

ORDINANCE NO. 2024 –073

**AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN MARIA C. ROCK 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 (0.072 acres) and a small temporary parcel (0.021 acres) from Maria C. Rock for right-of-way purposes; and

**WHEREAS**, Maria C. Rock is willing to grant the right-of-ways for an amount above the fair market value of \$22,355.00. Maria C. Rock has requested an additional amount of \$8,645.00 which would bring the settlement amount to \$31,000.00. The City's portion of the additional requested amount would be \$432.25 (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 Maria C. Rock 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

Jerry T. 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. 2024-073*, 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 Maria C. Rock. The property in question is located at the northeast corner of E Main Street and Overlook Drive and 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 permanent parcel (0.072 acres) and a temporary parcel (0.021 acres). A summary of the purchase values is shown below:

Fair Market Value Estimate -	\$22,355
Additional Amount Requested -	\$8,645
Negotiated Settlement Amount -	\$31,000

The basis of the dispute is the consideration of proximity damages. While the project moves E Main Street farther from the building, a portion of Overlook Drive will be closer to the building. The property owner and their attorney had their own appraisal completed, by an ODOT certified appraiser, to establish their fair market value estimate.

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 \$432.25 (5%).

We recommend approving the negotiated settlement.

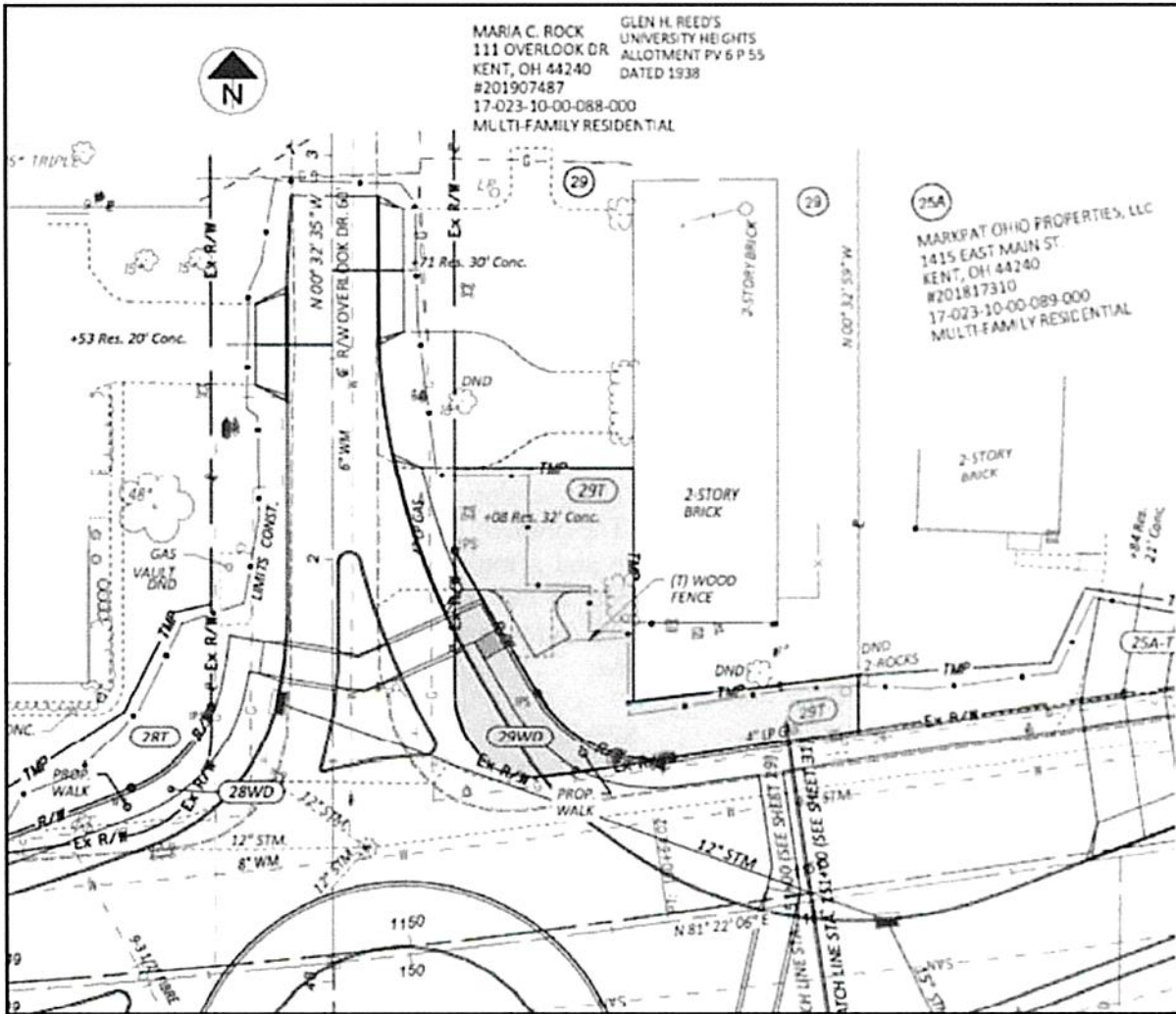


Figure 1 – Temporary (green) and permanent (pink) Right-of-Way from the Maria C. Rock Parcel

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