

RESOLUTION 2024- 061

A RESOLUTION DECLARING THE INTENT TO APPROPRIATE PROPERTY INTERESTS FOR THE EAST MAIN STREET IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary and advisable for the public health, safety and welfare that the City of Kent acquire certain property within the City of Kent for public road improvements, specifically for the East Main Street Improvement Project; and

WHEREAS, Ohio Revised Code Section 719.01 authorizes the appropriation of property by a municipal corporation for such purposes; and

WHEREAS, Ohio Revised Code Section 719.04 requires that a municipal Council adopt a resolution of intent to appropriate property in order to exercise the authority granted to municipal corporations under Section 719.01.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Kent, State of Ohio that:

SECTION 1. It is necessary and it is hereby declared to be the intent of this Council to appropriate certain interests in the following real properties (designated by Portage County Permanent Tax Parcel Number) for the purpose of public right-of-way improvements as part of the Project set forth in the recitals to this Resolution and which properties are hereinafter described and further identified, and the specific interests therein described, in the various Exhibits "A" for each property attached hereto and fully incorporated into this Resolution.

Item Number	Project Parcel Number	Auditor Parcel Number	Appraised Value
1	6T	17-024-33-00-123-000	\$26,235

SECTION 2. The City Manager, or his designee, is authorized and directed to cause written notice of the passage of this Resolution, in accordance with Section 719.05 of the Ohio Revised Code, to be given to each owner of the above-listed properties; and the notice shall be served by Federal Express, requiring a signed receipt showing to whom it was delivered, date of delivery and the address where delivered.

SECTION 3. 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 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 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason to clear the right of way for construction as soon as possible; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: July 24, 2024
Date

J. 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 RESOLUTION No. 2024-061, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON July 24, 2024.

(SEAL)

Amy Wilkens
AMY WILKENS, CMC
CLERK OF COUNCIL

EXHIBIT A

LPA RX 887 T

Page 1 of 2

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;

EXHIBIT A

LPA RX 887 T

Page 2 of 2

Rev. 07/09

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

