

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

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: August 8, 2011

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer *JKB*

Re: 5694 Rhodes Road – University Edge (Sunrise Apartments)

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 September 7, 2011 to consider releasing the Easement for Utility Line Construction (attached) needed for operation of the sanitary pump station at Sunrise Apartment. When the pump station was constructed, the City provided the mortgage and entered into an agreement to operation the pump station for 10 years. Although the 10 year period has not expired, Hallmark Campus Communities has purchased the property with the intention to demolish the existing Sunrise Apartment buildings and construct a new student housing complex. The mortgage has been satisfied and the City is no longer operating the sanitary pump station.

The easement conflicts with the location of the proposed 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.

EASEMENT AND RIGHT-OF-WAY AGREEMENT

GRANTING EASEMENT FOR UTILITY 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 Sunrise Apartments LTD, an Ohio Corporation, hereinafter referred to as "Grantor", who claim title to certain real estate by deed recorded in Volume 439, Page 0842 of the Portage County records, does for itself and its 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, for a period of 10 (ten) years from the date of recording, the right to an exclusive easement and right-of-way to lay, maintain, operate, repair and remove 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 15 of original Franklin Township, said easement being more fully described as follows:

Commencing at an iron pin on the South line of Lot 15 and at a Southeast corner of the Grantor's property, which bears North 89 degrees 30 minutes West, 698.61 feet from the Southeast corner of Township lot no. 15;

Thence along the Grantor's westerly property line North 0 degrees 42 minutes 32 seconds East 427.56 feet to a point;

Thence South 89 degrees 18 minutes 28 seconds East a distance of 7 feet to the true place of beginning for the easement described herein;

Thence parallel to the Grantors westerly property line and 7 feet east therefrom North 0 degrees 42 minutes 32 seconds East, 703.47 feet to a point on the existing right of way of Rhodes Road;

Thence along said right of way, North 60 degrees 18 minutes 24 seconds East, a distance of 23.03 feet to a point;

Thence South 0 degrees 42 minutes 32 seconds West a distance of 709.91 feet to a point;

Thence North 89 degrees 18 minutes 28 seconds West a distance of 20 feet, to the true place of beginning of a 20-foot wide easement for waterline purposes.

Said easement contains 14099.1 sqft, (0.324 acres) of land more or less as described by Rhonda Boyd P.E. P.S. RLS # 8009.

Together with the right of the City of Kent, its agents or employees, to operate and maintain a 2 inch copper service lateral including a yard hydrant, through a 10 foot wide area centered over the 2 inch pipe extending from the above described easement to the sanitary lift station, and including the right 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 seven (7) feet wide along the west and east sides of the above described easement.

At the end of the 10 (ten)-year period, the Grantor, heirs, successors, and assigns, will assume ownership and maintenance responsibilities for the improvements contained within said 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.

IN WITNESS WHEREOF, the Grantor has hereunto set its signature this 16 day of September, 2003.

WITNESS:

GRANTOR:
SUNRISE APARTMENTS, LTD.

Gene L. Stewart

By: *John M. King*
John M. King, President

STATE OF OHIO)
) SS:
COUNTY OF PORTAGE)

This day, before me, a Notary Public of the State and County aforesaid, personally appeared John M. King, President of Sunrise Apartments, LTD, with whom I am personally acquainted and who upon oath acknowledged himself to be such John M. King, President of the aforementioned Sunrise Apartments, LTD. and that he as such President being authorized so to do executed the foregoing instrument for the purpose therein contained by signing in the name of the partnership as such John M. King, President.

Witness my hand official seal this 16 day of September, 2003.

Allan M. Whiteacre
Notary Allan M. Whiteacre
Resident Summit County, State of Ohio
My Commission expires 7-7-07
LINDA FRANKHAUSER
PUBLIC RECORDER

Accepted on 11th day of October, 2003
by the City of Kent, Ohio Council:

20 04 01 303 520 3

INDEXED

RECEIVED FOR RECORD
AT 8:40:00
FEE 2800

THIS INSTRUMENT PREPARED BY: Rhonda Boyd, P.E., P.S., Senior Engineer City of Kent

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: August 17, 2011

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer 

Re: Lincoln Commons S/D

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 September 7, 2011 to consider granting a variance from the subdivision code. As you are aware, the applicant, PentaPoint Properties LTD is selling the majority of vacant property (Block A-R) to Edwards Communities Development Company to use as open space for the proposed student housing complex. A small parcel was carved out to remain under PentaPoint's ownership.

