

ORDINANCE NO. 2012 - 24

**AN ORDINANCE ACCEPTING A RIGHT-OF-WAY AND UTILITY EASEMENT FOR WATER LINES, SEWER LINES, STORM SEWER LINES AND SUCH OTHER UTILITIES AS ARE NEEDED FROM THE CARTER JONES LUMBER COMPANY CONSISTING OF .4501 ACRES OF LAND AT A COST OF \$87,500.00.**

**WHEREAS**, the City of Kent needs a right-of-way and utility easement across land owned by the Carter Jones Lumber Co., to lay, maintain, operate, repair, remove and replace water lines, sewer lines and other utility lines; and

**WHEREAS**, the Carter Jones Lumber Co. are willing to grant said right-of-way and utility easement to the City of Kent, Ohio for \$87,500.00 and other consideration;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, by at least two-thirds (2/3) of all members elected thereto:

**SECTION 1.** That Council does hereby accepts a right-of-way and utility easement from the Carter Jones Lumber Co. for \$87,500.00 and other consideration for the construction, maintenance, operations, removal, replacement or repair and placement of water, sewer and other utility lines in conformity with the terms of the easement marked 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 shall take effect and be in force from and after the earliest date allowed by law.

PASSED: 02/15/2012  
DATE

\_\_\_\_\_  
MAYOR & PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Ordinance 2012-24 was duly enacted this 15 day of February, 2012, by the Council of the City of Kent, Ohio.

\_\_\_\_\_  
CLERK OF COUNCIL

**EXHIBIT "A"**

**EASEMENT AND RIGHT-OF-WAY AGREEMENT**

**GRANTING EASEMENT FOR UTILITY LINE CONSTRUCTION**

FOR AND IN CONSIDERATION of the sum of Eighty Seven Thousand Five Hundred Dollars (\$87,500.00), the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned The Carter Jones Lumber Co., hereinafter referred to as "Grantor(s)", who claim title to certain real estate by deed recorded in Volume 736, Page(s) 413 of the Portage County records, does for their heirs, successors, and assigns, hereby give, devise, grant and convey to the City of Kent, Ohio, a municipal corporation, which is hereinafter referred to as "Grantee," its successors and assigns, the perpetual right to a permanent exclusive easement and right-of-way to lay, maintain, operate, repair, remove and replace waterlines, sewers and other utility lines and related necessary appurtenances over and through said real estate situated in the City of Kent, County of Portage, State of Ohio and known as being a part of Lot 26 of original Franklin Township, said easement being more fully described on attached Exhibit No. 1 and No. 2 as Sewer Easement No. 2.

Together with the right of the City of Kent, its agents or employees, to store earth and materials during the period of construction, repair or replacement of such waterlines, sewers and other utility lines upon the premises of the Grantor of the above described easement.

And grantor does agree to keep said easement free of all permanent structures, providing that the City of Kent, Portage County, Ohio shall operate and maintain said improvement as a public facility in accordance with the standards, policies and procedures of other similar public facilities within the City of Kent and shall properly backfill and restore the ground surface and ground cover vegetation to the condition existing immediately prior to such construction, reconstruction, maintenance or repair; except that said City shall not be required to repair any structures such as buildings, light poles and appurtenances, catch basins, storm sewers, utility service lines, pavement, curbing or landscape islands belonging to Grantor and located within the easement and right-of-way, unless such damage was caused by an intentional act of negligence of the City of Kent, its agents, employees, contractors, licensees, or invitees.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this \_\_\_\_ day of \_\_\_\_\_, 2012.

WITNESS:

\_\_\_\_\_  
\_\_\_\_\_

GRANTOR: \_\_\_\_\_

By: \_\_\_\_\_

STATE OF OHIO            )  
  ) SS:  
COUNTY OF PORTAGE)

This day, before me, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, (official title) of \_\_\_\_\_, with whom I am personally acquainted and who upon oath acknowledged himself to be such \_\_\_\_\_ (official title) of aforementioned (company/corporation) and that he as such \_\_\_\_\_ (official title) being authorized so to do executed the foregoing instrument for the purpose therein contained by signing in the name of the partnership as such \_\_\_\_\_ (official title).

Witness my hand official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary

Accepted by City of Kent Council: \_\_\_\_\_, 2003

THIS INSTRUMENT PREPARED BY:

Exhibit No. 1

5485 McCORMICK ROAD  
P.O. BOX 528  
RAVENNA, OH 44266

PH 330-296-2375

**DON TROCCHIO**  
REGISTERED SURVEYOR

**Sewer Easement No.2**

**Carter-Jones Lumber**  
to  
**The City of Kent, Ohio**

**SITUATED IN THE CITY OF KENT, COUNTY OF PORTAGE AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL FRANKLIN TOWNSHIP LOT 26 AND IS FURTHER DESCRIBED AS FOLLOWS;**

