

ORDINANCE NO. 2017 - 116

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT BETWEEN BWM PROPERTIES, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE CITY OF KENT, OHIO, WITH THE CITY OBTAINING A TEMPORARY EASEMENT OF 0.005 ACRES OF REAL PROPERTY, FOR \$300.00 FOR RIGHT-OF-WAY PURPOSE, TO INSTALL, CONSTRUCT AND RECONSTRUCT THE ROADWAY AND SIDEWALKS FOR THE PROJECT POR-43-10.26 KNOWN AS SR 43 TRAFFIC IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain a temporary easement of 0.005 acres of real property from BWM Properties, LLC; and

WHEREAS, BWM Properties, LLC is willing to grant a temporary easement in said property for \$300.00; 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 SR 43 Traffic 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, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. That Council does hereby accepts and authorizes the City Manager or his designee to execute the agreement for the City of Kent to obtain a temporary easement of 0.005 acres of real property for right-of-way purposes to install, construct and reconstruct the roadway and sidewalks for the project known as SR 43 Traffic Improvement Project from BWM Properties, LLC for \$300.00; said Agreement marked as Exhibit "A", on file in the Council office.

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: September 20, 2017  
Date

  
\_\_\_\_\_  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: September 20, 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)

**EXHIBIT A**

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Rev. 07/09

Ver. Date 10/13/16

PID 93442

**PARCEL 36-T  
POR-43-10.26  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
REGRADE  
FOR 12 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF KENT, PORTAGE COUNTY, OHIO**

[Surveyor's description of the premises follows]

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Situated in the City of Kent, County of Portage, State of Ohio, being part of Lot 13 in Franklin Township, and being part of lands described in the deed to BWM PROPERTIES LLC (Grantor) as recorded in Instrument 201121599 on file in the Portage County Recorder's office and laying on the right side of the existing centerline of right-of-way of State Route 43 as recorded as Plat \_\_\_\_\_ and as shown on the POR-43-10.26 right-of-way plans prepared by Arcadis U.S., Inc. for the City of Kent, Ohio, and more fully described as follows:

**Beginning** on the existing easterly right of way line of said State Route 43 at 40.00 feet right of Station 599+49.58;

1. Thence South 45° 18' 43" East, through the Grantor, a distance of 46.56 feet to the existing northerly right of way line of East Summit Street being 30.00 feet left of East Summit Street Station 1+83.08;
2. Thence North 66° 19' 01" West, along said existing northerly right of way line, a distance of 23.55 feet to said existing easterly right of way line of said State Route 43 being 51.46 feet right of Station 599+26.26;
3. Thence North 26° 21' 04" West, along said existing easterly right of way line, a distance of 25.98 feet to the **Point of Beginning**.

The above described easement contains 0.005 acres (197 square feet, including 0.000 acres within the present road occupied), within Parcel Number 17-024-10-00-003-000 and subject to all legal highways and easements of record.

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 September 2014 under the direction of Robert G. Hoy, Ohio Professional Surveyor No. 8142;

**EXHIBIT A**

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Bearings in this description are based on the Ohio State Plane Coordinate System, NAD83(2011), North Zone, Grid North;

Grantor claims title as recorded in Instrument 201121599 of Portage County Deed Records.

The stations referred are from the existing centerline of right-of-way of State Route 43 as shown on the POR-43-10.26 right-of-way plans unless noted otherwise.

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Arcadis U.S., Inc.	Date
Robert G. Hoy, Ohio Professional Surveyor No. 8142	