

913.08. REMOTE WATER METER READER.

The Director of Service shall provide for the installation of a remote water meter reader in every residential unit served by the City. (Ord. 1986-4. Passed 1-22-86.)

913.09. WATER SERVICE OUTSIDE CITY.

(a) A person or other entity with property located outside the corporate boundaries of the City may obtain water service from the City providing that the following conditions are satisfied:

- (1) The property owner shall apply to Council for approval of the proposed extension and/or tap-in.
- (2) A City water main currently exists across the entire frontage of the property where water service will be provided or legal and binding arrangements have been made for such water main to be constructed across such frontage.
- (3) In the case of an existing City water main being located across the frontage of the subject parcel, the property owner shall pay a frontage fee for access to the water line in the amount of 150% of the rate of assessment for the construction of the water line in effect at the time of the connection as provided for City residents in Chapter 925 of the Kent Codified Ordinances.
- (4) In case of there not being a City water main located across the total frontage of the subject parcel, the property owner shall make arrangements for:
 - ii. Its construction in accordance with all City codes, standards, and requirements;
 - iii. Paying all related construction costs, and review and inspection fees;
 - iv. Paying any right-of-way/easement acquisition costs; and
 - v. The transfer and dedication of the water line to the City of Kent, forever.

No other frontage costs shall be charged for the portion of the parcel frontage where the owner has paid for the cost of the extension of the water line and no reimbursement will be made to the property owner for future connections that may be made by others to the line so dedicated to the City.

- (5) The property owner shall also pay permit fees, utilization fees, tap fees and all other fees applicable to a new water service connection in an amount of 115% of the rate for such charges applicable to residents of the City in effect at the time of the connection.
- (6) The property owner shall execute and record an agreement in a form as approved by the Law Director that runs with the land agreeing to comply with the City of Kent ordinances and Rules and Regulations regarding Water Services as such ordinances and rules may be updated from time to time and authorizing the City to shut off service for non-payment at its sole discretion and to collect any and all unpaid water service fees and/or penalties by placing a lien on the property and collecting same on the following year's property taxes.

(b) For water services furnished to consumers outside the City limits, there shall be a charge therefor, equal to the charge made to residents of the City plus a surcharge.

- (1) The surcharge for residential consumers in Franklin Township shall be twenty-five percent (25%) (Ord. 2003-141. Passed 10-01-03)
- (2) The surcharge for commercial properties in Franklin Township who have signed JEDD petitions and are participating in the JEDD process will be twenty-five percent (25%) once the JEDD agreement is in place and operating.
- (3) The surcharge for all other consumers outside of the Kent City limits shall be fifty percent (50%).

(c) A ten percent (10%) penalty shall be added if water bills are not paid within fifteen (15) days after the due date.

(Ord. 2003-96. Passed 06-11-03)

913.10. CONNECTION CHARGE FOR THE NORTHWEST BRIMFIELD WATER DISTRIBUTION MAIN.

(a) The Northwest Brimfield sixteen-inch water distribution main shall have the following course and termini:

2004 Replacement

EXHIBIT A

913.09. WATER SERVICE OUTSIDE CITY.

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- (3) In the case of an existing City water main being located across the frontage of the subject parcel, the property owner shall pay a frontage fee for access to the water line in the amount of 150% of the rate of assessment for the construction of the water line in effect at the time of the connection as provided for City residents in Chapter 925 of the Kent Codified Ordinances.
- (4) In case of there not being a City water main located across the total frontage of the subject parcel, the property owner shall make arrangements for:
 - i. Its construction in accordance with all City codes, standards, and requirements;
 - ii. Paying all related construction costs, and review and inspection fees;
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 - iv. The transfer and dedication of the water line to the City of Kent, forever.

No other frontage costs shall be charged for the portion of the parcel frontage where the owner has paid for the cost of the extension of the water line and no reimbursement will be made to the property owner for future connections that may be made by others to the line so dedicated to the City.

