



Boards, Commissions, Committees June 2021 Candidates

Board of Zoning Appeals

- One (1) Vacancy
- No Applicants

Civil Service Commission

- One (1) Vacancy TERM: Immediate until 12/31/24
- No Applicants

Design and Preservation Committee

- One (1) Vacancy
- No Applicants

Loan Review Board

- One (1) Vacancy for a Local Attorney
- No Applicants

PARTA Board

- One (1) Vacancy
 - *Karen Beck- Applying for 2nd Term*

Stormwater District Review and Appeals Board

- Two (2) Vacancies
- No Applicants

Salary Review Committee

- 3 Vacancies/ 2 Backups (Accepting Applications until June 9th)
 - *Jeff Roeger*
 - *Tom Pascarello*
 - *Benjamin Tipton*
 - *Marie Schnee*
 - *Don Schnee*



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: May 25, 2021
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director *B.S.*
RE: Historic South End Monument Signs

In November of 2019, Kent City Council authorized a resolution in recognition of the "Historic South End" neighborhood. Signs were posted in several locations acknowledging the distinction, but the neighborhood, under the leadership of Doria Daniels and with the support of Howard Boyle, initiated a new effort to raise additional funding for more visible monument signs to be designed and installed in the neighborhood.

Doria and Howard's efforts were a success and enough donations were received to pay for three monument signs to be designed and installed in the neighborhood. The proposed locations include two to be installed on City property and one on Kent City School's property. The Portage Foundation offered to act as the fiduciary agent to collect the donations on behalf of the "Historic South End" neighborhood group.

The Portage Foundation, however, is limited to issuing payments only to 501(c)3 organizations and/or local government entities and since the "Historic South End" volunteers are not an established 501(c)3, the City of Kent has offered to accept the donated funds collected by The Portage Foundation in order to pay Advanced Display for the design and installation of the new monument signs. The cost will not exceed \$13,995.00 for all three signs.

I am respectfully requesting time at the June 2, 2021 Council Committee session to discuss the matter in greater detail and to request Council authorization, with emergency, to accept the donation payment from The Portage Foundation, in an amount not to exceed \$13,995.00, and use the funds to pay Advanced Display for the design and installation of the signs in support of the neighborhood.

If you need any additional information regarding this matter in order to add it to the agenda, please let me know.

Thank you.

Attachments

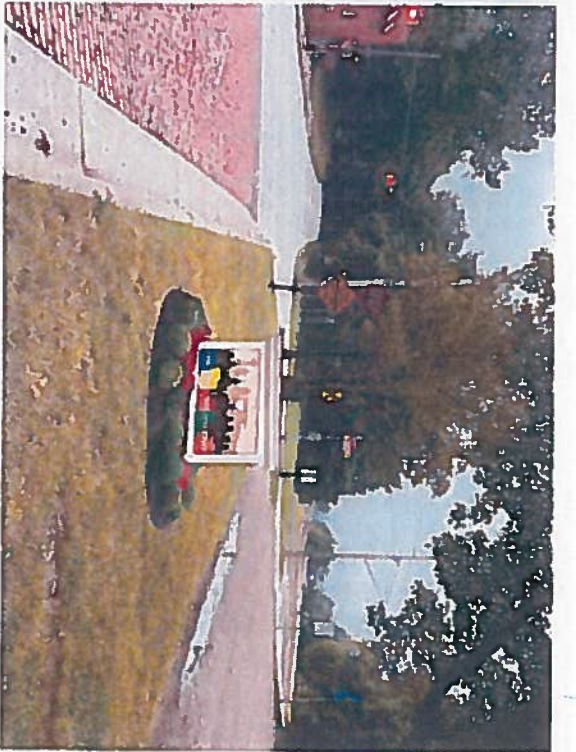
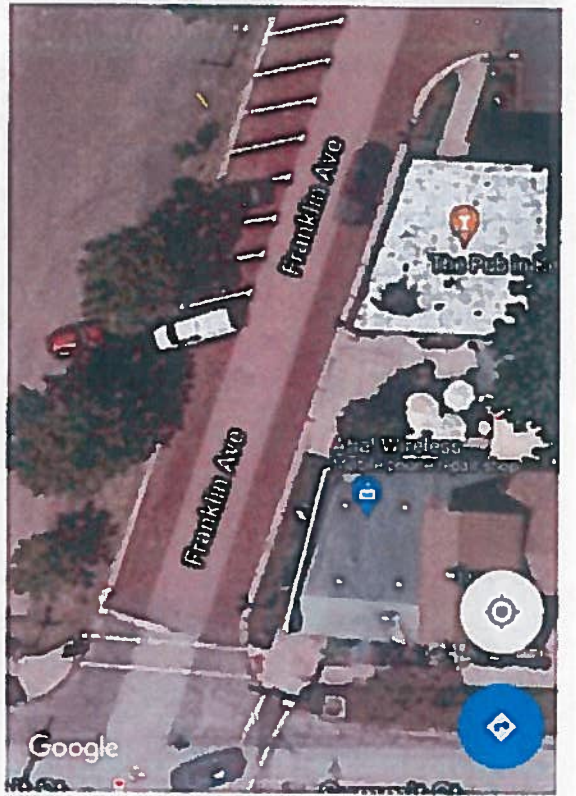
Cc: Hope Jones, Law Director
Amy Wilkens, Clerk of Council

