

ORDINANCE NO. 2017-141

AN ORDINANCE VACATING A PERMANENT WALKWAY EASEMENT ORIGINALLY GRANTED TO THE CITY OF KENT, OHIO BY BRADY'S LEAP PARTNERS, A LIMITED PARTNERSHIP IN DECEMBER 27, 1994 CONDITIONED UPON THE FILING OF A NEW EASEMENT FROM 315 RFK, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, Brady's Leap Partners had granted the City of Kent, Ohio a permanent walkway easement on December 27, 1994, recorded in Vol. 1170, Pages 259-261 of the Portage County, Ohio Recorder's Office, said easement being attached hereto as Exhibit "A", and made a part hereof; and

WHEREAS, 315 RFK, LLC is granting a new hike and bike trail easement to the City of Kent which will replace the current easement from Brady's Leap Partners; and

WHEREAS, the easement from Brady's Leap Partners can and will be vacated by the City of Kent, Ohio upon the filing of record of the new hike and bike trail easement from 315 RFK, LLC; and

WHEREAS, time is of the essence in order for the City of Kent, Ohio and 315 RFK, LLC to complete improvements to the area and the hike and bike trail in a timely fashion, and to accurately reflect the actual pathway easement.


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. That Council does hereby vacate the easement for a permanent walkway from Brady's Leap Partners, filed for record in December 27, 1994 in Vol. 1170, Pages 259-261 of the Portage County, Ohio Recorder's Office, a copy of which is attached hereto and made a part hereof, effective on the date the City files its new easement for a permanent hike and bike trail in the same area from 315 RFK, LLC.

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: November 15, 2017
Date



Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: November 15, 2017
Date

ATTEST: 

Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, 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.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)

41-1994

EXHIBIT "A"



#379A

Docs

APPROVED STATEWIDE TITLE NO.

CITY OF KENT, OHIO

PERMANENT WALKWAY EASEMENT

KNOWN ALL MEN BY THESE PRESENTS THAT Brady's Leap Partners who claim title by instrument recorded in Volume 1162, Page 149 of the Portage County Records, hereinafter referred to as the "Grantors", for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration received to their satisfaction from the City of Kent, a municipal corporation, hereinafter referred to as the "Grantee", do hereby give, grant, bargain and convey unto said Grantee, its successors and assigns forever a perpetual easement to construct, use, maintain, repair and replace a paved walkway together with lights, conduit, and other necessary appurtenances thereto, in, upon and over the lands hereinafter described as follows:

Beginning at the southeast corner of land conveyed to Grantors by deed recorded in Volume 1162, Page 149 of the Portage County Deed Records;

Thence South 86 degrees 16 minutes 10 seconds West, along the southerly property line of said land conveyed to Grantors, 12.00 feet to a point;

Thence North 5 degrees 38 minutes 81 seconds West, 120.85 feet to a point;

Thence North 8 degrees 39 minutes 81 seconds East, 90.24 feet to a point, the same being the principal place of beginning for the following described easement;

Thence South 91 degrees 13 minutes 6 seconds West, 32.10 feet to a point;

Thence North 8 degrees 39 minutes 38 seconds East, a distance of 10.02 feet to a point;

Thence North 91 degrees 13 minutes 6 seconds East, a distance of 32.10 feet to a point;

Thence South 8 degrees 39 minutes 38 seconds West, 10.02 feet to the principal place of beginning and containing 0.007 acres.

The Grantor further grants to the Grantee the right to access to the above described real estate to do any and all acts and things which may be necessary, proper or incidental to the construction, use, replacing, repairing, and maintaining of said walkway, lights, and appurtenances.

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EXHIBIT "A"

Grantors to fully use and enjoy said premises, except for the purposes granted to the Grantee and provided the Grantors shall not construct nor permit to be constructed any structures or obstructions on or over said easement.

TO HAVE AND TO HOLD the rights and easement herein granted, for the uses and purposes and upon the conditions herein set forth, unto the said Grantee, its successors and assigns.

IN WITNESS WHEREOF, the Grantors have caused the foregoing instrument to be executed at Kent, Ohio, this 22nd day of December, 1994.

WITNESSED BY:

Dave Adams
Jack K. Adams
Carol K. Eckman
Jack K. Adams

BRADY'S LEAP PARTNERS,
A Limited Partnership

BY [Signature]
Dale R. Adams, Partner

BY [Signature]
Joanne E. Adams, Partner

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above named Grantors who acknowledged that they did sign the foregoing instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Kent, Ohio, this 22nd day of December, 1994.