- (5) The property owner shall also pay permit fees, utilization fees, tap fees and all other fees applicable to a new water service connection in an amount of 115% of the rate for such charges applicable to residents of the City in effect at the time of the connection.
 - (6) The property owner shall execute and record an agreement in a form as approved by the Law Director that runs with the land agreeing to comply with the City of Kent ordinances and Rules and Regulations regarding Water Services as such ordinances and rules may be updated from time to time and authorizing the City to shut off service for non-payment at its sole discretion and to collect any and all unpaid water service fees and/or penalties by placing a lien on the property and collecting same on the following year's property taxes.
- (b) For water services furnished to consumers outside the City limits, there shall be a charge therefor, equal to the charge made to residents of the City a surcharge.
- 1) The surcharge for residential consumers in Franklin Township shall be twenty-five percent (25%) (Ord. 2003-141. Passed 10-01-03).
 - 2) The surcharge for commercial properties in Franklin Township who have signed JEDD petitions and are participating in the JEDD process will be **zero percent (0%)** once the JEDD agreement is in place and operating.
 - 3) The surcharge for all other consumers outside of the Kent City limits shall be fifty percent (50%).
- (c) A ten percent (10%) penalty shall be added if water bills are not paid within fifteen (15) days after the due date.

CONSOLIDATION PLAT OF PART OF THE HAYMAKER PARKWAY RIGHT-OF-WAY (POR-59-0.80)

CENTERLINE PLAT ORIGINALLY RECORDED IN PLAT BOOK 19 PAGE 45

SITUATED IN THE CITY OF KENT, COUNTY OF PORTAGE AND STATE OF OHIO, BEING PART OF ORIGINAL FRANKLIN TOWNSHIP LOT 24

BLOCK "A"
5.1928 ACRES
TOTAL CONSOLIDATED AREA
ODD TO THE CITY OF KENT, OHIO

L32	S 89°15'07" W	37.34
L33	S 89°15'07" W	37.34
L34	S 89°15'07" W	37.34
L35	S 89°15'07" W	37.34
L36	S 89°15'07" W	37.34
L37	S 89°15'07" W	37.34
L38	S 89°15'07" W	37.34
L39	S 89°15'07" W	37.34
L40	S 89°15'07" W	37.34
L41	S 89°15'07" W	37.34
L42	S 89°15'07" W	37.34
L43	S 89°15'07" W	37.34
L44	S 89°15'07" W	37.34

L12	N 44°58'31" W	33.19
L13	N 44°58'31" W	33.19
L14	N 44°58'31" W	33.19
L15	N 44°58'31" W	33.19
L16	N 44°58'31" W	33.19
L17	N 44°58'31" W	33.19
L18	N 44°58'31" W	33.19
L19	N 44°58'31" W	33.19
L20	N 44°58'31" W	33.19
L21	N 44°58'31" W	33.19
L22	N 44°58'31" W	33.19
L23	N 44°58'31" W	33.19
L24	N 44°58'31" W	33.19

SURVEYOR'S CERTIFICATE

Dimensions on this plat are expressed in feet and decimal parts thereof and north NAD83, and are used to indicate angles and bearings. All monuments are used to indicate indicated locations. This plat is in accordance with the Standards for Land Surveyors in the State of Ohio (Minimum Standards for Land Surveyors in the State of Ohio) which was filed pursuant to Chapter 119 of the Ohio Revised Code.

DON TROCCHIO
Registered Surveyor No. 8445
DATE 4/4/2011



PH 330-386-2375
DON TROCCHIO
5405 MACDONALD ROAD
SAYERSVILLE, OH 44669
REGISTERED SURVEYOR NO. 8445

Under the authority vested in them by section 723.03 et al of the Ohio Revised Code, the City Council of Kent, Ohio, does hereby accept all the lands in Block A as shown hereon. In accordance with ordinance no. _____, passed by them this _____ day of _____, 2011.

