

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: July 8, 2011

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer *JB for JKB*

Re: Lincoln Commons Subdivision Block A

Copy: Gary Locke, Director of Community Development
Linda Copley, Clerk of Council
Jim Silver, Law Director
Gene Roberts, Service Director
Jim Bowling, City Engineer
Project file

I hereby respectfully request City Council agenda time on August 3, 2011 to consider acceptance of a 10' wide easement for the future construction of East Summit Street. Edwards Campus Communities Development is consolidating the lots to construct a student housing facility, The Province, which borders on East Summit Street, South Lincoln Street and Morris Road. Staff has requested this 10' easement be dedicated to construct the improvement to East Summit Street.

If you have any questions, please call me.

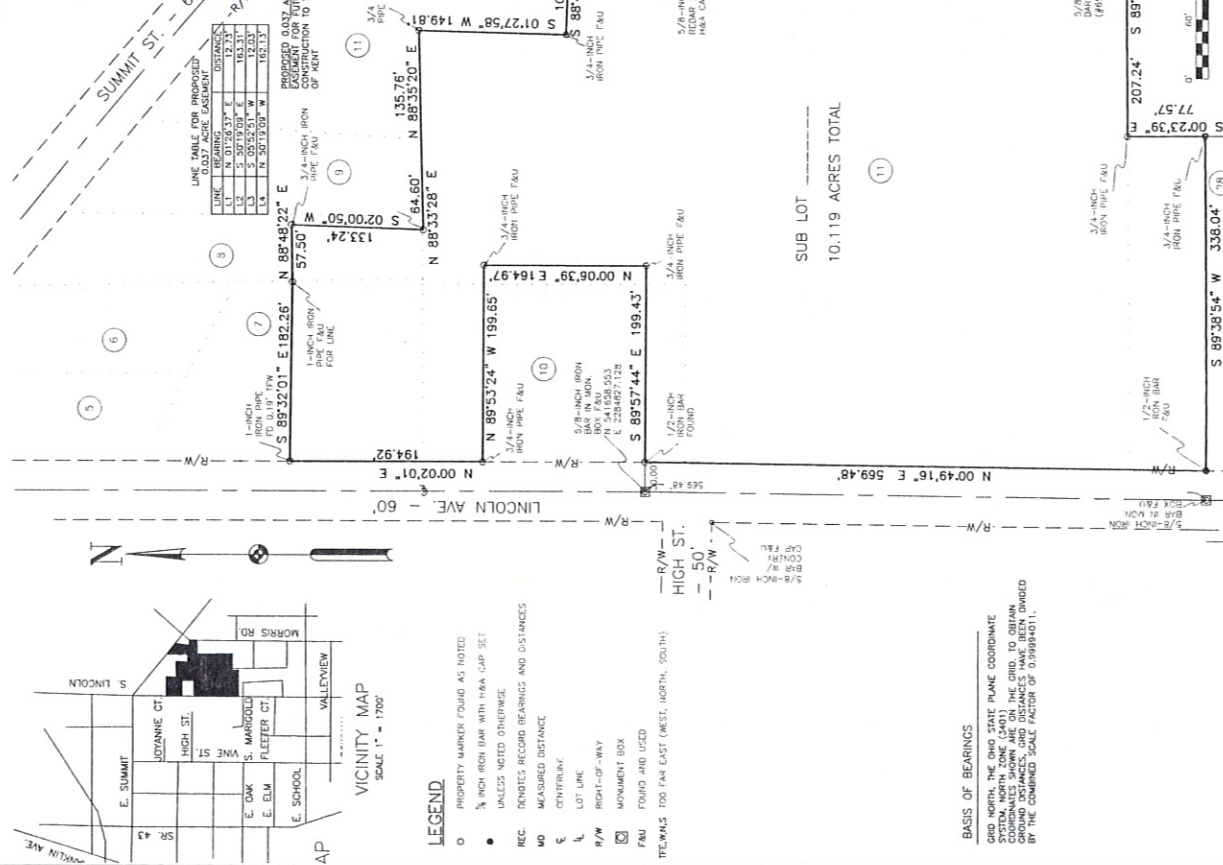
PORTAGE COUNTY APPROVALS
 Received for record by the Assistant Tax Map Draftsman
 this _____ day of _____ 2011.

