

ORDINANCE NO. 2024 –075

**AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN SOUTHWARD PRESERVE, LLC 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 (0.031 acres) from Southward Preserve, LLC for right-of-way purposes; and

**WHEREAS**, Southward Preserve, LLC is willing to grant the right-of-way for an amount above the fair market value of \$3,255.00. Southward Preserve, LLC has requested an additional amount of \$2,245.00 which would bring the settlement amount to \$5,500.00. The City's portion of the additional requested amount would be \$112.50 (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 Southward Preserve, LLC 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.

**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

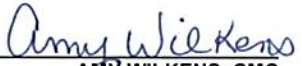
Fiala  
Jerry T. Fiala  
Mayor and President of Council

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. 2024-015 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON July 24, 2024.

(SEAL)

  
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 Southward Preserve, LLC whose parcel is located on the north side of Main Street between Frances Drive and Fairview Drive. A multi-unit residential facility is currently located on the parcel. 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 (0.031 acres). A summary of the purchase values are shown below:

Fair Market Value Estimate -	\$3,255
Additional Amount Requested -	\$2,245
Negotiated Settlement Amount -	\$5,500

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 \$112.50 (5%).

We recommend approving the negotiated settlement.

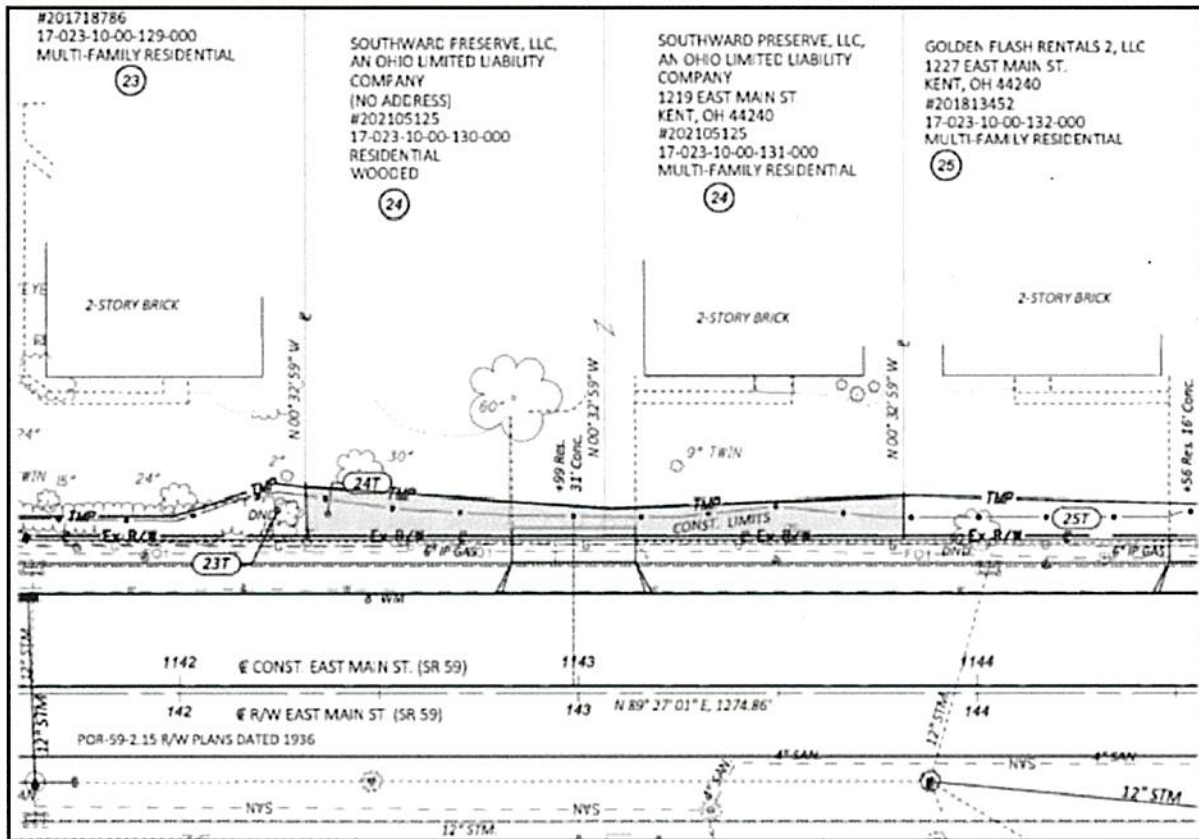


Figure 1 – Temporary (green) Right-of-Way from the Southward Preserve, LLC Parcel

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