930 Overholt Rd., Kent, Ohio 44240 • (330) 678-8108 fax (330) 678-8030 •

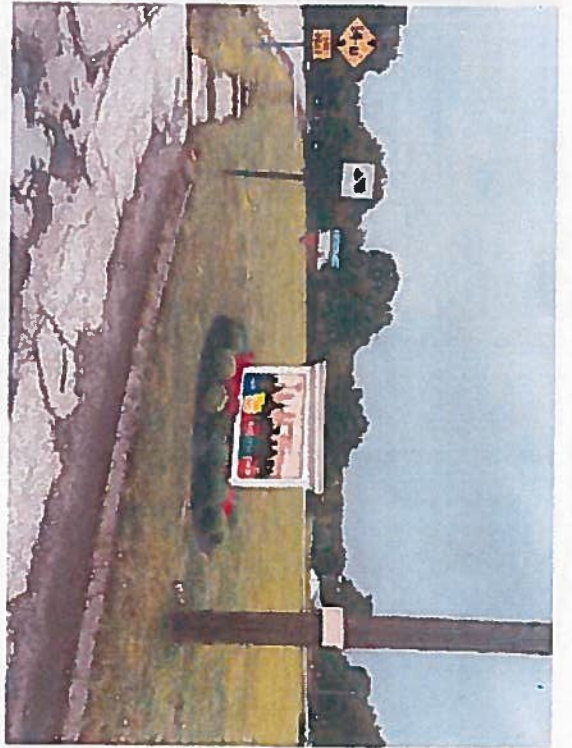
www.KentOhio.org



The sign will be placed 10' from the sidewalk that is parallel to the road and halfway between the driveway and the walkway to the outbuilding



The sign will be placed 10' from street



The sign will be placed 10' from street

HISTORIC SOUTH END

FIRST IN DIVERSITY





LAW DEPARTMENT MEMORANDUM
KENT, OHIO

To: Dave Ruller, City Manager
From: Hope L. Jones, Law Director
Date: May 24, 2021
Re: Mass Gathering and Mask ordinances

Mr. Ruller,

I request that a discussion regarding the repeal of the City's Mass Gathering and Mask Ordinances be placed on the June 2, 2021 agenda for discussion by Council Committee. In light of the Governor's order to end similar measures at the State level on the same date, I request Council hold a Special Meeting to pass the legislation on June 2, 2021 as well.

Hope



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: May 25, 2021
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director *Bud.*
RE: Zoning Code Update: Continued Discussion

During the March 17, 2021 Committee discussion of the proposed update to the City's Zoning Code, Council requested that the administration draft proposed alternative language for the following sections/topic areas for further Council discussion:

"Section 1106.18 SOLAR ENERGY:"

- Height maximum for "ground-mounted solar energy systems."

"Section 1111.04 ARCHITECTURAL REVIEW BOARD:"

- Architectural Review Board responsibilities and duties for review of:
 - 1) public art;
 - 2) exterior façade color.

The Community Development Department also noted that the land use "Assisted Living Facility" should be added to the Zoning Code update to provide a land use category that is an alternative to the existing land use category "Residential Facilities." (see 1105.50).

The proposed alternate language for "Section 1106.18," "Section 1111.04," and "assisted living facility" are attached for review.

I am respectfully requesting time at the June 2, 2021 Committee session to discuss the above listed proposed amendments to the City of Kent's Zoning Code in greater detail and answer any other questions Council may have regarding the draft Zoning Code update, as presented on March 17, 2021.

Thank you.

Cc: Hope Jones, Law Director
Amy Wilkens, Clerk of Council
Community Development Dept. Zoning and Planning staff (Fink, Heckman, Sahr)

Attachments

“Section 1106.18 SOLAR ENERGY”

(A) Ground-Mounted Solar Energy Systems (10 kW or less). Ground mounted and freestanding solar energy systems of 10kW or less for the on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

- (1) **Location and Setbacks.** Solar energy systems must be located in the rear of the principle building. Solar energy systems must also meet the minimum setbacks of the zoning district.
- (2) **Height.** The height of the solar energy system and any mounting equipment must not exceed ~~ten (10)~~ **twenty (20) feet in a residential zoning district or thirty-five (35) feet in a commercial or industrial zoning district**, when oriented at maximum tilt or the height of the screening, whichever is less.

(H) Powers and Duties. The Architectural Review Board has the following specific responsibilities and duties:

- (1) **Review.** The Architectural Review Board must review all new construction, ~~exterior building~~ structural or cosmetic modifications to a building's exterior, ~~building and site modifications,~~ and all permanent signs not in the public right-of-way that are located within an Architectural Design Review Overlay District(s).

 - (a) Where a zoning and/or building permit(s) is required for such a project ~~projects,~~ the City is prohibited from issuing a building or zoning permit until after the Architectural Review Board must issues a Certificate of Appropriateness ~~prior to the issuance of a building or zoning permit.~~
 - (b) In cases where a project requires review by the Planning Commission outside an Architectural Design Review Overlay District(s), the Architectural Review Board must review the project and issue a recommendation to the Planning Commission for proposed conditions.
- (2) **Certificates of Appropriateness.** The Architectural Review Board has the responsibility of reviewing all proposed projects, building modifications, modifications to existing signage as well as all new signage within an Architectural Design Review Overlay District(s) for the purpose of issuing Certificates of Appropriateness.
- (3) **Each of the following circumstances are exempt from the jurisdiction of the Architectural Review Board regardless of whether the property is within an Architectural Design Review Overlay District(s):**

 - (a) ~~(c) As an exception, where no exterior alterations are proposed, the structure is owner occupied, the project is exempt from the requirements of the Architectural Review Board even if the property is within an Architectural Design Review Overlay District(s) ; OR~~ A residential structure that is both owner-occupied and the structure is used as a single-family residential dwelling unit , the project is exempt from the requirements of the Architectural Review Board even if the property is within an Architectural Design Review Overlay District(s) ; OR
 - (b) Art visible from any public right-of-way, including but not limited to, wall murals and sculptures. Art will be reviewed for compliance with the City's sign code to ensure that the proposed art does not contain a logo, an obscene image, or language that violates this Code's sign regulations; OR
 - (c) Any structure's exterior paint color, siding color, or brick color; OR
 - (d) Ordinary maintenance ~~As an exception,~~ although nothing in this Section or within any of the approved Design Guidelines of Error! Reference source not found. is to be construed so as to prevent the ordinary maintenance or repair of any building or structure which is subject to review under the provisions of this Section, provided such work involves no alteration to the exterior architectural features of the building, structure, or sign which would be subject to review.