Transferred this _____ day of _____ 2011.
 Portage County Auditor
 Filed for record this _____ day of _____ 2011
 of _____ AM/PM
 Filed for record this _____ day of _____ 2011
 Port
 Portage County Recorder

CITY OF KENT APPROVALS
 DEVELOPMENT ENGINEER APPROVAL
 APPROVED BY THE CITY OF KENT ZONING INSPECTOR
 THIS _____ DAY OF _____ 2011.
 ZONING INSPECTOR
 THIS _____ DAY OF _____ 2011.
 ACCEPTANCE STATEMENT
 We the undersigned owners of the land shown on this report
 the above named owners who acknowledge the signing of the
 request, and authorize its recording.
 WITNESSES

NOTARIAL ACKNOWLEDGEMENT
 State of Ohio, County of Portage, Before me a Notary Public
 in and for said County and State personally appeared the
 above named owners who acknowledge the signing of the
 deed, in testimony whereof, I have set my hand and seal
 this _____ day of _____ 2011.
 NOTARY PUBLIC
 SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I HAVE SURVEYED THE ACCOMPANYING TRACT
 AND THE SAME IRON BARS HAVE BEEN SET AT ALL PLACES WHERE SHOWN.
 HAMMONTREE & ASSOCIATES, LIMITED
 LESLIE A. FRODLICH, P.S., #8052 Date _____

REPLAT TO COMBINE PARTS OF SUBLOTS 7, 8, 10, 11,
 AND 12 OF S.B. HALL'S ADDITION TO THE VILLAGE OF
 KENT (RECORDED IN PLAT BOOK 1, PAGE 154 AND
 BOOK 2, PAGE 39) AND PART OF
 LOT 13 OF ORIGINAL FRANKLIN TOWNSHIP
 SITUATED IN THE CITY OF KENT, COUNTY OF PORTAGE AND STATE OF OHIO
 JUNE 2011



10.119 ACRES TRACT
 PARTS OF SUBLOTS 7, 8, 10, 11 AND 12 OF
 S.B. HALL'S ADDITION TO THE VILLAGE OF KENT AND PART
 OF ORIGINAL FRANKLIN TOWNSHIP LOT 13 IN THE CITY OF KENT AND PART

CITY OF KENT
 COMMUNITY DEVELOPMENT DEPARTMENT
 KENT, OHIO 44240
 FAX (330) 679-5108
 FAX (330) 679-5039
 HANNAH PHILLIPS
 ZONED RESIDENTIAL REDEVELOPMENT OVERLAY
 DISTRICT
 MINIMUM AREA - 7 ACRES
 MINIMUM SIDE - 10'
 MINIMUM FRONT - 35' FOR BUILDINGS AND PARKING
 MAX. BUILDING HEIGHT - 40'



SUB LOT
 10.119 ACRES TOTAL
 BASIS OF BEARINGS
 GRID NORTH, THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE (4803) COORDINATES SHOWN ARE ON THE GRID. TO OBTAIN TRUE BEARINGS, THE VALUES SHOWN ARE ADJUSTED BY THE COMBINED SCALE FACTOR OF 0.9998011.