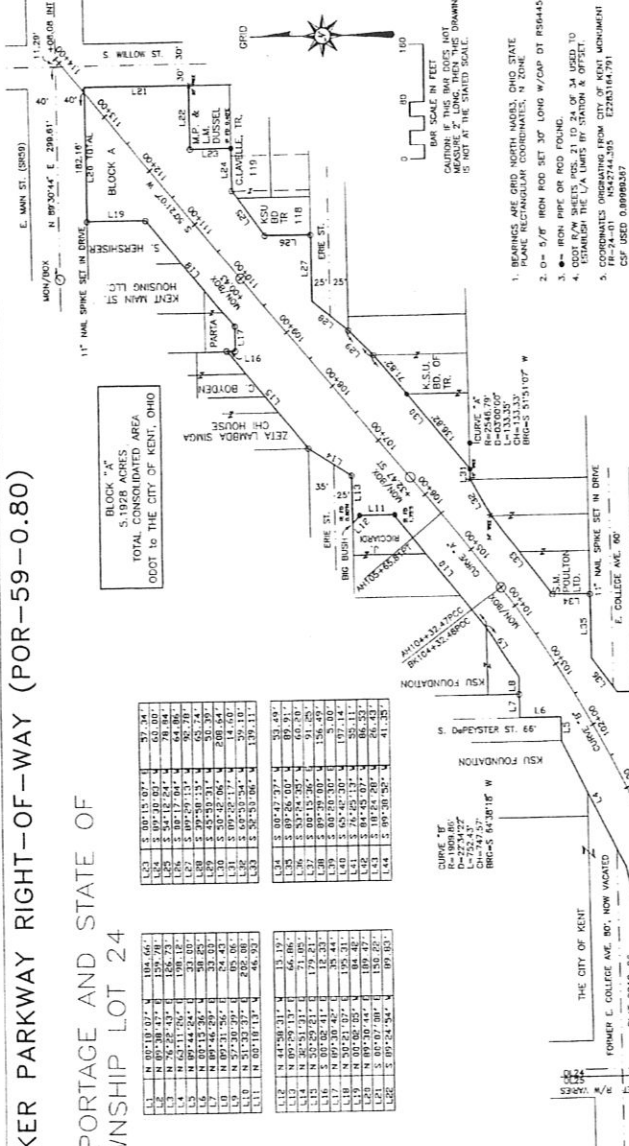
Linda Copley, Clerk of Council

APPROVED FOR TRANSFER THIS _____ DAY OF _____, 2011.

James Bowling, PE
JAMES BOWLING, PE
CITY OF KENT ENGINEER/DEPUTY SERVICE DIR.

APPROVED FOR TRANSFER THIS 11 DAY OF APRIL, 2011.

Anthony M. Urankar
ANTHONY M. URANKAR, DEPUTY DISTRICT DIRECTOR
DISTRICT 4, OHIO DEPARTMENT OF TRANSPORTATION



1. BEARINGS ARE GRID NORTH ANGLES, OHIO STATE PLANE RECTANGULAR COORDINATES, N ZONE.
2. 0 = 3/4" IRON ROD SET 30' LONG W/CAP DT R56445
3. * = IRON NAIL OR ROD FOUND
4. CEDAR BOW SHEETS PDS. 21 TO 24 OF 34 USED TO ESTABLISH THE L/A LIMITS (P. STATION & OFFSET)
5. COORDINATES OBTAINED FROM CITY OF KENT MONUMENT CHS 44-35 (2282161475) CS# USED 0.8986557

COUNTY APPROVALS

Received for record this _____ day of _____, 2011.
Assistant Tax Map Draftsman

Transferred this _____ day of _____, 2011.

County Auditor _____

Received for record this _____ day of _____, 2011.