The applicant is proposing to split the carved out parcel to enlarge the current subplot 14 and create a new subplot to complete Phase 1 of the Lincoln Commons S/D. The larger lots will be more suitable for building in this area. The variance is being requested so that the applicant does not have to construct a cul-de-sac. The issue is that the stub street can only be one lot length. The new subplot created makes a second lot length. Sublot 14 is proposed to be larger creating a situation where the stub street does not extend to the end of the subplot. See the code section, KCO 1187.02, attached. Since the land to the north will not be owned by the applicant, Primrose Lane will not be extended creating a hardship.

The case was presented to the Planning Commission on August 16, 2011. The Commissioners considered the six factors listed under KCO 1181.06 Variances, found these factors were satisfied and are forwarding a positive recommendation with two conditions listed below.

1. Technical Plan Review.
2. Installation of the proper utility end treatments on Primrose Lane.

During Planning Commission's review of the case, the issue of where to plow the snow was discussed. The applicant has suggested that the City may continue to plow the snow off the end of Primrose Lane onto the new subplot. Staff suggests having a formal agreement in this matter.

KCO 1187.02

(e) Cul-de-Sacs and Dead-End Streets. Streets designed to be permanently dead-ended shall not be longer than 600 feet and shall be provided at the closed end with a turnaround having an outside pavement diameter of at least 100 feet and a street property line diameter of at least 120 feet. If such a street is of a temporary nature and a future extension into adjacent land is anticipated then the turning circle beyond the normal street width shall be in the nature of an easement over the premises included in the turning circle, but beyond the boundaries of the street proper. Such easements shall be automatically vacated to abutting property owners, when the dead-end street is legally extended into adjacent land. If such dead-end street extends only one lot depth past a street intersection, no turnaround will be required. The subdivider shall be required to reserve for public use a strip of land five feet in width at the end of all dead-end streets. No person or persons shall have access across this property until an adjacent subdivision is developed and streets in such development are dedicated for public use. The cost of paving such five-foot strip shall be borne by the subdivider connecting into such street. (Ord. 1971-110. Passed 9-8-71.)



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

June 24, 2011

Re: Applications to BZA and Planning Commission regarding re-plat of Lincoln Commons Phase-1.

Dear Jennifer,

Per our recent discussion, attached are my applications to the BZA (8/15/11 meeting) and Planning Commission (8/16/11 meeting) for the re-platting of Lincoln Commons Phase-1.

In summary, I am requesting approval to split Block-B into two parcels as follows (see attached siteplan):

The east parcel would be consolidated with the existing Sublot #14, effectively doubling the size of Sublot #14. As you indicated earlier, this will require a variance from the BZA since the enlarged Sublot #14 will then extend beyond the current northern limit of Primrose Lane (a stub street).

The west parcel would become the new Sublot #15. No variances would be required. As you indicated earlier, Sublot #15 would have the required 50' minimum frontage as measured east-west across the north end of the Primrose Lane stub street.

All utilities and stormwater improvements serving Sublot #14 and #15 are already in place, and will require no modification or reconstruction of any kind. Both sublots are shovel-ready for residential development. I believe that this plan is the best and most reasonable manner of "completing" the Lincoln Commons Phase-One subdivision. As you are aware, there will be no Phase-2 subdivision and no further extension of Primrose Lane since I am in the process of selling Block A-R (5.5 acres) to Edwards Companies as part of the open space required for their student housing project now under development.

As you are aware, the 50' wide temporary utilities easement that currently exists on Block-B will need to be vacated by the City. Edwards Companies (via their engineer, Hammontree) will be coordinating the official request and application to have that easement vacated as it also affects Block A-R which they are purchasing.