REV: DATE

REV	DATE	BY	DESCRIPTION
01	06/22/2011	CFR/HR/2011	REVISED
02	06/22/2011	CFR/HR/2011	REVISED
03	06/22/2011	CFR/HR/2011	REVISED
04	06/22/2011	CFR/HR/2011	REVISED
05	06/22/2011	CFR/HR/2011	REVISED
06	06/22/2011	CFR/HR/2011	REVISED
07	06/22/2011	CFR/HR/2011	REVISED
08	06/22/2011	CFR/HR/2011	REVISED
09	06/22/2011	CFR/HR/2011	REVISED
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13	06/22/2011	CFR/HR/2011	REVISED
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92	06/22/2011	CFR/HR/2011	REVISED
93	06/22/2011	CFR/HR/2011	REVISED
94	06/22/2011	CFR/HR/2011	REVISED
95	06/22/2011	CFR/HR/2011	REVISED
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98	06/22/2011	CFR/HR/2011	REVISED
99	06/22/2011	CFR/HR/2011	REVISED
100	06/22/2011	CFR/HR/2011	REVISED

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: July 8, 2011

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer *JAB*

Re: Lincoln Commons Subdivision Block A

Copy: Gary Locke, Director of Community Development
Linda Copley, Clerk of Council
Jim Silver, Law Director
Gene Roberts, Service Director
Jim Bowling, City Engineer
Project file

I hereby respectfully request City Council agenda time on August 3, 2011 to consider releasing the temporary 50' wide utilities easement for the future Primrose Lane, the northern detention basin drainage easement and the 20' drainage easement connection in Block A of Lincoln Commons Subdivision. Attached is a letter from Tom Weise, PentaPoint Properties Ltd and a support letter from Edwards Campus Communities requesting the City of Kent to vacate the easements. Mr. Weise has also included a copy from the section of the plat to show the easement locations.

These easements were intended for use with the continued development of Lincoln Commons Subdivision. Several projects have been presented to staff, none of which included a roadway or extension of utilities that followed these easements.

At this time Mr. Weise owns the property. However, Edwards Campus Communities Development intends to purchase the majority of the site to fulfill the open space requirement for the student housing project, The Province. The planning Commission has approved the site plan.

The developers are plan to construct "cottages" along South Lincoln Street. The temporary easement conflicts with the location of the structures. Since the structures cannot be built in an easement, the developers are requesting the easement be vacated by emergency.

If you have any questions, please call me.

R:\Address-&-Street-Files\LINCOLN_STREET_S\Edwards - the Province\easements\memo to city mgr for easement vacations.doc



June 17, 2011

This letter is being sent to all parties via email only.

Jennifer K. Barone, P.E.
City of Kent, Dept. of Community Dev.
930 Overholt Road
Kent, Ohio 44240

CC:
Dave Tyndall (dave.tyndall@edwardscdc.com)
Leslie Froelich (lfroelich@hammontree-engineers.com)
Joe Mosyjowski (jmosyjowski@cs.com)

**Re: Request to Vacate Easements by Emergency Action (on behalf of Edwards Companies)
Located on "Block-A" in Lincoln Commons Phase One as shown in Plat 2003-99
Current Owner: PentaPoint Properties Ltd. by Deed Recorded in O.R. 201017030 and 201021908**

Jennifer:

As the current owner of "Block-A" in Lincoln Commons Phase One, I would like to request that three easements be vacated by emergency action. These three easements, which are hatched and outlined on the attached plat drawing, are denoted on the plat as follows:

- 1) 50' WIDE TEMPORARY UTILITIES EASEMENT TO THE CITY OF KENT (FUTURE PRIMROSE LANE)
- 2) DETENTION BASIN AND DRAINAGE EASEMENT
- 3) 20' WIDE DRAINAGE EASEMENT

The reason for this request for emergency vacation is that the existence of these easements would otherwise prevent the City Building Department from approving the site plan created by Edwards Companies, who is in the process of buying a portion of the existing "Block A".