Recorded this _____ day of _____, 2011 in Plat P-_____
County Recorder

Director's Deed

STATE OF OHIO DEPARTMENT OF TRANSPORTATION

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, in connection with the construction of POR-59-0.80, a highway project declared a limited access highway by action of the Director of Highways, located in the City of Kent, Portage County, Ohio, and

WHEREAS, in addition to portions of the existing street right of way of South Water Street, E. College Avenue, S. Depeyster Street and Erie Street, the State of Ohio, (Ohio Department of Transportation) acquired the fee title with limited access of the following parcels:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

by Warranty Deed in the Township of Franklin, City of Kent, Portage County, Ohio as recorded in the Recorder's Office of Portage County, Ohio, and

WHEREAS, the limited access highway project has evolved into a barrier between the City of Kent and Kent State University, and

WHEREAS, the City of Kent, Portage County, Ohio (hereinafter "Grantee"), along with the Portage Area Rapid Transit Authority and Kent State University are redeveloping the area of Haymaker Parkway (State Route 59) from South Water Street to East Main Street with a multimodal transit facility and an esplanade pedestrian pathway linking the downtown area of Grantee with Kent State University; and

WHEREAS, because the redevelopment will not degrade the flow of vehicular traffic along said Haymaker Parkway/State Route 59, the Grantee has requested the Director of Transportation, State of Ohio, to transfer to the Grantee for its management, use and benefit the property described as Block "A" in Exhibit B attached hereto; and

WHEREAS, the Director of Transportation, State of Ohio, has determined that Grantee is a state institution, agency, commission, instrumentality, political subdivision, or taxing district of the state, or an institution receiving financial assistance from the state, and therefore eligible under Section 5501.45 of the Ohio Revised Code to have the property hereinafter described conveyed to Grantee upon such consideration as may be determined by the Director of Transportation, State of Ohio, to be fair and reasonable, without competitive bidding; and

WHEREAS, the Director of Transportation, State of Ohio has determined that those parcels listed in Exhibit A and existing right of ways are needed for highway or recreation purposes, but can be used for other purposes without affecting the integrity of the state's highway system; the descriptions of said portions of those parcels have been combined into a single parcel designated, and referred to herein, as Block "A", containing 5.1928 acres.

NOW THEREFORE, the State of Ohio, by Jerry Wray, Director of Transportation, pursuant to the statutory provisions of Section 5501.45 of the Ohio Revised Code, for and in consideration of Grantee, its successors and assigns does hereby release and forever Quitclaim unto the City of Kent, its successors and assigns forever, all rights, titles and interests the State of Ohio may have in and over the following described real estate, including the control of any and all rights of access to and from the property conveyed herein, to wit:

BLOCK "A"
5.1928 ACRES

**SEE EXHIBIT B ATTACHED HERETO AND
BY THIS REFERENCE MADE A PART HEREOF**

PROVIDED, however, the foregoing conveyance is specifically conditioned upon and subject to the following rights of reversion hereby reserved by Grantor:

A. Compliance with Applicable Federal and State Laws When Granting Access Rights For Private Use

If Grantee should ever grant access to and from the premises herein granted for any private use, then said grant of access for a private use shall comply with any and all applicable federal and state statutes, rules and regulations governing the disposal of property, as the same may be amended from time to time, including but not limited to 23 CFR 710, Subpart D of the United States Code of Federal Regulations; and, any failure to comply in any manner whatsoever with any of the then applicable federal and state statutes, rules and regulations governing the disposal of property shall cause Grantee to be divested forthwith of any and all rights, titles and interests conveyed herein, and the same shall revert immediately to Grantor.

B. Non-impairment of State Route 59 and/or State's Highway System

If Grantee, or its successors and assigns, without the express, prior written consent Grantor, should ever use the premises herein granted in such a manner that impairs the integrity of State Route 59 and/or the state's highway system, then and in that event the Grantee shall be divested forthwith of any and all rights, titles and interests conveyed herein, and the same shall revert immediately to Grantor.

C. Title VI Compliance

By accepting the within conveyance, City of Kent, Portage County, Ohio for itself, and its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree that:

(1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.

(2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.

(3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.

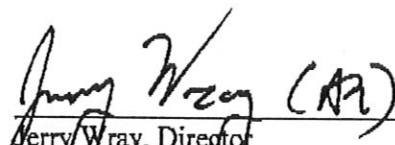
(5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.