[Signature]
Notary Public

This Document Prepared by:
Donald H. Martell, Law Director 68419

ASTA CAROL K. ECKMAN, Notary Public
State of Ohio
My Commission Expires Aug 31 1995

BRADYSLP.2

RECEIVED FOR RECORD
12/27 19 94
At 1:15 O'clock

2 of 2

In Portage County Records
Of Deed
Vol. 1170 Page 259-261
LINDA K. FANKHAUSER
PORTAGE COUNTY RECORDER
FEE 18.00

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INDEXED

BRADYS LEAP PARTNERS

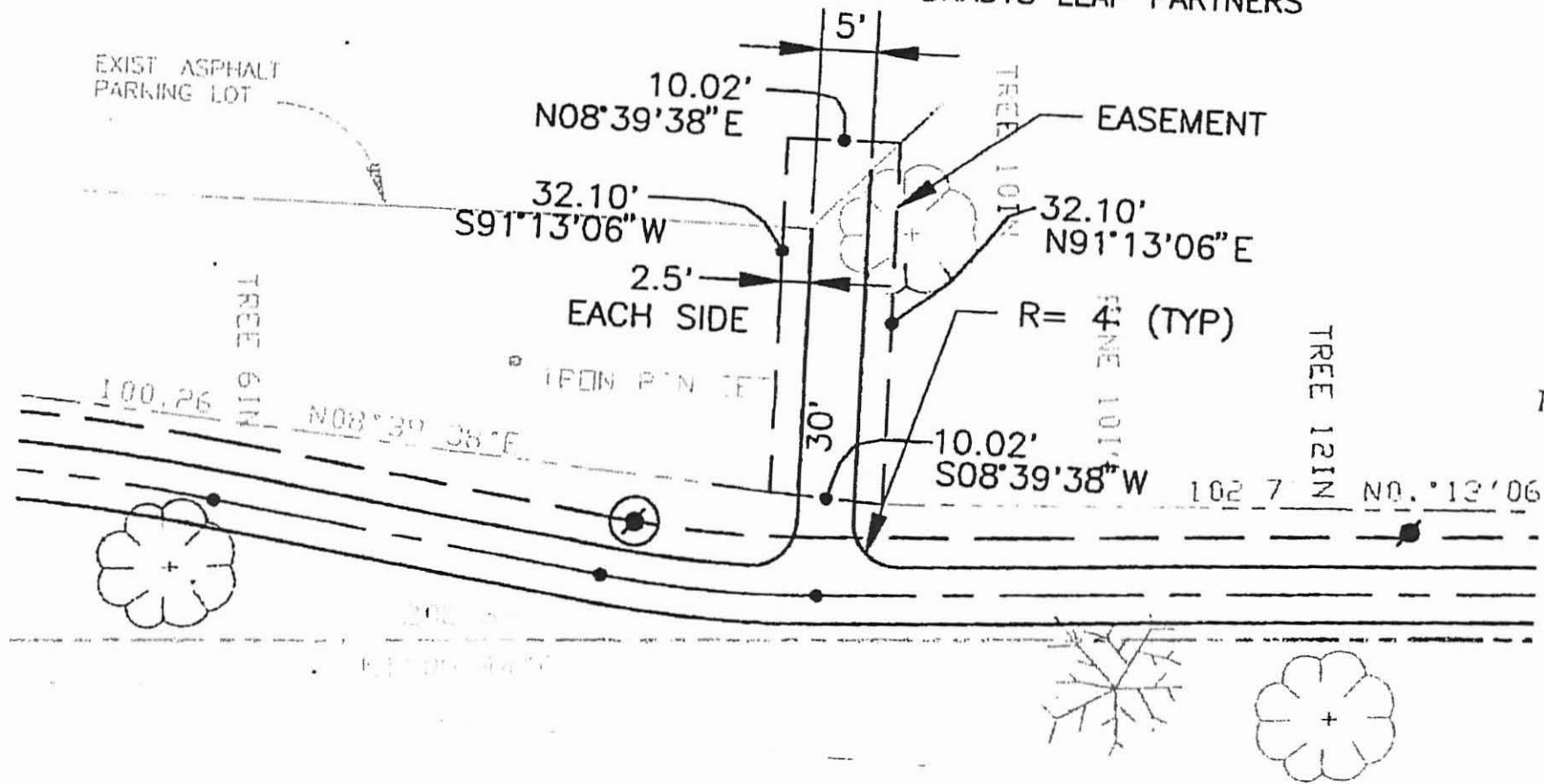


EXHIBIT "A"