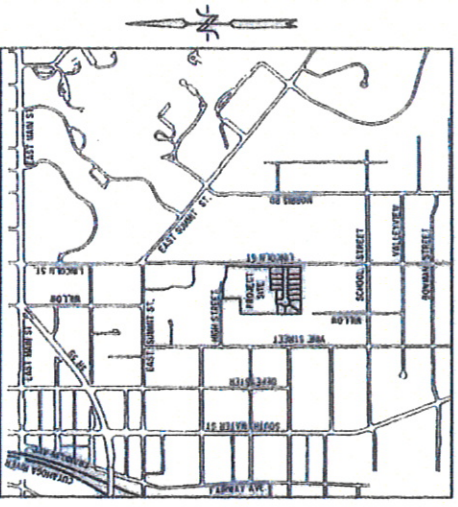
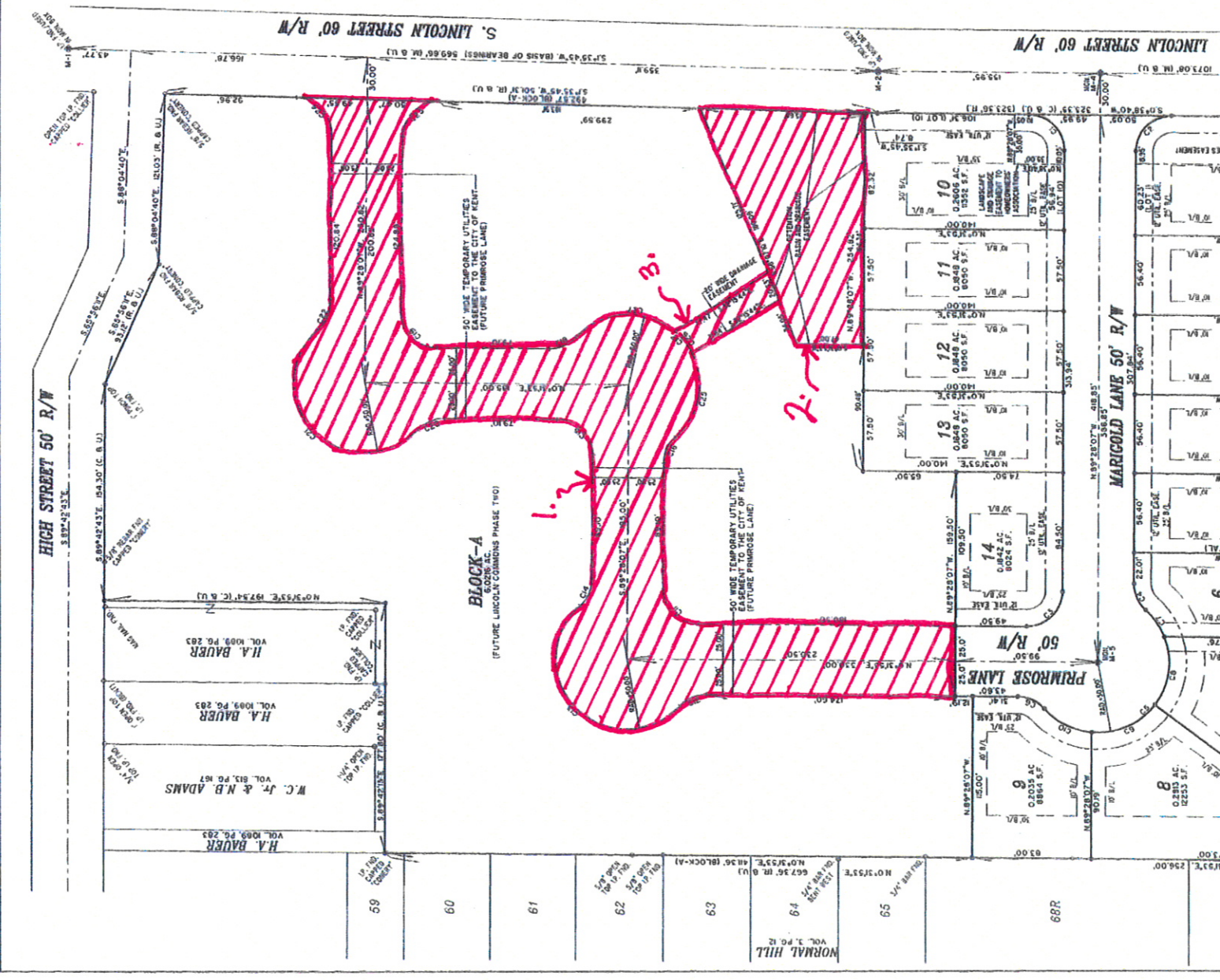
As you are aware, per my separate prior request this same land is being re-platted within the next few days. The land currently identified as "Block A" will be split into two separate blocks known as "Block A-R" and "Block B". You already have a copy of the new mylars for this replat, as well as the new legal descriptions for each new block. This re-plat needs to be completed first (subject to all existing easements) as soon as possible to enable the sale of "Block A-R" to Edwards Companies in July. Subsequently, we wish for City Council to then vacate the above three easements via emergency action to allow Edwards to move forward with getting Building Department approval for the cottages they intend to construct along South Lincoln St. For this reason, please copy all CC: parties above on all future correspondence relative to this easement vacation.