(6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

IN TESTIMONY WHEREOF, I, Jerry Wray, Director of Transportation, State of Ohio, pursuant to the provisions of Section 5501.45 of the Ohio Revised Code, for and in the name of the State of Ohio, have signed this instrument at Columbus, Ohio, and have affixed the Seal of the Department of Transportation on this the 11 day of APRIL, 2011.

STATE OF OHIO
DEPARTMENT OF TRANSPORTATION



Jerry Wray, Director
By: Anthony M. Urankar, Deputy District Director
District 4, Ohio Department of Transportation

STATE OF OHIO

ss:

COUNTY OF SUMMIT

BE IT REMEMBERED, that on this _____ day of _____, 2011, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Anthony M. Urankar, Deputy District Director, District 4, Ohio Department of Transportation, who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of the State of Ohio, Department of Transportation.

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

NOTARY PUBLIC
My Commission expires: _____

This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

EXHIBIT "A"

Florence Graven, Et Al	86WL	V871, P488
City of Kent	86A-WL	V911, P840
Robert G. Wilbur, Et Al	87WL	V927, P128
John T. Siebenaler and Evelyn L. Siebenaler	88WL	V856, P230
Chas. H. Buckalew and Dolores C. Buckalew	89WL	V851, P215
Boyd Harter and Esther Harter	90WL	V866, P31
Earl L. Stewart	91WL	V882, P12
Cornelia Detwiler	92WL	V883, P360
Mae A. Simones	93WL	V849, P194
Gilbert R. Bauer and Rhea Bauer	94WL	V849, P357
Robert L. Sisson and Jean Sisson	95WL	V897, P1187
Walter Beuck aka Walter John Beuck; Dorothy Marie Cherry aka Dorothy Cherry; Wilford E. Beuck aka Wilford Beuck; Gilbert E. Beuck aka Gilbert Beuck; Ralph Francis Beuck aka Ralph Beuck;		
Robert T. Beuck aka Robert Beuck	96WL	V898, P497

Robert M. Stevenson, Et Al.	97WL	V890, P119
Verna Maurer	97A-LA	V893, P201
Anna L. Hall	98WL	V850, P46
John Beuck aka Walter Beuck; Dorothy Marie Cherry aka Dorothy Cherry; Wilford E. Beuck aka Wilford Beuck; Gilbert E. Beuck aka Gilbert Beuck; Francis Beuck aka Ralph Beuck;		
Robert T. Beuck aka Robert Beuck	99WL	V898, P494
Elizabeth Stimpert	100WL	V886, P518
Pierre Dubois	101WL	V912, P389
Rosario Sidoti, Et Al.	102WL	V902, P337
John Novisky and Mary P. Novisky	103WL	V889, P1116
Stella Burt, Life Estate and Phyllis Schram	104WL	V888, P472
Stella Burt, Life Estate and Phyllis Schram	104AWL	V888, P470
Jean A. Huffman	105WL	V870, P481
Stephen E. Hughes and Edward B. Hughes	106WL	V892, P973
Zeta Lambda of Sigma Chi House Corporation, Et Al.	107WL	V911, P538

Phoebe R. Schmidt aka Phoebe R. K.		
Schmidt aka Phoebe Schmidt	108WL	V904, P356
Harold H. Allison and Martha B. Allison	109WL	V849, P120
Ray O. Gooch and Ruth E. Gooch	110WL	V851, P202
Zeta Housing Committee, Inc., Et Al.	111WL	V911, P684
D.U.-K.M.K.	112WL	V902, P254
Elizabeth Martha Rankin	113WL	V910, P907
William J. Smith, Etal	114 WL	V889, P117
Donald L. Palmer, Et Al	116WL	V864, P132
Bruno S. Romeo and Dorothy Romeo	117WL	V866, P23
James P. Vilella and Grace Vilella	118WL	V872, P404
Nelson S. Beal	119WL	V877, P265