Advisory Comments. The Architectural Review Board must advise the City of Kent of any efforts which should be considered directed at the protection of local historic or architecturally significant resources. The Architectural Review Board may provide advisory comments (non-binding) to any project being undertaken in the City which is not otherwise subject to review under the provisions of this Section.

“Assisted Living Facility” added to the following:

Definition (CHAPTER 1102)

Assisted Living Facility: A residential or institutional complex containing dwelling units for assisted living with each dwelling or room occupied by no more than two (2) residents who do not require skilled nursing care. Assisted living facilities may offer meals, housekeeping, social programming and other personalized care and may have common dining, gathering, and recreational areas. Assisted living facilities may offer other specialized services as an accessory use including, but not limited to, memory care or independent living.

Table of Land Uses by District (CHAPTER 1103)

Conditional Land Use in the following Zoning Districts:

- a. R-2: Medium Density Residential (NOTE: only if abuts a higher density residential zoning district);
- b. R-3: High Density Residential District;
- c. R-4: Multifamily Residential District;
- d. R-C: High Density Multifamily - Commercial Residential District;
- e. C-R: Commercial – High Density Multifamily Residential District.

Conditions Applicable to Specified Land Uses (CHAPTER 1105)

- Potential Concerns: On-site security;
- Condition: No more than twenty (20) beds per acre.



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 28, 2021
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Community Development Director
RE: Zoning Code Update

Beginning in the summer of 2018, the Community Development Department's zoning and planning staff began working with representatives from consulting group, McKenna, Inc., on completing a comprehensive update to the City of Kent's Zoning Code. McKenna did have a transition in personnel assigned to the project, which delayed progress early on in the project by 2-3 months, and a second delay of 4-5 months occurred in 2020 as a result of the pandemic.

The zoning and planning staff spent many hours meeting internally on the expansive revision and had twelve (12) Zoning Code update work sessions with the Planning Commission, all of which were advertised and open to the public. The work sessions were held between February 2019 and December 2020. The Planning Commission held two (2) separate formal public hearings, the first on January 26, 2021 (Chapters 1101-1106) and the second on February 9, 2021 (Chapters 1107-1114) and voted unanimously at both meetings to recommend Council authorize all of the proposed amendments to the Zoning Code.

Kent City Council held two (2) additional public hearings, both of which provided for a thirty (30) day public comment period before the planned Council Committee discussion on April 7th. The first public hearing was held on March 3, 2021 (Chapters 1101-1106) and the second held March 17, 2021 (Chapters 1107-1114). No public comments were received at either hearing.

The proposed amendments to the Zoning Code include all the pages through and including page 1113-220 (end of Chapter 1113). It should be noted that this Zoning Code update process did not include amendments to "APPENDIX A: Design Guidelines for the Kent Design Overlay District." While staff recognizes the need for the Design Guidelines to be evaluated for proposed revisions, the expertise for such a process requires a different consultation review and will be at a cost level that warrants a separate "Request for Qualification (RFQ)" process. Staff anticipates initiating such a process once the City's budget is more reflective of pre-Covid financial levels.

In order to facilitate Council review of the 220 amended pages, below is a list of summary notes that identifies overall proposed amendments that have been incorporated throughout the Zoning Code, as well as identified amendments specific to each chapter.

Proposed Amendments throughout the Zoning Code

- Inclusion of hyperlinks to allow users to navigate directly to other section references located elsewhere in the Code (NOTE: Some of these hyperlinks will appear as “ERROR” in yellow highlight on the Word version printout because not in an electronic format. All hyperlinks are currently being verified);
- Creation and inclusion of figures, tables, and charts to depict and display requirements that can be difficult to comprehend through text alone (NOTE: Formatting is being verified to ensure spacing and titles are positioned correctly);
- Use of color to differentiate requirements in the new tables and charts and to improve depiction of regulations in the figures.

Chapter 1101: Title, Interpretation, and Conflict

- Updated language to make more succinct and to comply with current legal standards.

Chapter 1102: Definitions

- The “Definition Chapter” was amended in 2013, 2015, and 2016 to remove antiquated language from some definitions, incorporate new definitions that were needed to clarify ambiguous language, and address needed updates and clarification of terms. These more recent updates to the definitions remain in this newer version of the Code;
- Several new definitions were added to facilitate City’s application to a site plan (adjacent, abut, adjoin, etc.);
- Wording in some definitions was updated to simplify and better organize long content (i.e. use of subsets, bullets, etc.).

Chapter 1103: Zoning Districts, Land Use, and Zoning Map

- This chapter reflects a substantive change in format. In the current version of the enacted Zoning Code, every Zoning District has its own separate chapter. Additionally, for some districts, a user is referred to another chapter to review a list of applicable land uses;
- The new Chapter 1103 includes a quick reference “Table of Land Uses by District” that provides a listing of all land uses, identified by district and land use type (permitted (P), conditionally (C), specially (S));
- Conditionally permitted uses listed in the “Table of Land Uses by District” include hyperlinks to the applicable conditions chapter (1105);
- Each Zoning District has a separate table with detailed specifications for allowed uses, setbacks, area, height, additional regulations, etc. listed in table format;
- The consultant’s first draft included a “Chapter 1104” that was comprised of one chart that listed density. Staff had this information incorporated into the separate Zoning District tables and eliminated the consultant’s original Chapter 1104. All subsequent chapters were re-numbered and the final chapter is now 1113 (originally ended with 1114).