Time is of the essence. Thank you for your assistance!

Respectfully,

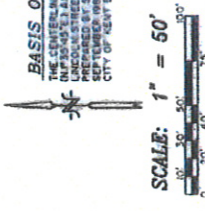
A handwritten signature in blue ink that reads "Tom Weise".

Tom Weise, President
PentaPoint Properties Ltd.



LOCATION MAP
SCALE: 1" = 100'

- BUILDING SETBACK REQUIREMENTS:**
- MIN. SETBACK FROM HIGH STREET : 35 FEET
 - MIN. SETBACK FROM LINCOLN ST. : 35 FEET
 - MIN. SETBACK FROM FRIMROSE LN. : 25 FEET
 - MIN. REAR YARD SETBACK : 30 FEET
 - MIN. SIDE YARD SETBACK : 10 FEET



- LEGEND**
- MONUMENT FOUND/RESERVED
 - ◇ MONUMENT BOX FOUND
 - ◆ MONUMENT BOX TO BE SET #1/2" DIA. INSIDE 30 LONG, COPPER #44-17, SET
 - 5/8" REBAR, 30" LONG TO BE SET AT ALL LOT CORNERS
 - RECORD DISTANCE 2' HIGH
 - OBSERVED DISTANCE
 - M. MEASURED DISTANCE
 - C. CALCULATED DISTANCE
 - U. USED DISTANCE

MONUMENT LEGEND

NUMBER	BORING	EASTING	NORTHING
FR-13-01	N. 540.031.086	E. 2.284.840.087	
FR-13-02	N. 540.031.086	E. 2.284.840.088	
M-1	N. 541.658.322	E. 2.284.838.968	
M-2	N. 541.658.322	E. 2.284.838.968	
M-3	N. 540.031.086	E. 2.284.840.087	
M-4	N. 540.031.086	E. 2.284.840.087	
M-5	N. 540.031.086	E. 2.284.840.087	

NOTE: CITY OF KENT GEODETIC CONTROL STATIONS USED FOR STATE PLANE COORDINATES SHOWN ON THIS PLAN WERE FR-13-01 AND FR-13-02 (LISTED BELOW, BUT NOT SHOWN ON PLAN)

CURVE DATA TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA	TANGENT
C1	58.32	25.00	35.32	N69°35'07" E	109°23'13"	24.95
C2	58.32	25.00	35.32	N44°24'44" W	109°06'47"	25.05

LINCOLN COMMONS L.L.C. OR THE NEW UTILITIES FOR PHASE ONE, SUCH AS EASEMENT OF WAY OF LINCOLN STREET REAR PROPERTY LINES OF ALL THE LOTS WITHIN THE PHASE ONE PROJECT. THE CONDUITS, SERVICE HANDHOLE AS MAY BE NECESSARY FOR DISTRIBUTION OF ELECTRICITY TO THE LOTS WITHIN THE AREA IS RETAINED BY THE SHRUBBERY WITHIN SAID EASEMENT OF WAY OF THE WAY AND FLOW OF THE WAY OF WAY AND EASEMENT G

WE THE UNDERSIGNED, LINCOLN COMMONS L.L.C. AS SHOWN HEREON, HEREBY CERTIFY THAT THIS PLAN AND SUBDIVISION OF THE PROPERTY IS TRUE AND CORRECT AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT AND THAT WE HAVE SIGNED AND ACKNOWLEDGED THIS PLAN AND SUBDIVISION BEFORE ME, A NOTARY PUBLIC, ON THIS 13th DAY OF OCTOBER, 2011.