I truly believe that my proposed re-plat is in the best interest of the Lincoln Commons homeowners as well as the City of Kent. I fail to see any way in which it would be detrimental to the public interest, or otherwise in conflict with the intent of the City's Subdivision Regulations. I believe it to be the best utilization of the residual land not being sold to Edwards, and makes use of existing utilities and pavement. The Code would otherwise require the construction of a second cul-de-sac at the north end of Primrose Lane, which solution is both impossible and impractical due to having insufficient land, and not to mention being cost prohibitive.

FYI, Joe Mosyjowski will be submitting 26 full-size copies of the new survey / siteplan next week.

Respectfully,

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

Tom Weise, President
PentaPoint Properties Ltd.



- LEGEND**
- - MONUMENT FOUND/DESCRIBED
 - - MONUMENT BOX FOUND
 - - MONUMENT SET AT ALL LOT CORNERS (CAPPED "HLS 82701" - 2" HIGH)
 - - MONUMENT SET AT ALL LOT CORNERS (CAPPED "HLS 82701" - 2" HIGH)
 - R - RECORDED INSTRUMENT
 - ORIS - OBSERVED DISTANCE
 - M - MEASURED DISTANCE
 - C - CALCULATED DISTANCE
 - U - USED DISTANCE

BASIS OF BEARINGS
 THE CENTERLINE OF LINCOLN STREET (N $33^{\circ}45'41''$ E) AS TAKEN FROM THE REPLAT OF BLOCK A, LINCOLN COMMONS PHASE ONE, PREPARED BY ST. JOHANN & ASSOC. IN THE CITY OF KENT, OHIO, IS THE BASIS OF BEARINGS FOR THIS INSTRUMENT.

SCALE: 1" = 50'



ACCEPTANCE STATEMENT
 WE, THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS REPLAT AND SURVEY DO, HEREBY ASSENT TO AND ADOPT THE SUBDIVISION OF THE SAME, ACKNOWLEDGE THAT THE SAME WAS MADE AT OUR REQUEST, AND AUTHORIZING THE REVISION.

WITNESS

 OWNER

NOTARIAL ACKNOWLEDGEMENT
 STATE OF OHIO, COUNTY OF _____, I, NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED PARTIES AND IN THE PRESENCE OF THE SIGNING OF THE FOREGOING INSTRUMENT AND THAT THE SAME IS THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

 JEFFREY A. CORN
 P.S. - 8270
 PROFESSIONAL NOTARY PUBLIC

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SHOWN AND THAT I HAVE FOUND OR SET PINS OR MONUMENTS AS SHOWN HEREON.

JEFFREY A. CORN
 DATE 6-16-11

RECORDING:
 RECEIVED AT THE PORTAGE COUNTY TAX MAP OFFICE THIS _____ DAY OF _____, 20____.

ASSISTANT TAX MAP DRAFTSMAN _____

CLOSURE O.K. _____

CLERK, PORTAGE COUNTY MAP DEPT. _____

PORTAGE COUNTY RECORDER _____

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT _____ M. RECORDED THIS _____ DAY OF _____, 20____ IN PLAT _____ ENTERED FOR TRANSFER THIS _____ DAY OF _____, 20____

