

ORDINANCE NO. 2010- 56

AN ORDINANCE AMENDING AND ACCEPTING FOR DEDICATION AN EASEMENT FROM THE STATE OF OHIO FOR THE S.R. 59 SIGNALIZATION PROJECT AS APPROVED AND ACCEPTED ON OCTOBER 21, 2009 BY KENT CITY COUNCIL IN ORDINANCE NO. 2009-113 AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio wishes to amend the size of an easement to the City of Kent for the S.R. 59 Signalization Project; and

WHEREAS, the State of Ohio has delivered to the City the necessary amendment for the easement agreement, a copy of which is marked Exhibit "A", and placed on file with the Clerk of Council; and

WHEREAS, the Development Engineer for the City has given her opinion that the amended right-of-way easement should be accepted for dedication purposes; and

WHEREAS, a committee of Council has reviewed the amended easement agreement and has recommended to Council that the City accept the amendment easement for signature and dedication as contained on the attached Exhibit "A".

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 concurring:

SECTION 1. That Council does hereby authorize execution of and accept for dedication purposes the amended easements granted by the State of Ohio to the City of Kent, Ohio for the S.R. 59 Signalization Project as the same is shown upon the copy of the agreement marked Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That Council does hereby direct the President and Clerk of Council to sign the amended dedication plat, evidencing the dedication approval as authorized herein.

SECTION 3. 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 4. 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 the reason that it is immediately necessary to allow the S.R. 59 Signalization Project to move forward without delay, 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: _____
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2010-_____ was duly enacted this _____ day of _____, 2010, by the Council of the City of Kent, Ohio.

CLERK OF COUNCIL

AMENDMENT TO STATE OF OHIO EASEMENT

IT IS HEREBY MUTUALLY AGREED BY and between the Department of Administrative Services (hereinafter referred to as the "Grantor"), whose address is 4200 Surface Road, Columbus, Ohio 43228, Kent State University (hereinafter referred to as the "Agency"), and the City of Kent (hereinafter referred to as the "Grantee"), whose address is 217 East Summit Street, Kent, Portage county, Ohio 44240, that a certain State of Ohio Easement ("Easement") dated November 30, 2009 be amended as follows:

Effective May 1, 2010, the Legal Description and Exhibit A of the Easement shall be amended to include the following:

PARCEL 6-U-2
POR-59-1.27
EASTMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
CITY OF KENT, PORTAGE COUNTY, OHIO

The following described easement shall serve the purposes of traffic signal system utility operations and maintenance by the City of Kent. It shall be utilized by authorized City of Kent personnel or agents to assure safe, efficient, and continuous operations of its traffic signal system.

Situated in the State of Ohio, County of Portage, City of Kent, being in Township Lot 23, Township 3 North, Range 9 West, and also being on the right side of the centerline of right of way of State Route 59 (E. Main Street), as shown on a Right of Way Acquisition Plat made in 2009, for the City of Kent titled "POR-59-1.27" and bounded and described as follows:

COMMENCING at a deflection point in the southerly right of way line of said State Route 59 (E. Main Street) South 00 degrees 30 minutes 29 seconds East, 45.00 feet from an iron pin in monument box found at the intersection of the centerlines of Said State Route 59 and Luther Lane (State Route 59 Station 135+73.88), said point being 45.00 feet right of Station 135+73.88;

1. thence North 89 degrees 27 minutes 04 seconds East a distance of 71.16 feet, along said existing southerly right of way line to a point 45.00 feet right of Station 136+45.00;
2. thence South 00 degrees 32 minutes 56 seconds East a distance of 10.00 feet to a point 55.00 feet right of Station 136+45.00, said point being the TRUE POINT OF BEGINNING;
3. thence South 00 degrees 32 minutes 56 seconds East a distance of 10.00 feet to a point 65.00 feet right of Station 136+45;
4. thence South 89 Degrees 28 minutes 56 seconds West a distance of 32.00 feet to a point 64.98 feet right of Station 136+13.00;
5. thence North 00 degrees 32 minutes 56 seconds West a distance of 9.98 feet to a point 55.00 feet right of Station 136+13.00;
6. thence North 89 degrees 27 minutes 04 seconds East a distance of 32.00 feet, to the TRUE POINT OF BEGINNING.

The above described area is contained within Portage County Auditor's Permanent Parcel Number 17-23-00-00-001.000 and contains a gross take of 0.007 acres more or less.

