

ORDINANCE NO. 2025 – 020

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A JOINT PLANNING STUDY AGREEMENT WITH THE CITY OF KENT PARKS & RECREATION DEPARTMENT, KENT SERVICE DEPARTMENT AND THE DAVEY TREE EXPERT COMPANY TO INTEGRATE THE CITY'S ARBORETUM AND THE NEW DAVEY TREE ARBORETUM, AND DECLARING AN EMERGENCY.

WHEREAS, City of Kent owns and operates The John Davey Arboretum located at 1499 North Mantua Street; and

WHEREAS, Davey Tree Expert Company is constructing an arboretum on the Davey Science, Employee Education and Development (SEED) Campus that is adjacent to The John Davey Arboretum; and

WHEREAS, the City and Davey would like to study the possibilities of having these two public arboretums adjacent to each other with the City's share of the study not to exceed \$10,000.

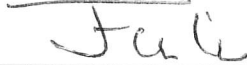
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio:

SECTION 1. That Kent City Council does hereby authorize the City Manager, or his designee, to enter into a Joint Planning Study with the Parks & Recreation Department, Service Department and the Davey Tree Expert Company to integrate the City's arboretum and the new Davey Tree arboretum and is and is more fully described in Exhibit "A" 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.

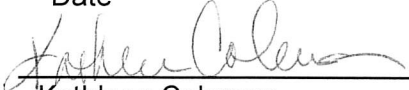
SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: March 19, 2025
Date



Jerry T. Fiala
Mayor and President of Council

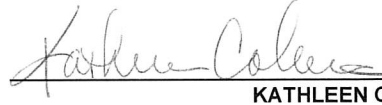
EFFECTIVE: March 19, 2025
Date

ATTEST: 

Kathleen Coleman
Clerk of Council

I, KATHLEEN COLEMAN, 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.*
2025-020, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON March 19, 2025.

(SEAL)


KATHLEEN COLEMAN
CLERK OF COUNCIL

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Kathy Coleman

FROM: Jim Bowling
Angela Manley

DATE: February 26, 2025

RE: John Davey Arboretum – Joint Planning Agreement

The Service and Parks and Recreation Departments are requesting City Council's consideration and approval of the attached John Davey Arboretum Joint Planning Agreement. During the progress of the North Mantua Street Improvements and the Davey Tree SEED Campus development an opportunity has become apparent. The Davey Tree SEED campus includes a **public arboretum** that will be located adjacent to the existing John Davey Arboretum owned and maintained by the City/City Parks and Recreation Department. In addition, the North Mantua Project will be constructing a walkway that will connect both properties. This walkway does not need to be, nor do we want the walkway to be located adjacent to North Mantua Street.

Therefore, we would like to investigate the possibilities created by the connections of the two arboretums. The attached agreement with Davey Tree sets the framework for the City and Davey Tree to study the possibilities created by having these two public arboretums being adjacent to each other. The agreement includes the City and Davey Tree equally splitting the costs of a joint planning study. The City's financial commitment would be \$10,000 and would need to be included in a future appropriations request.

We thank you for your consideration of this request.

C: Melanie Baker
Sam Tuttle
Rhonda Hall

THE JOHN DAVEY ARBORETUM

**CITY OF KENT
AND
THE DAVEY TREE EXPERT COMPANY**

**ALL PARTIES BEING IN THE COUNTY OF PORTAGE,
STATE OF OHIO**

This Agreement, dated _____ 2025, is an agreement made and entered into between The Davey Tree Expert Company (“Davey”) and the City of Kent, Ohio, duly formed under the laws of the State of Ohio (the “City”).

WITNESSETH:

WHEREAS, Kent owns and operates The John Davey Arboretum (JDA) at 1499 North Mantua Street and desires to see the facility be more utilized; and

WHEREAS, Davey is constructing an arboretum on the Davey Science, Employee Education and Development (SEED) Campus that is adjacent to The John Davey Arboretum; and

WHEREAS, Davey desires to seek Level IV accreditation from the Interactive Community of Arboreta for their constructed arboretum. This accreditation is only held by 45 arboreta worldwide; and

WHEREAS, to achieve the Level IV accreditation, Davey’s arboretum will require public access and educational/research components among other criteria; and

WHEREAS, Davey and the City wish the Davey arboretum and the JDA to become a destination place for visitors; and

WHEREAS, both the City and Davey to desire investigate the possibilities created by having the Davey Arboretum and the JDA adjacent to each other.

THEREFORE, The City and Davey commit to collaborate and partner to complete a conceptual study investigating the possibilities created by the two arboreta being located adjacent to each other. In the effort to complete this study the City and Davey agree to the following:

Davey:

- Take the lead role in completing the conceptual study. The study will be conducted with the Parks and Recreation Board’s (“Board”) input and presented to the “Board” upon completion.
- Jointly with the City, hire a consultant to assist in the planning process.
- Davey shall fund 50% of the planning consultant’s services, up to \$10,000.

- Pursue outside funding for the completion of the project.

City:

- Assist Davey in the completion of the conceptual study, including facilitating the Board's input and presenting the results to the Board upon completion of the study.
- Jointly with Davey, hire a consultant to assist in the planning process.
- The City shall fund 50% of the planning consultant's services, up to \$10,000.
- Pursue outside funding for the completion of the project.

Schedule:

The City and Davey will diligently pursue hiring the consultant and thereafter completion of the planning process in an effort to complete process by December, 2025. This date can be adjusted by the mutual agreement of both parties. In addition, both parties will continually pursue outside funding sources until the project is completed or abandoned by both parties.

In witness whereof, the Parties hereto have agreed and offered their hands and seals:

CITY OF KENT

Approved and Accepted by:

Dave Ruller
City of Kent, City Manager

Date: _____

Witness: _____

Approved and Accepted by:

Chair, Parks & Recreation Board

Date: _____

Witness: _____

Approved as to Form:

Hope Jones
City of Kent, Law Director

Date: _____

Certificate of Director of Budget and Finance

It is hereby certified that the amount TEN THOUSAND Dollars (\$10,000) required to meet this commitment has been lawfully appropriated or authorized or directed for such purpose and is in the City Treasury or in the process of collection to the credit of the CAPITAL Fund free from any obligation or certificates now outstanding.

Rhonda Hall, Director of Budget and Finance

Date

THE DAVEY TREE EXPERT COMPANY

Approved and Accepted by:

Name:

Title:

Date: _____

Witness: _____