

## RESOLUTION 2024-108

### **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	19T	17-023-10-00-163-001	\$ 7,350.00
2	19WD	17-023-10-00-163-001	\$ 6,405.00
		Total	\$13,755.00

**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: October 16, 2024  
Date

EFFECTIVE: October 16, 2024  
Date

ATTEST: Kathy Coleman  
Kathy Coleman  
Interim Clerk of Council

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

I, KATHY COLEMAN, INTERIM 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. 2024-108 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON October 16, 20 24.

(SEAL)

Kathy Coleman  
KATHY COLEMAN  
INTERIM CLERK OF COUNCIL

## **EXHIBIT A**

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Ver. Date 04/19/23

PID 112026

**PARCEL 19-WD  
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF KENT, PORTAGE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

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[Surveyor's description of the premises follows]

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Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 23 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to FAITH LUTHERAN CHURCH OF KENT, OHIO (Grantor) as recorded in Instrument Plat 2002-16, Deed 478 Volume 405 and Deed 80 Volume 144 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:

**Commencing** at a 1 inch diameter steel rod found in a monument box at the intersection of the centerline of right-of-way of said East Main Street (State Route 59) and Luther Avenue as shown on said right-of-way plans being Station 134+65.48; said rod being North 89° 31' 04" East a distance of 2166.28 feet from a 1 inch diameter steel rod to be set in a monument box at the intersection with the centerline of Haymaker Parkway (State Route 59) as shown on said right-of-way plans;

Thence South 89° 31' 04" West, along said centerline, a distance of 93.48 feet being Station 133+72.00;

Thence North 00° 28' 56" West, leaving said centerline, a distance of 40.00 feet to the northerly right-of-way line of said East Main Street and to the Grantor's southerly line being the **Point of Beginning** being 40.00 feet left of Station 133+72.00 where a capped rebar set;

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1. Thence North  $73^{\circ} 07' 42''$  East, leaving said northerly right-of-way line and through the Grantor, a distance of 17.72 feet to a capped rebar set 45.00 feet left of Station 133+89.00;
2. Thence North  $89^{\circ} 31' 04''$  East, continuing through the Grantor, a distance of 35.00 feet a to a capped rebar set 45.00 feet left of Station 134+24.00;
3. Thence North  $37^{\circ} 10' 18''$  East, continuing through the Grantor, a distance of 19.05 feet to the westerly right-of-way line of Luther Avenue as shown on said right-of-way plans being 30.00 feet left of Luther Avenue Station 1+60.00 where a capped rebar set;
4. Thence South  $00^{\circ} 19' 50''$  East, along the Grantor's easterly line and along said westerly right-of-way line, a distance of 5.12 feet being 30.00 feet left of Luther Avenue Station 1+54.88;
5. Thence along the arc of a curve to the left, along westerly right-of-way line of said Luther Avenue, a distance of 23.52 feet to said northerly right-of-way line being 40.00 feet left of Station 134+20.62; said curve having a radius of 15.00 feet, a central angle of  $89^{\circ} 50' 55''$ , and a chord length of 21.19 feet which bears South  $44^{\circ} 35' 37''$  West;
6. Thence South  $89^{\circ} 31' 04''$  West, along said northerly right-of-way line and along the Grantor's southerly line, a distance of 48.62 feet to the **Point of Beginning**;

The above described parcel contains 0.007 acres (315 square feet, including 0.000 acres within the present road occupied) within Parcel Number 17-023-10-00-163-001 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 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.

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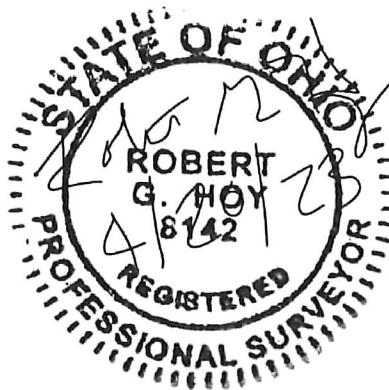
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Capped rebar set is 5/8 inch diameter rebar 30 inches long with plastic cap stamped: ARCADIS  
US INC

Arcadis U.S., Inc.

Robert G. Hoy, Ohio Professional Surveyor No. 8142



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Ver. Date 04/19/23

PID 112026

**PARCEL 19-T  
POR-59-2.14 (E. MAIN STREET AREA IMPROVEMENTS)  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
REGRADE  
FOR 36 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF KENT, PORTAGE COUNTY, OHIO**

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[Surveyor's description of the premises follows]

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Situated in the State of Ohio, County of Portage, City of Kent, being part of Original Lot 23 in Franklin Township, Township 3 North, Range 9 West, being part of lands described in the deed to FAITH LUTHERAN CHURCH OF KENT, OHIO (Grantor) as recorded in Instrument PLAT 2002-16, Deed Volume 478 Page 405 and Deed Volume 80 Page 144 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 westerly right-of-way line of Luther Avenue as shown on said right-of-way plans at 30.00 feet left of Luther Avenue Station 1+72.00;

1. Thence South 00° 19' 50" East, along said westerly right-of-way line, a distance of 12.00 feet being 30.00 feet left of Luther Avenue Station 1+60.00;
2. Thence South 37° 10' 18" West, leaving said westerly right-of-way line and through the Grantor, a distance of 19.05 feet being 45.00 feet left of Station 134+24.00;
3. Thence South 89° 31' 04" West, continuing through the Grantor, a distance of 35.00 feet being 45.00 feet left of Station 133+89.00;
4. Thence South 73° 07' 42" West, continuing through the Grantor, a distance of 17.72 feet to the northerly right-of-way line of said East Main Street being 40.00 feet left of Station 133+72.00;
5. Thence South 89° 31' 04" West, along said northerly right-of-way line, a distance of 147.44 feet to the Grantor's southwesterly corner being 40.00 feet left of Station 132+24.56;

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6. Thence North  $00^{\circ} 14' 12''$  West, along the Grantor's westerly line, a distance of 5.00 feet to the Grantor's northwesterly corner being 45.00 feet left of Station 132+24.58;
7. Thence North  $89^{\circ} 31' 04''$  East, leaving the Grantor's westerly line and through the Grantor, a distance of 147.42 feet being 45.00 feet left of Station 133+72.00;
8. Thence North  $70^{\circ} 25' 28''$  East, continuing through the Grantor, a distance of 27.51 feet being 54.00 feet left of Station 133+98.00;
9. Thence North  $89^{\circ} 31' 04''$  East, continuing through the Grantor, a distance of 30.00 feet being 54.00 feet left of Station 134+28.00;
10. Thence North  $22^{\circ} 29' 53''$  East, continuing through the Grantor, a distance of 19.64 feet to the **Point of Beginning**;

The above-described easement contains 0.028 acres (1217 square feet, including 0.000 acres within the present road occupied) all within Parcel Number 17-023-10-00-163-001 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 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