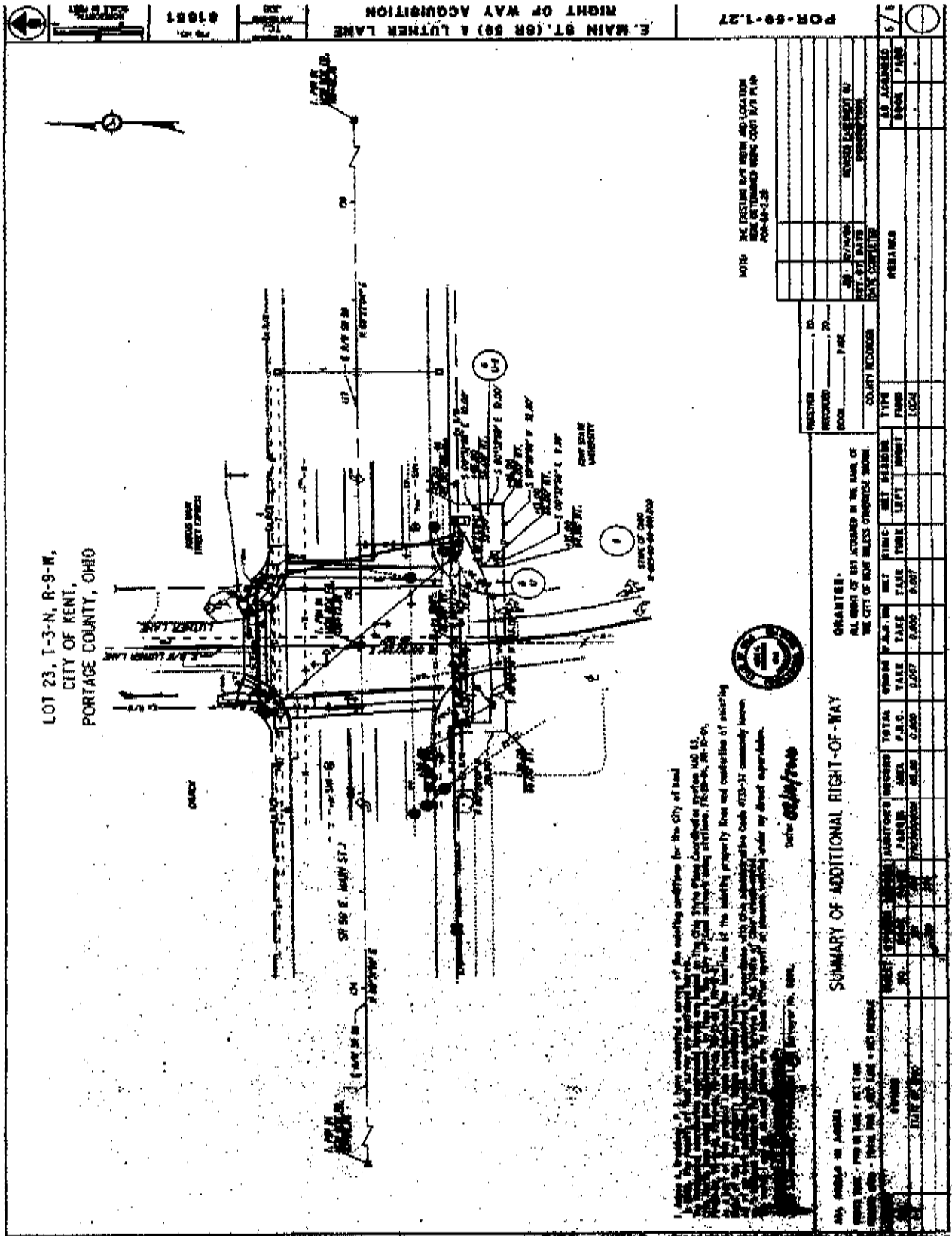
This description was prepared by James A. Broadway, Professional Surveyor Number 6909 of The Mannik & Smith Group, on February 10, 2010.

This description is based on a survey made in 2006 by the Mannik & Smith Group under the direction and supervision of Jon D. Bruner, Professional Surveyor Number 7098.

Grantor claims title by Deed Volume 221, Page 406 and Decd Volume 320, Page 229, Portage County Recorder's office.

The bearings are based on the Ohio State Plane Coordinate System, North Zone, and North American datum of 1983 (1986 Adjustment) as established from a GPS survey tied to a network of control monuments established by the City of Kent.

Exhibit A



LOT 23, 1-3-N, R-9-W,
CITY OF KENT,
PORTAGE COUNTY, OHIO

E. MAIN ST. (SR 59) & LUTHER LANE
RIGHT OF WAY ACQUISITION
1981
POR-66-127



GRANTER:
ALL RIGHT OF WAY ACQUIRED IN THE NAME OF
THE CITY OF KENT UNLESS OTHERWISE SHOWN.

DATE: 10/1/80

SUMMARY OF ADDITIONAL RIGHT-OF-WAY

TYPE	ACQUIRED	REMOVED	NET	TOTAL
ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION
RIGHT OF WAY	1.000	0.000	1.000	1.000
OTHER	0.000	0.000	0.000	0.000
TOTAL	1.000	0.000	1.000	1.000

NOTICE: THE DESTINY DATE AND LOCATION
ARE RETURNED WITHIN 90 DAYS OF
10/1/80

All other terms and provisions of said easement shall remain unchanged.

The terms of the within Amendment to State of Ohio Easement are accepted and agreed to by Kent State University.

By: _____
Gregg S. Floyd, Vice President for Finance and Administration

Date: _____

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to State of Ohio Easement to be executed by their duly authorized representatives effective the date first written above.

GRANTOR
THE STATE OF OHIO

By: _____
TED STRICKLAND
Governor of Ohio

By: _____

Director of Administrative Services or
Signatory Designee
Statutory Agent, RC 123.01(A)(9)

ACKNOWLEDGMENT

State of Ohio, Franklin County, ss:

On this _____ day of _____, 2010 before me personally appeared _____, who acknowledged that the foregoing document is being executed for and on behalf of the Department of Administrative Services, acting on behalf of the State of Ohio, that the same is his/her own and the Department of Administrative Services' voluntary act and deed and that he/she is duly authorized to enter into said document for and on behalf of the Department of Administrative Services.

Notary Public, State of Ohio
My Commission Expires _____

APPROVED AS TO FORM:
Ohio Attorney General

By: _____
Gary R. Taylor, Assistant Section Chief, Business Counsel

Date: _____

The City of Kent, Ohio
GRANTEE

By: _____

Date: _____

ACKNOWLEDGMENT

State of Ohio, Portage County, ss:

On this _____ day of _____, 2010 before me personally appeared _____, of the City of Kent, a body politic, who acknowledged that he/she executed the foregoing Amendment to State of Ohio Easement for and on behalf of the body politic and that the same is he/she and the Grantee's free and voluntary act and deed, and that he/she is duly authorized to execute the same on behalf of the Grantee.

Notary Public, State of Ohio
My Commission Expires _____