Chapter 1104: Supplemental Zoning District Standards and Overlay Districts

- Updated map of “West River Overlay District” to better delineate boundaries and affected parcels;
- Revised the “Preservation Alternate” to allow for greater variation and flexibility in its application to new single-family residential developments with regards to project site area, layout, and configuration of structures on the site.

Chapter 1105: Conditions Applicable to Specific Land Uses

- This chapter reflects a substantive change in format. In the current version of the enacted Zoning Code, the conditions are listed numerically in a separate chapter and a user needs to find the applicable conditions referenced for a proposed land use in the land use chapter, then “flip” to the conditions chapter to see what the specified number reference identifies as the applicable condition;
- The update has all conditionally permitted land uses in one chapter, listed alphabetically, with the specific conditions applicable to that land use listed in the same section as the identified land use;
- Staff incorporated a new subsection identified as “Potential Concerns,” which are not required conditions, but rather, presented to facilitate Planning Commission discussion when evaluating applicable concerns that may need to be addressed through the addition of a condition to a project before determining whether or not to grant site plan approval;
- Conditions were updated to include simplified, clear language;
- In some instances, conditions that had been nonapplicable or challenging to apply to site plans, were stricken.

Chapter 1106: General Provisions

- Wording in some regulations was updated to simplify and better organize long content (i.e. use of subsets, bullets, etc.);
- For the first time, the Zoning Code includes regulations governing solar and wind energy systems.

Chapter 1107: Parking, Loading and Access Management

- For the first time, the Zoning Code includes regulations requiring new developments to connect to any bicycle/pedestrian access network in the nearby right-of-way;
- Updated and expanded applicability of bicycle parking spaces for higher density land uses;
- For the first time, the Zoning Code includes regulations for compact car parking in off-street lots;
- More specificity was added for required parking plan presented for a commercial project (applicable to C-D and N-C Zoning Districts only).

Chapter 1108: Landscaping, Buffering, and Screening

- The City added the first landscaping chapter to the Zoning Code in 2013. While the new chapter ensured landscaping now had minimum requirements for new developments, the chapter was based on one from another community and was cumbersome to use and challenging to apply to the varied site plans for different land uses within the City of Kent;
- The amended chapter simplifies language, includes multiple charts and tables to assist with landscaping requirements, and increases the required number of plants, shrubs and trees for some land uses;
- The entire chapter was reviewed by a landscape architect from Kent State University to ensure it was applicable to NE Ohio weather and native species, reflected correct planting and landscaping principles, and would add appropriate aesthetic improvements to new development projects.

Chapter 1109: Signs

- Language used was updated and simplified for improved understanding and multiple figures were used in this chapter to depict aspects of signs that have historically been confusing (i.e. sign area calculation for odd shaped signs or 3-D objects, canopy vs. awning, etc.);
- “Prohibited Signs” section was updated to better define and/or include language to clarify prohibited signs that have historically created enforcement challenges (i.e. feather signs, bed linens, tarps, plywood);
- “Political Signs” section was updated to reflect current case law regarding the regulation of displaying such signs.

Chapter 1110: Nonconformities

- Extensive revisions added to this chapter to clarify language and categorize the different types of nonconformities applicable to uses, structures, and lots.

Chapter 1111: Administrative Boards and Commissions

- This chapter reflects a substantive change in format. In the current version of the enacted Zoning Code, the Planning Commission, Board of Zoning Appeals, and Architectural Review Board administrative regulations and duties were in separate chapters. This revised version of the Code has all three consolidated into one chapter and the sections for each board or commission are structured in a similar and logical manner;
- The Board of Zoning Appeals section includes new wording that incorporates the most recent case law with regards to variance consideration by the Board of Zoning Appeals.

Chapter 1112: Administrative Procedures

- Updated language to make more succinct and to comply with current legal standards.

Chapter 1113: Violations, Penalties, and Enforcement

- Updated language to make more succinct and to comply with current legal standards.

I am respectfully requesting time at the April 7, 2021 Committee session to discuss the proposed amendments to the City of Kent's Zoning Code (Chapters 1101-1113) in greater detail and request Council authorization of the draft Zoning Code update, as presented.

Thank you.

Cc: Kent City Council
Hope Jones, Law Director
Amy Wilkens, Clerk of Council
Community Development Dept. Zoning and Planning staff (Fink, Heckman, Sahr)