**BEGINNING AT THE NORTHEAST CORNER OF LANDS NOW OR FORMERLY OWNED BY THE CARTER-JONES LUMBER COMPANY (736/413); SAID BEGINNING POINT BEING IN THE SOUTHERLY LINE OF WEST MAIN STREET, 80' WIDE HERE, AT ITS INTERSECTION WITH THE WESTERLY LINE OF SHORT STREET, 50' WIDE;**

**THENCE ALONG THE SOUTHERLY LINE OF WEST MAIN STREET SOUTH 62 DEGREES 08 MINUTES 27 SECONDS WEST A DISTANCE OF 202.26 FEET TO THE TRUE PLACE OF BEGINNING FOR THIS EASEMENT;**

**L-1+L-14+L-8 THENCE SOUTH 02 DEGREES 47 MINUTES 12 SECONDS EAST A DISTANCE OF 496.07 FEET BUT TO THE SOUTHERLY LINE OF THE SAID LANDS NOW OR FORMERLY OWNED BY THE CARTER-JONES LUMBER COMPANY;**

**L-9 THENCE ALONG THE SOUTHERLY LINE OF THE SAID LANDS NOW OR FORMERLY OWNED BY THE CARTER-JONES LUMBER COMPANY SOUTH 89 DEGREES 00 MINUTES 37 SECONDS WEST A DISTANCE OF 41.65 FEET;**

**L-10 THENCE NORTH 02 DEGREES 17 MINUTES 16 SECONDS WEST A DISTANCE OF 426.34 FEET;**

**L-11 THENCE NORTH 25 DEGREES 32 MINUTES 36 SECONDS WEST A DISTANCE OF 25.97 FEET BUT TO THE WESTERLY LINE OF THE SAID LANDS NOW OR FORMERLY OWNED BY THE CARTER-JONES LUMBER COMPANY;**

**L-12 THENCE ALONG THE WESTERLY LINE OF THE SAID LANDS NOW OR FORMERLY OWNED BY THE CARTER-JONES LUMBER COMPANY NORTH 03 DEGREES 01 MINUTES 32 SECONDS WEST A DISTANCE OF 22.01 FEET BUT TO THE SOUTHERLY LINE OF WEST MAIN STREET;**

**L-13 THENCE ALONG THE SOUTHERLY LINE OF WEST MAIN STREET NORTH 62 DEGREES 08 MINUTES 27 SECONDS EAST A DISTANCE OF 53.05 FEET BUT TO THE TRUE PLACE OF BEGINNING AND CONTAINING 0.4501 ACRES OF LAND ALL BE THE SAME MORE OR LESS AS SURVEYED AND DESCRIBED IN OCTOBER 2011 BY DON TROCCHIO REGISTERED SURVEYOR NO.6445;**

Exhibit No. 2

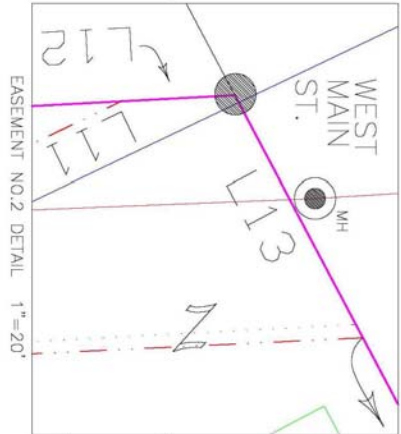
PROPOSED UTILITY EASEMENT EXHIBIT  
 PREPARED FOR THE CITY OF KENT, OHIO  
 ON LANDS CURRENTLY OWNED BY:  
 THE CARTER JONES LUMBER CO.

SITUATED IN THE CITY OF KENT, COUNTY  
 OF PORTAGE AND STATE OF OHIO AND KNOWN AS  
 BEING PART OF ORIGINAL FRANKLIN TOWNSHIP LOT 26



PH 330-296-2375  
**DON TROCCHIO**  
 6405 MCGORMICK ROAD  
 P.O. BOX 252  
 RAVENNA, OH 44266  
 REGISTERED SURVEYOR NO. 6445

OCTOBER 14, 2011



LINE	BEARING	DISTANCE
L1	S 02°47' 12" E	266.96'
L2	N 89°23' 11" E	82.31'
L3	S 00°56' 49" E	5.00'
L4	N 89°23' 11" E	111.21'
L5	N 89°23' 11" E	30.85'
L6	S 00°33' 40" E	15.00'
L7	S 89°23' 11" E	168.78'
L8	S 02°47' 12" E	214.10'
L9	S 89°00' 37" N	41.65'
L10	N 02°17' 16" N	486.34'
L11	N 25°32' 36" N	25.97'
L12	N 03°01' 32" N	82.01'
L13	N 62°08' 27" E	53.05'
L14	N 02°47' 12" N	15.01'



0 80 160  
 BAR SCALE IN FEET  
 CAUTION: IF THIS BAR DOES NOT MEASURE 2" LONG, THEN THIS DRAWING IS NOT AT THE STATED SCALE.