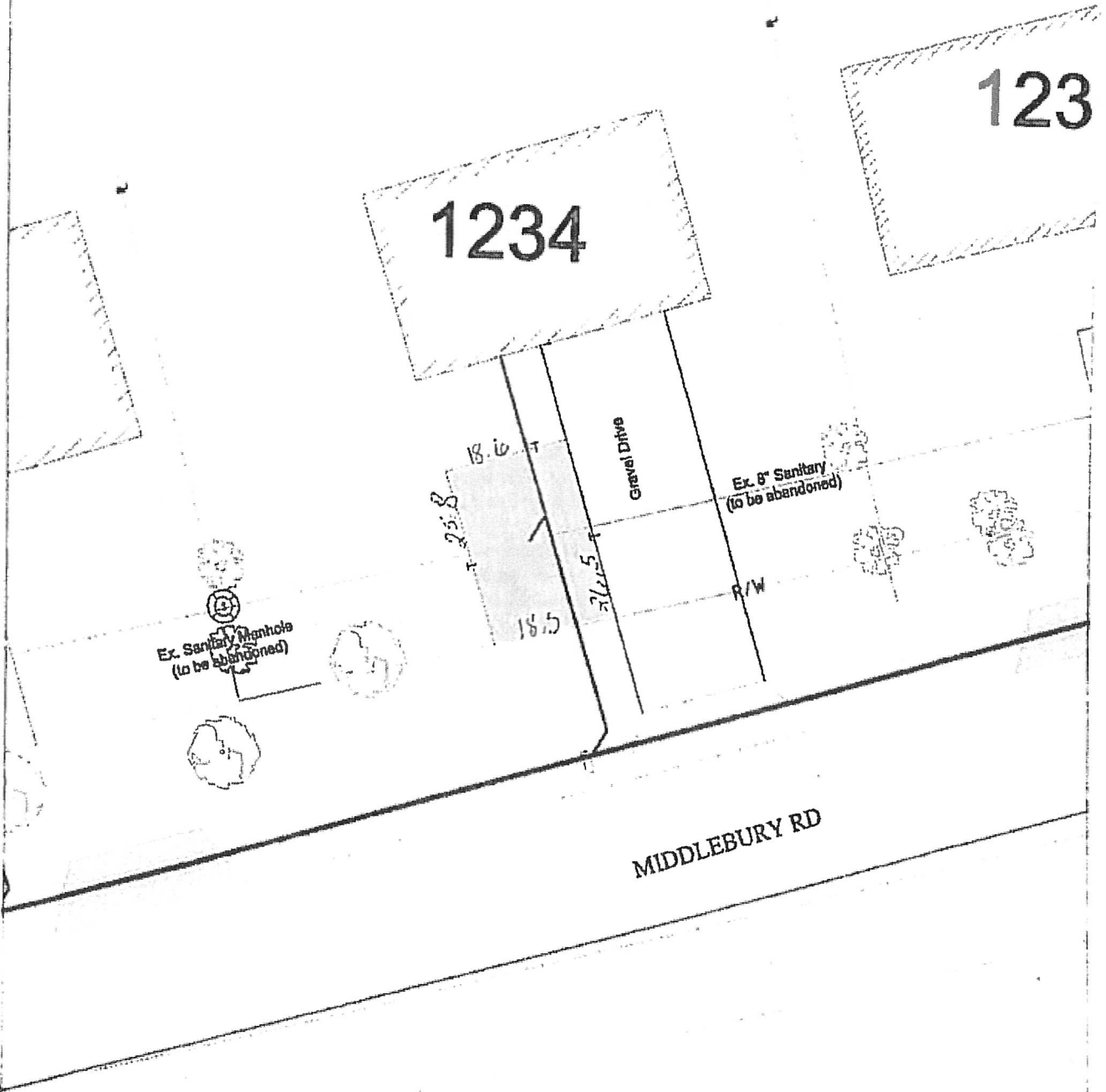
NOTARY PUBLIC  
My Commission expires: Jan 22, 2024

This document was prepared by: The City of Kent, Ohio on forms approved by the Ohio  
Attorney General

03-T

036.000

⊥ Temporary Easement = 0.0111 acres



- EXISTING SANITARY
- PROPOSED SANITARY
- ⊥— PROPERTY LINE

DATE 1/31/20	1234 MIDDLEBURY RD KENT, OHIO	NOTE: PROPERTY LINES ARE APPROXIMATE. A SURVEY MUST BE PERFORMED FOR ACCURATE PROPERTY LINE LOCATION	SCALE 1"=30'	
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EASEMENT AND RIGHT-OF-WAY AGREEMENT  
GRANTING EASEMENT FOR UTILITY LINE CONSTRUCTION  
642 YACAVONA DRIVE

FOR AND IN CONSIDERATION of the sum of \$377.00, the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned Steven Kellhofer, and Erica Kellhofer, hereinafter referred to as "Grantor(s)", who claim title to certain real estate by deed recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records, does for their heirs, successors, and assigns, hereby give, devise, grant and convey to the City of Kent, Ohio, a municipal corporation, which is hereinafter referred to as "Grantee," its successors and assigns, the perpetual right to a permanent exclusive easement and right-of-way to lay, maintain, operate, repair, remove and replace sanitary and related necessary appurtenances over and through said real estate situated in the City of Kent, County of Portage, State of Ohio and known as being a part of Lot 9 and further known as being part of Sublot 14 of original Franklin Township, said easement being more fully described as follows:

*Grantors' Marital  
Status: Married SDK  
GLK 11-6-2020*

Boundary Description for  
642 Yacavona Drive  
10 foot Sanitary Sewer Easement  
City of Kent, County of Portage, State of Ohio  
0.0260 Acre Easement

Situated in the City of Kent, County of Portage and State of Ohio and known as being part of the Original Franklin Township Lot No. 9 and further known as being part of the easterly 90 feet of Sublot 14 as shown on Portage Homesites, recorded in Plat Book 13, Page 24 of the Portage County Recorder's Records and is bounded and described as follows:

Beginning at the southeasterly corner of Sublot 14 and is the PRINCIPAL PLACE OF BEGINNING of the easement herein to be described:

thence South 72°23'11" West, along the southerly line of Sublot 14, 113.58 feet to the southwesterly corner of the easterly 90 feet of Sublot 14;

thence North 55°12'19" West, along the westerly line of the easterly 90 feet of Sublot 14, 12.62 feet to a point thereon;

thence North 72°23'11" East, 113.58 feet to a point on the easterly line of Sublot 14;

thence South 55°12'19" East, along the easterly line of Sublot 14, 12.62 feet to the Principal Place of Beginning and containing 1,135 square feet or 0.0260 acres of land according to a survey by Guy P. Haney, P.S. No. S-7631, for TGC Engineering, LLC in July of 2020. Subject to all highways, easements and covenants of legal record.

Bearings are based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.

For Drawings see attached Exhibit A



Together with the right of the City of Kent, its agents or employees, to store earth and materials during the period of construction, repair or replacement of such sewers and other utility lines upon the premises of the Grantor within the described easement.

And grantor does agree to keep said easement free of all permanent structures, providing that the City of Kent, Portage County, Ohio shall operate and maintain said improvement as a public facility in accordance with the standards, policies and procedures of other similar public facilities within the City of Kent and shall properly backfill and restore the ground surface and ground cover vegetation to the condition existing immediately prior to such construction, reconstruction, maintenance or repair; except that said City shall not be required to repair any structures (such as buildings, driveways, light poles and appurtenances, catch basins, storm sewers, utility service lines, pavement, curbing or landscape islands) belonging to Grantor and located within the easement and right-of-way, unless such damage was caused by an intentional act of negligence of the City of Kent, its agents, employees, contractors, licensees, or invitees.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this 6 day of NOV, 2020.

WITNESS:

\_\_\_\_\_  
\_\_\_\_\_

GRANTOR: Steven & Erica Kellhofer

By: Steven & Erica Kellhofer

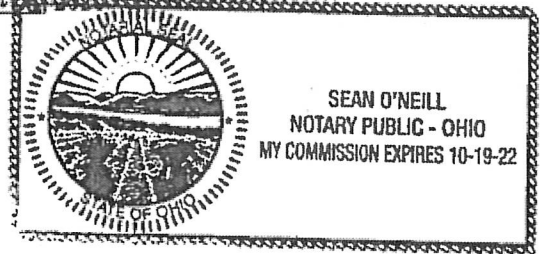
Grantor: Eric L. Kellhofer

STATE OF OHIO, COUNTY OF PORTAGE, ss.:

This day, before me, a Notary Public of the State and County aforesaid, personally appeared Steven Kellhofer, and Erica Kellhofer, to me known to be the person described in and who executed the foregoing instrument and acknowledgment that they executed the same as their free act and deed, for the purposes therein set forth.

Witness my hand official seal this 6<sup>th</sup> day of November, 2020.

My Commission Expires: 10-19-22  
Sean O'Neill  
Notary



Accepted by City of Kent Council: \_\_\_\_\_, 2020.

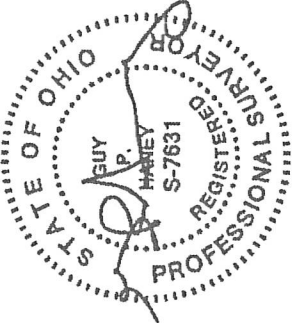
THIS INSTRUMENT PREPARED BY: CTI Engineers, inc.

EXHIBIT A

SKETCH FOR  
**SANITARY EASEMENT**

642 Yacavona Drive

Situated in the City of Kent, County of Portage  
and State of Ohio and known as being part of  
Original Franklin Township Lot No. 9



Portage Homesites  
Plot Bk. 13, Page 24

Part of  
S/L 14  
17-009-20-00-055-000  
Steven & Erica Kellhofer

Part of  
S/L 14

S/L 13

S/L 22

S/L 23

S/L 24

S 55°12'19" E  
12.62'

N 12°23'11" E 113.58'

S 12°23'11" W 113.58'

N 55°12'19" W  
12.62'

10.0'

P.O.B.

Sanitary Easement  
(1,135 SF)  
0.0260 AC.

Portage Homesites  
Plot Bk. 13, Page 24

642 YACAVONA

KENT SANITARY ESMTS.

PROJECT NUMBER
1854-D
DATE
2020-07-08



TEC Engineering, LLC  
1310 BACHMAN CENTER ROAD, #200, KENT, OHIO 44240  
PHONE: 330.500.4000 FAX: 330.500.4023