Attachment

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: May 24, 2021

To: Dave Ruller, City Manager

From: Tim Sahr, Development Engineer

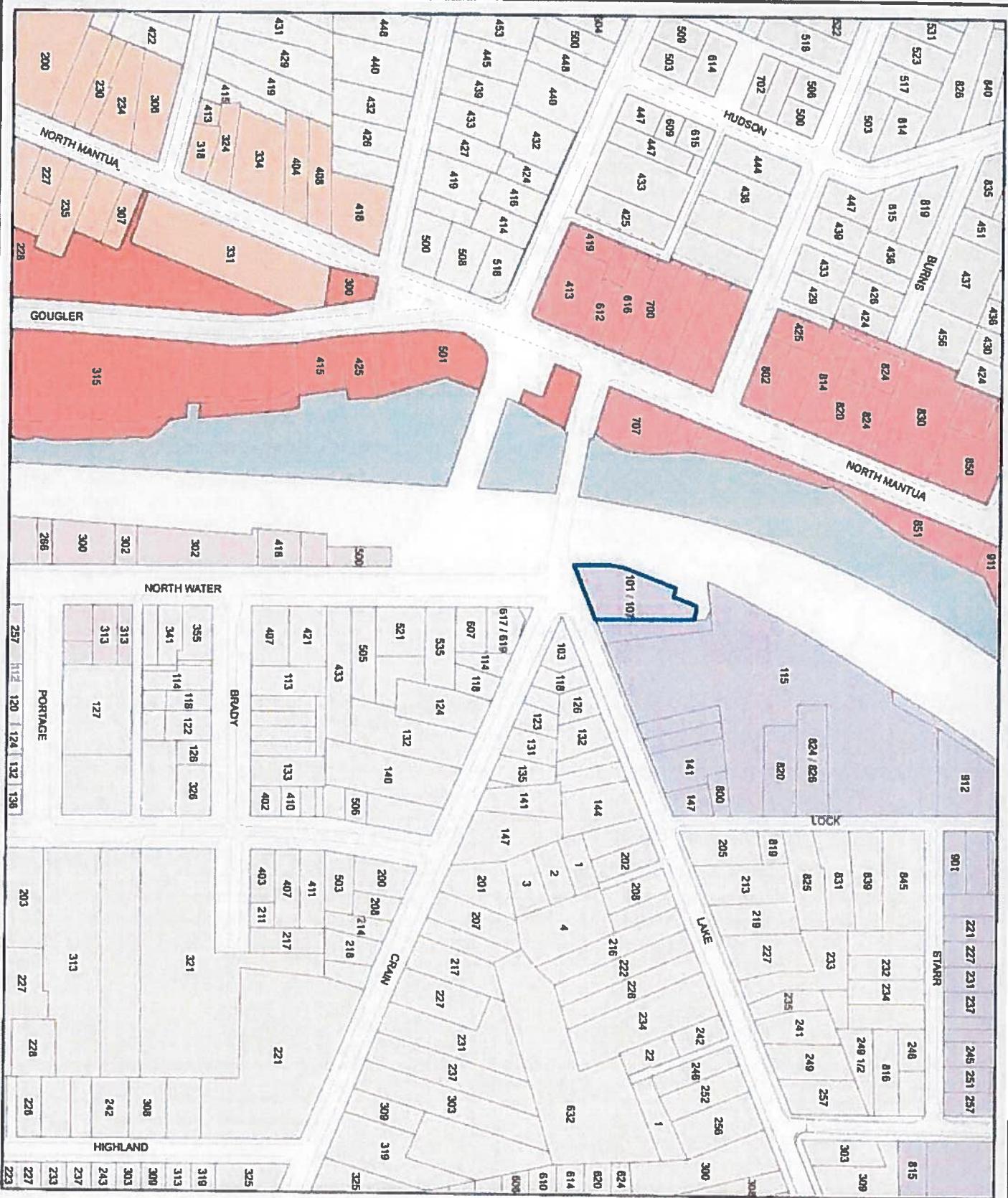
Re: Zoning Map Amendment
Parcel # 17-031-21-00-001-000 (107 Lake Street)
From I: Industrial to C-D: Commercial-Downtown

Copy: Hope Jones, Law Director
Bridget Susel, Director of Community Development
Eric Fink, Assistant Law Director
Amy Wilkens, Clerk of Council
Melanie Baker, Service Director
James Bowling, City Engineer
file

I hereby respectfully request City Council agenda time on July 7, 2021 for Council to consider a zoning map amendment of parcel # 17-031-21-00-001-000 (107 Lake Street) from 1155 I: Industrial to 1146 C-D: Commercial Downtown. On April 6, 2021 the Planning Commission voted 3-0 with one abstention to recommend that City Council amend the zoning map.

A public hearing regarding this matter is to be held prior to the July 7, 2021 Council Committee session per the notice publicized in a newspaper. Please schedule this item for Land Use Committee review by Kent City Council.

A copy of the proposed amendment is attached.



Legend
Zoning District

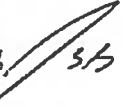
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CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling 

DATE: May 7, 2021

RE: AMATS Special Resurfacing Program Applications

Recently, the Akron Metropolitan Area Transportation Study (AMATS) has requested applications for resurfacing projects that can be completed quicker than the typical 4-year funding cycle. AMATS has realized an increase in funding due to low bids on funded projects and from the second CARES Act. AMATS is required to obligate the funds in a timely manner or risk losing the funding to the Ohio Department of Transportation. Therefore, AMATS has initiated two Special Resurfacing Programs for its members to submit on. We are requesting City Council's approval to submit the following projects and execute the subsequent agreements if selected.

FY 2022 Special Resurfacing Program:

Main and Water Streets Resurfacing – This project includes resurfacing Main Street from South Mantua Street to just west of Willow Street and resurfacing South Water Street from Haymaker Parkway (SR 59) to Main Street. The cost for the project is estimated at \$1,042,000 and we are requesting \$799,200 from AMATS. The Program will pay 80% of all eligible construction costs up to \$800,000. If successful, the project will be constructed in 2022.

FY 2023-2024 Special Resurfacing Program:

Mogadore Road/Summit Street Resurfacing – This project includes resurfacing Mogadore Road from Cherry Street to Summit Street and resurfacing Summit Street from Tannery Park to the ABC RR crossing. The cost for the project is estimated at \$870,000 and we are requesting \$696,000 from AMATS. The Program will pay 80% of all eligible construction costs up to \$700,000. If successful, the project will be constructed in 2024.

C: Melanie Baker
Jon Giaquinto
Hope Jones
Sandy Lance
Harrison Wicks
Pat Homan

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling *JB*

DATE: May 19, 2021

RE: OPWC Application - Grant and No Interest Loan Requests

The Service Department is requesting council's approval to submit two funding applications and to execute the subsequent agreements with the Ohio Public Works Commission (OPWC), if successful, for the following projects.

