

ORDINANCE NO. 2008- 2008-79

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE CITY OF KENT, OHIO, OBTAINING A TEMPORARY EASEMENT OF 620 SQUARE FEET OF REAL PROPERTY FROM DALE R. HENDERSON, 447 FAIRCHILD, FOR \$495.00 FOR PURPOSES OF RIGHT-OF-WAY ACQUISITION, AND THE CONSTRUCTION OF THE NEW CRAIN AVENUE/FAIRCHILD AVENUE BRIDGE PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Council desires to obtain a temporary easement of 620 square feet of property from Dale R. Henderson, 447 Fairchild in Kent/Franklin Township, Portage County, Ohio; and

WHEREAS, Dale R. Henderson is willing to grant the temporary easement in said property for \$495.00; and

WHEREAS, the City needs the property for right-of-way purposes for the construction of the new Crain Avenue/Fairchild Avenue Bridge 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 620 square feet from Dale R. Henderson, 447 Fairchild for \$495.00 for right-of-way purposes for the Crain Avenue/Fairchild Avenue Bridge project in substantial conformity with the terms of the Purchase Agreement marked as Exhibit "1", attached hereto and incorporated herein.

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: 05/21/08
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2008- 79 was duly enacted this 21 day of May, 2008 by the Council of the City of Kent, Ohio.

Linda M. Copley, Clerk of Council

TEMPORARY RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Dale R. Henderson, Single, the Grantor(s) herein, in consideration of the sum of \$495.00, to be paid by the State of Ohio, Department of Transportation, *does/do* hereby grant, bargain, sell, convey and release to the State of Ohio for the use and benefit of the Department of Transportation, the Grantee herein, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit "A" the following described real estate:

PARCEL(S): 8 T

POR-Crain Avenue

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Volume 1158, Page 592, Portage, County Recorder's Office.

To have and to hold said temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement herein granted to the Grantee is 24 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

IN WITNESS WHEREOF Dale R. Henderson has hereunto set his hand on the 10th day of March, 2008.

Dale R. Henderson
Dale R. Henderson

STATE OF OHIO, COUNTY OF PORTAGE ss:

BE IT REMEMBERED that on the 10th day of March, 2008, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Dale R. Henderson, who signed or acknowledged the signing of the foregoing instrument to be his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Vincent R. Prosser
VINCENT R. PROSSER
NOTARY PUBLIC
My Commission expires: 8/2/10

EXHIBIT A

PARCEL 8-T
POR-CRAIN_AVENUE
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
COMPLETE GRADING
FOR APPROXIMATELY 24 MONTHS FROM DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION

[Surveyor's description of the premises follows]

Situated in the City of Kent, County of Portage and State of Ohio, being part of Lot 30 of Original Franklin Township, T-3-N, R-9-W, being a parcel of land lying on the left side of the centerline of right-of-way of Fairchild Avenue (60 feet), as shown on the POR-CRAIN AVENUE plans made for the City of Kent, Ohio by ARCADIS G & M of Ohio, Inc. and as recorded in Reception Number _____ of the records of Portage County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1" rebar found in a monument box at the intersection of the centerline of right-of-way of Hudson Road (60 feet) and the northerly right-of-way of Fairchild Avenue (60 feet), said rebar at Station 11+69.40, 30.00' left of the centerline of right-of-way of Fairchild Avenue;

Thence South 66° 33' 19" East 30.01' along the northerly right-of-way of Fairchild Avenue to the intersection of the existing easterly right-of-way of said Hudson Road and said Fairchild Avenue right-of-way, also being the southwesterly corner of a parcel of land now or formerly owned by Dale R. Henderson recorded in Volume 1158, Page 592, at Station 11+99.41, 30.00' left of the centerline of right-of-way of Fairchild Avenue (60 feet); also being the TRUE PLACE OF BEGINNING of the temporary easement herein described:

1. Thence North 21° 47' 40" East 9.38' along the easterly right-of-way line of said Hudson Road, also being the westerly property line of said Henderson parcel to a point at Station 11+99.14, 39.38' left of the centerline of right-of-way of Fairchild Avenue;
2. Thence South 67° 54' 51" East 61.27' through said Henderson parcel to a point on the easterly property line of said parcel at Station 12+60.39, 40.83' left of the centerline of right-of-way of Fairchild Avenue;
3. Thence South 21° 39' 39" West 10.84' along the easterly property line of said Henderson parcel to a point on the northerly right-of-way line of Fairchild Avenue at Station 12+60.73, 30.00' left of the centerline of Fairchild Avenue;
4. Thence North 66° 33' 19" West 61.32' along the northerly right-of-way line of Fairchild Avenue to the TRUE PLACE OF BEGINNING.

The above described parcel contains 620 square feet of land, which includes 0 square feet in the present road occupied, resulting in a net take of 620 square feet of land of which is contained within Portage County Auditor's Permanent Parcel Number 170302000158 and subject to all legal highways and easements of record.

This description was prepared by Angela M. Metz, E.L. in December 2006 under the direct supervision of Charles A. Hauber, Registered Surveyor Number 8034 and is based on a field survey performed by Finkbeiner, Pettis & Strout, Inc. (now known as ARCADIS G & M of Ohio, Inc.) in 2004 under the direction and supervision of Michael E. Durbin, Registered Surveyor Number 7528.

Bearings in this description are based on the Ohio Coordinate System, NAD83(86), North Zone.

The stations referred to herein are from the centerline of right-of-way of Fairchild Avenue as found

RX 286
Rev. 09/06

EXHIBIT A

Page 2 of 2
18466
8-T
POR-CRAIN_AVENUE
PID
PARCEL
CTY-RTE-SEC
Version Date

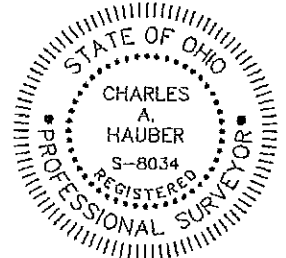
on the City of Kent Right-of-Way Plan POR-CRAIN AVENUE.

Iron pins set in the above description are 5/8 inch diameter by 30 inch long rebars with a plastic cap stamped "HAUBER 8034" or a drill hole set depending upon the nature of the material that is present at each corner after construction.

It is understood the area of land above described contains 620 square feet, more or less.

Grantor claims title by instrument(s) of record in Volume 1158, Page 592 of the records of Portage County.

This instrument prepared by ARCADIS G & M of Ohio, Inc. for the City of Kent, Ohio.



Charles A. Hauber
20-Dec-2006