BY: *[Signature]*
STATE OF OHIO, NOTARY PUBLIC
BY: *[Signature]*
STATE OF OHIO, NOTARY PUBLIC

STATE OF OHIO, NOTARY PUBLIC
BEFORE ME, A NOTARY PUBLIC, ON THIS 13th DAY OF OCTOBER, 2011, THE SIGNATURES OF THE PARTIES TO THIS INSTRUMENT WERE PRESENT AND THE INSTRUMENT WAS SIGNED AND ACKNOWLEDGED BY THEM IN MY PRESENCE.

Jennifer Barone - FW: request to vacate 3 easements for Lincoln Commons land

From: "Tyndall, Dave" <dave.tyndall@edwardscdc.com>
To: <barone@kent-ohio.org>, <lfroelich@hammontree-engineers.com>
Date: 6/17/2011 3:01 PM
Subject: FW: request to vacate 3 easements for Lincoln Commons land
CC: <Dwilliams@wwklaw.com>, <Tom@schippergroup.com>, "Szymanski, Ryan" <ryan.szymanski@edwardscdc.com>
Attachments: Vacate Easements 2011-06-17.pdf

Jennifer

Edwards Communities is in support of the Easement Vacation per the attached letter.

If you should need any other acknowledgement please do not hesitate to let me know.

Thanks for your help in expediting this request.

Dave

Dave Tyndall
VP Engineering
Edwards Communities Development Company
495 S. High Street, Ste 150
Columbus, Ohio 43215
Phone: (614) 241-2070
Fax: (614) 241-2080
Mobile: (614) 719-9155
dave.tyndall@edwardscdc.com

From: Tom Weise [mailto:Tom@schippergroup.com]
Sent: Friday, June 17, 2011 2:04 PM
To: 'KENT, CITY OF: Barone, Jennifer (barone@kent-ohio.org)'
Cc: 'Leslie J. Froelich (lfroelich@hammontree-engineers.com)'; Tyndall, Dave; 'MOSYJOWSKI: Mosyjowski, Joe (jmosyjowski@cs.com)'
Subject: request to vacate 3 easements for Lincoln Commons land

Jennifer,

Per our telephone conversation, attached please find my letter requesting the vacation of easements.

Have a great weekend,

-Tom

Tom Weise
VP-Leasing & Development
The Schipper Group
(330) 434-8355 ext 203
www.schippergroup.com

Dave Ruller - High Street

From: "Sean Kaine" <skaine@neo.rr.com>
To: <Copley@kent-ohio.org>
Date: 7/9/2011 1:27 PM
Subject: High Street

Members of Council,

During the discussions of the Edwards project, residents of High Street testified that they are experiencing ongoing conflicts with students walking to and from downtown. What was described to the commission included drunk and disorderly conduct, theft, vandalism, trespass and other mischief. The residents are concerned that the city is not only overlooking the current problems, but that additional housing to the east could make the situation worse.

High street residents Cassandra Pegg-Kirby and Walt Adams have suggested closing the sidewalk from Lincoln to High Street. Vacating that property may help to reduce the number of incidents that they are experiencing. This suggestion is, of course, outside the purview of the commission and would require council action.

It is important to note that this suggestion is neither a condition of approval for the Edwards project, nor wholly based on anticipated conflicts resulting from that project. The problems exist currently. The Planning Commission therefore asks that you consider this request to close the sidewalk and vacate a portion of High Street.

Respectfully,
Sean P. Kaine