WRF Final Clarifier Rehabilitation - Phase 2 – This project includes the rehabilitation of two of the four final clarifiers at the Water Reclamation Facility (WRF). The final clarifiers are used to settle out microorganisms from the activated sludge process prior to discharging the effluent to the Cuyahoga River. The clarifiers were constructed in 1964 and their rehabilitation are part of the significant long term improvements required at the water reclamation facility. Phase 2 will complete the two clarifiers that were not included in the Phase 1 improvements which received OPWC funding last year.

The total cost of construction and design is estimated at \$2,124,100. We are requesting \$700,000 in grant funds and \$150,000 in no interest loans from OPWC. The remaining \$1,274,100 will need to be funded through the Sewer Fund.

Major's, Stinaff & Cuyahoga Waterline Improvements - This project includes the construction of approximately a half mile of waterline on residential streets north of Fairchild Avenue and east of Major's Lane. The existing waterlines in this area are old and undersized. There have been numerous breaks in the existing waterlines, with 16 breaks in the last ten years. This project was submitted to OPWC in 2020, but was unsuccessful in receiving funds. Since then the project has been slightly modified to be more competitive.

The total cost of construction and design is estimated at \$1,124,400 and we are requesting \$245,000 in grant funds and \$150,000 in no interest loans from OPWC. The total funding for this project is included in the approved 2020 Capital Improvement Plan.

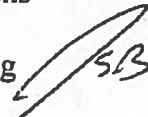
c: Melanie Baker
Bill Schesventer
Hope Jones
Sandy Lance
Rhonda Hall

Rhonda Boyd
Cori Finney
Brian Huff

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Amy Wilkens

FROM: Jim Bowling 

DATE: May 20, 2021

RE: Permanent Water Main Easement – 5113 SR 43

The Service Department is requesting City Council's approval to accept a permanent water main easement at 5113 SR 43 (attached). The property is located at the southwest corner of the intersection of Meloy Road and SR 43. The developer is constructing a 96-bed skilled nursing facility and is required to extend the City owned water main across the property to serve the new development. This request is the continuation of a previous request which council approved in July, 2020 to provide water to this facility. We appreciate City Council's consideration of this request.

C: Melanie Baker
Rhonda Boyd
Patti Long
Hope Jones
Sandy Lance



BRENNER KAPROSY
MITCHELL, L.L.P.

ATTORNEYS AT LAW

30050 CHAGRIN BLVD., SUITE 100

PEPPER PIKE, OHIO 44124-5704

PHONE: 216-292-5555

FAX: 216-292-5511

E-MAIL: TDMITCHELL@BRENNER-LAW.COM

RECEIVED
APR 28 2021
Dept. of Public Service

April 27, 2021

VIA FEDEX

Rhonda Boyd, P.E., P.s.
City of Kent, Senior Engineer
930 Overholt Road
Kent, Ohio 44240

Re: 5113 State Rte. 43, Brimfield Township, Portage County, Ohio

Dear Rhonda:

Enclosed please find the original Easement and Right-of-Way Agreement for Water Line Construction executed and notarized on behalf of LTC Brimfield, LLC.

Very truly yours,

T. David Mitchell

cc: M. Wohlwend

**EASEMENT AND RIGHT-OF-WAY AGREEMENT
FOR WATER LINE CONSTRUCTION**

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), the receipt of which is acknowledged, and such other consideration as is herein below set forth, the undersigned LTC BRIMFIELD, LLC, an Ohio limited liability company, hereinafter referred to as "Grantor", which claims title to certain real estate by Limited Warranty Deed Recorded December 13, 2019 as Instrument No. 201920959, the Portage County records, does for itself and its 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 and exclusive easement and right-of-way to lay, maintain, operate, repair, remove and replace waterlines 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 31 of original Franklin Township, said easement being more fully described as follows:

Situated in the State of Ohio, County of Portage, being part of Brimfield Township Lot 5, being part of the land conveyed to LTC Brimfield, LLC as recorded in Instrument #201920959 of Portage County Recorder's records and being more particularly bounded and described as follows:

Beginning at a 1" bar in monument box found marking the intersection of the west line of Brimfield Township Lot 5 with the centerline of Meloy Road (T.H. 92 - 60' wide).

Thence N 82°34'22"E, along the centerline of Meloy Road, a distance of 244.18' to a point thereon;

Thence S 07°25'38"E, a distance of 30.00' to a 5/8" rebar found marking an angle point in the south right-of-way limits of Meloy Road;

Thence S 66°42'51"E, along the south right-of-way limits of Meloy Road, a distance of 14.97' to a point thereon being the **TRUE PLACE OF BEGINNING** for the easement area described herein.

Thence continuing S 66°42'51" E, along the south right-of-way limits of Meloy Road, a distance of 45.08' to a 5/8" rebar found on the southwest right-of-way limits of State Route 43 (width varies);

Thence S 40°22'47" E, along the southwest right-of-way limits of State Route 43, a distance of 161.85' to an angle point therein;

Thence S 39°40'18"E, along the southwest right-of-way limits of State Route 43, a distance of 164.04' to a 5/8" rebar found marking a point of curvature therein;

Thence along the southwest right-of-way limits of State Route 43 and the arc of a curve to the right having a

radius of 2246.83', a delta angle of 09°29' 29", a chord bearing S 34°55'34"W for 371.78', and arc length of 372.20' to a 5/8" rebar found marking a point of tangency therein;

Thence S 30°10'49" E, along the southwest right-of-way limits of State Route 43, a distance of 183.16' to a 5/8" rebar found thereon marking the southeast corner of said LTC Brimfield, LLC land and the northeast corner of land conveyed to Mark E. Dillon as recorded in Instrument #200630071 of Portage County Recorder's records;

Thence S 59°47'12"W, along the southeast line of said LTC Brimfield, LLC land and the northwest line of said Dillon land, a distance of 20.00' to a point thereon;

Thence N 30°10' 49 " W, a distance of 183.17' to a point of curvature;

Thence along the arc of a curve to the left having a radius of 2226.83', a delta angle of 09°29' 29", a chord bearing N 34°55' 34"W for 368.47', and arc length of 368.89' to a point of tangency;

Thence N 39°40'18"W, a distance of 163.92' to a point;

Thence N 40°22'47"W, a distance of 202.13' to the **TRUE PLACE OF BEGINNING** and containing 0.413 acres (17,994 square feet) of land as surveyed by James P. Yurkschatt (P.S. 7809) of Campbell and Associates, Inc. on February 22, 2021.

The basis of bearings for this survey is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD83(2011).

NOTE THE TOP OF GRADE ELEVATION CAN NOT BE CHANGED WITHIN THE EASEMENT AREA WITHOUT THE CONSENT OF THE CITY OF KENT.

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 upon the premises of the Grantor on an additional strip of land ten (10) feet wide along the east and south sides 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, driveways, 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this 27th day of April, 2021.

GRANTOR:

LTC BRIMFIELD, LLC

By: [Signature]
R. Chad Brenner, Manager

STATE OF OHIO)
) SS:
COUNTY OF PORTAGE)

BEFORE ME, a Notary Public in and for said State, personally appeared LTC BRIMFIELD, LLC, an Ohio limited liability company, by and through R. Chad Brenner, its Manager, who acknowledged that he did sign the foregoing instrument and that the same is his own free act and deed and the free act and deed of such limited liability company. This is an acknowledgement clause. No oath or affirmation was administered to the signer.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Pepper Pike, Ohio, this 27th day of April, 2021.

[Signature]
Notary Public

Accepted by City of Kent Council: _____, 2021



MACKENZIE M. NICHOLSON
Notary Public - State of Ohio
My Commission Expires 06/24/2023

THIS INSTRUMENT PREPARED BY:

T. David Mitchell
Brenner Kaprosy Mitchell, L.L.P.
30050 Chagrin Blvd., Suite 100
Pepper Pike, OH 44124
(tel) 216-292-5555
(fax) 216-292-5511

0.413 ACRES – 20' PUBLIC WATER MAIN EASEMENT

Situated in the State of Ohio, County of Portage, being part of Brimfield Township Lot 5, being part of the land conveyed to LTC Brimfield, LLC as recorded in Instrument #201920959 of Portage County Recorder's records and being more particularly bounded and described as follows:

Beginning at a 1" bar in monument box found marking the intersection of the west line of Brimfield Township Lot 5 with the centerline of Meloy Road (T.H. 92 - 60' wide).

Thence N 82°34'22"E, along the centerline of Meloy Road, a distance of 244.18' to a point thereon;

Thence S 07°25'38"E, a distance of 30.00' to a 5/8" rebar found marking an angle point in the south right-of-way limits of Meloy Road;

Thence S 66°42'51"E, along the south right-of-way limits of Meloy Road, a distance of 14.97' to a point thereon being the *TRUE PLACE OF BEGINNING* for the easement area described herein;

Thence continuing S 66°42'51"E, along the south right-of-way limits of Meloy Road, a distance of 45.08' to a 5/8" rebar found on the southwest right-of-way limits of State Route 43 (width varies);

Thence S 40°22'47"E, along the southwest right-of-way limits of State Route 43, a distance of 161.85' to an angle point therein;

Thence S 39°40'18"E, along the southwest right-of-way limits of State Route 43, a distance of 164.04' to a 5/8" rebar found marking a point of curvature therein;

Thence along the southwest right-of-way limits of State Route 43 and the arc of a curve to the right having a radius of 2246.83', a delta angle of 09°29'29", a chord bearing S 34°55'34"E for 371.78', and arc length of 372.20' to a 5/8" rebar found marking a point of tangency therein;

Thence S 30°10'49"E, along the southwest right-of-way limits of State Route 43, a distance of 183.16' to a 5/8" rebar found thereon marking the southeast corner of said LTC Brimfield, LLC land and the northeast corner of land conveyed to Mark E. Dillon as recorded in Instrument #200630071 of Portage County Recorder's records;

Thence S 59°47'12"W, along the southeast line of said LTC Brimfield, LLC land and the northwest line of said Dillon land, a distance of 20.00' to a point thereon;

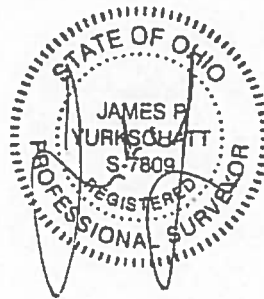
Thence N 30°10'49"W, a distance of 183.17' to a point of curvature;

Thence along the arc of a curve to the left having a radius of 2226.83', a delta angle of 09°29'29", a chord bearing N 34°55'34"W for 368.47', and arc length of 368.89' to a point of tangency;

Thence N 39°40'18"W, a distance of 163.92' to a point;

Thence N 40°22'47"W, a distance of 202.13' to the *TRUE PLACE OF BEGINNING* and containing 0.413 acres (17,994 square feet) of land as surveyed by James P. Yurkschatt (P.S. 7809) of Campbell and Associates, Inc. on February 22, 2021.

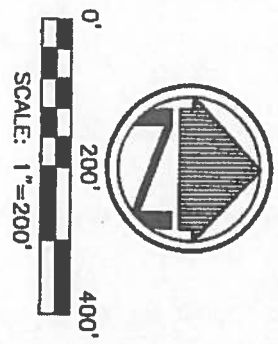
The basis of bearings for this survey is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD83(2011).



2/22/2021

STATE OF OHIO, COUNTY OF PORTAGE, TOWNSHIP OF BRIMFIELD,
PART OF BRIMFIELD TOWNSHIP LOT 5

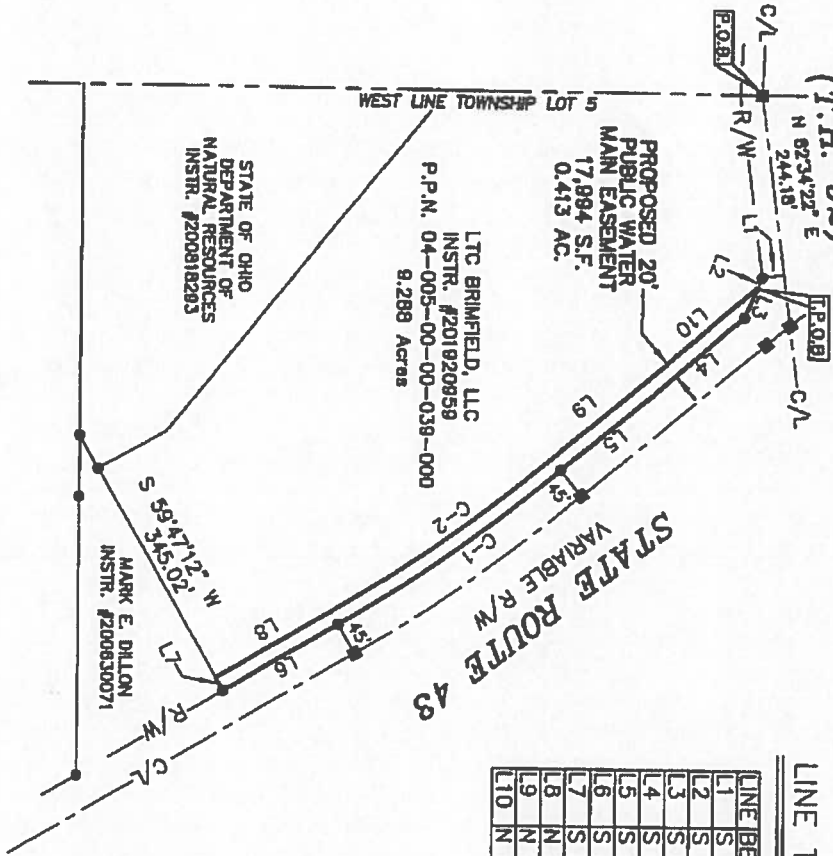
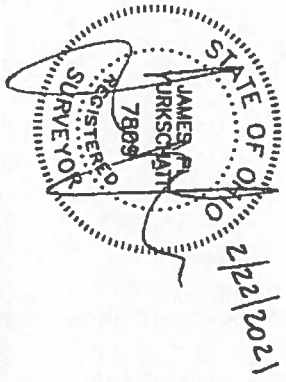
MELOY ROAD
(T.H. 92) 60'



BASIS OF BEARINGS

THE BASIS FOR BEARINGS FOR THIS SURVEY IS GRID NORTH OF THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83 (2011).

- P.O.B. - POINT OF BEGINNING
- T.P.O.B. - TRUE POINT OF BEGINNING
- - 1" BAR IN MONUMENT BOX
- - 5/8" REBAR FOUND



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 07°25'38" E	30.00'
L2	S 66°42'51" E	14.97'
L3	S 66°42'51" E	45.08'
L4	S 40°22'47" E	161.85'
L5	S 39°40'18" E	164.04'
L6	S 30°10'49" E	183.16'
L7	S 59°47'12" W	20.00'
L8	N 30°10'49" W	183.17'
L9	N 39°40'18" W	163.92'
L10	N 40°22'47" W	202.13'

C-1
L=372.20'
R=2246.83'
A=9°29'29"
C LEN=371.78'
BRG=S 34°55'34" E
T=186.53'

C-2
L=368.89'
R=2226.83'
A=9°29'29"
C LEN=368.47'
BRG=N 34°55'34" W
T=184.87'



CAMPBELL & ASSOCIATES, INC.
Land Surveying

3485 Fortuna Drive Suite 100
Alton, Ohio 45112
(330) 846-1117
www.campbellsurvey.com

20' Public Water Main Easement
5075 State Route 43
Brimfield Township, Ohio

Date: 02/22/2021
Drawn By: DLG
Checked By: JY

Field Book:
Scale: 1"=200'
20180299

**KENT POLICE DEPARTMENT
APRIL 2021**

	APRIL 2020	APRIL 2021	TOTAL 2020	TOTAL 2021
CALLS FOR SERVICE	975	1735	7042	6804
FIRE CALLS	309	381	1408	1498
ARRESTS, TOTAL	50	130	451	538
JUVENILE ARRESTS	1	8	21	20
O.V.I. ARRESTS	2	5	44	37
TRAFFIC CITATIONS	38	124	754	525
PARKING TICKETS	50	970	2514	2944
ACCIDENT REPORTS				
ACCIDENT REPORTS	15	41	199	153
Property Damage	6	25	108	84
Injury	5	7	30	23
Private Property	2	4	34	23
Hit-Skip	1	3	19	14
OVI Related	1	2	4	8
Pedestrians	0	0	4	1
Fatals	0	0	0	0
U.C.R. STATISTICS				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	0	0	2	0
Assault Total	13	14	64	66
Serious	1	0	3	5
Simple	12	14	61	61
Burglary	5	2	23	21
Larceny	23	19	99	106
Auto Theft	1	0	2	3
Arson	0	0	0	0
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	0
TOTAL	42	35	190	196
CRIME CLEARANCES				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	1	0	2	16
Assault Total	10	12	56	41
Serious	0	0	1	18
Simple	10	12	55	38
Burglary	2	2	5	12
Larceny	0	4	19	18
Auto Theft	0	0	0	0
Arson	0	0	0	0
Human Trafficking:Servitude	0	0	0	0
Human Trafficking:Sex Acts	0	0	0	23
TOTAL	13	18	82	110