PORTAGE COUNTY AUDITOR _____

APPROVALS:
 APPROVED FOR RECORD BY THE KENT CITY DEVELOPMENT ENGINEER THIS _____ DAY OF _____, 20____

KENT CITY DEVELOPMENT ENGINEER _____

APPROVED BY CITY OF KENT ZONING INSPECTOR THIS _____ DAY OF _____, 20____

ZONING INSPECTOR _____

APPROVED BY CITY OF KENT ZONING INSPECTOR THIS _____ DAY OF _____, 20____

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ZONING INSPECTOR _____

APPROVED BY CITY OF KENT ZONING INSPECTOR THIS _____ DAY OF _____, 20____

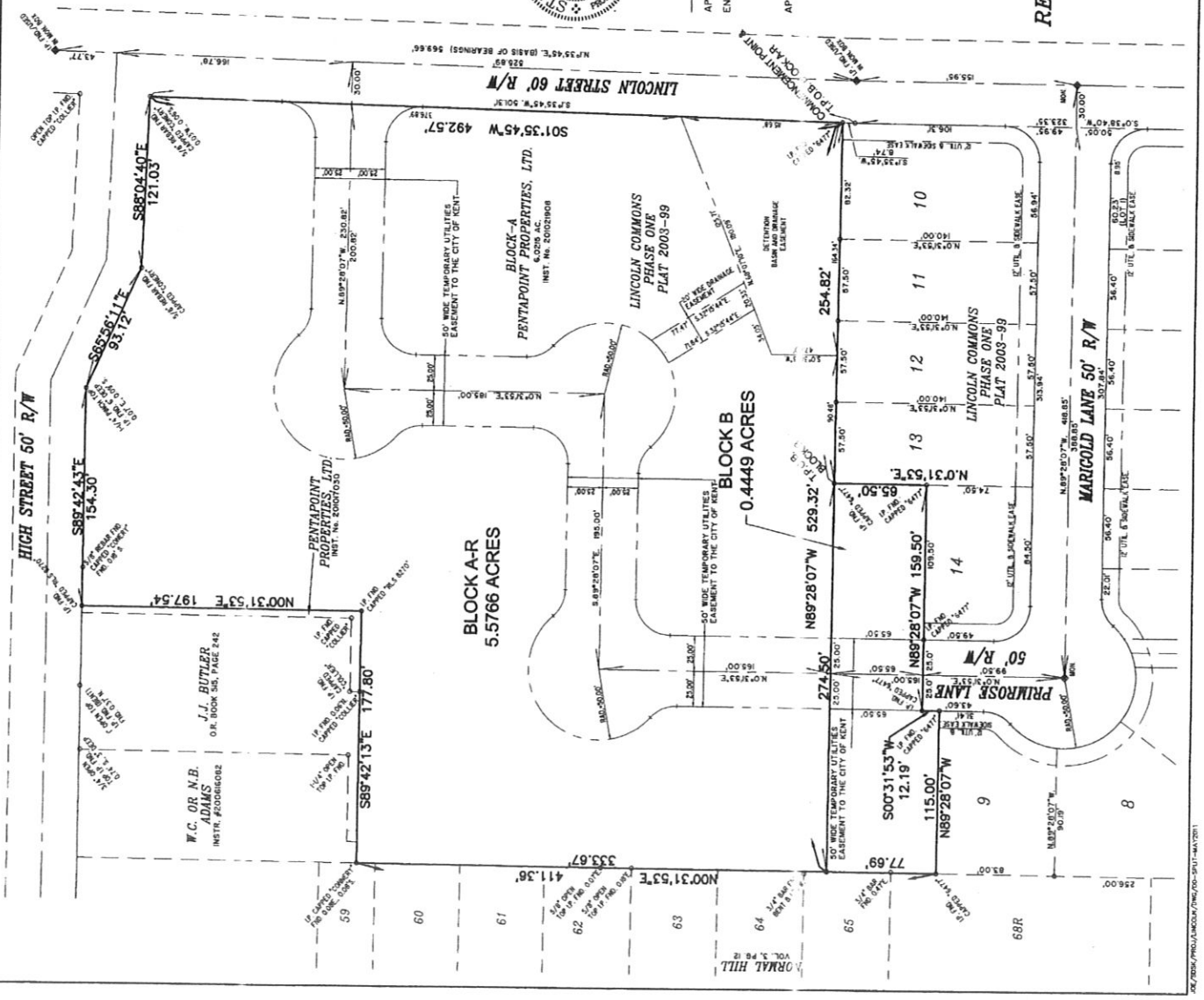
ZONING INSPECTOR _____

APPROVED BY CITY OF KENT ZONING INSPECTOR THIS _____ DAY OF _____, 20____

ZONING INSPECTOR _____

REPLAT OF BLOCK A LINCOLN COMMONS PHASE ONE AS RECORDED IN PLAT 2003-99 PART OF ORIGINAL FRANKLIN TWP. LOT 13, CITY OF KENT, PORTAGE COUNTY, OHIO

MOSYJOWSKI & ASSOCIATES ENGINEERS, LLC
 2608 SWARTZ ROAD
 MAINTENANCE CENTER
 PH: (330) 628-2632
 FAX: (330) 628-2656
 J.MOSYJOWSKI@MOSYJOWSKI.COM



**future Edwards
open space**

this highlighted area
to become a new lot.

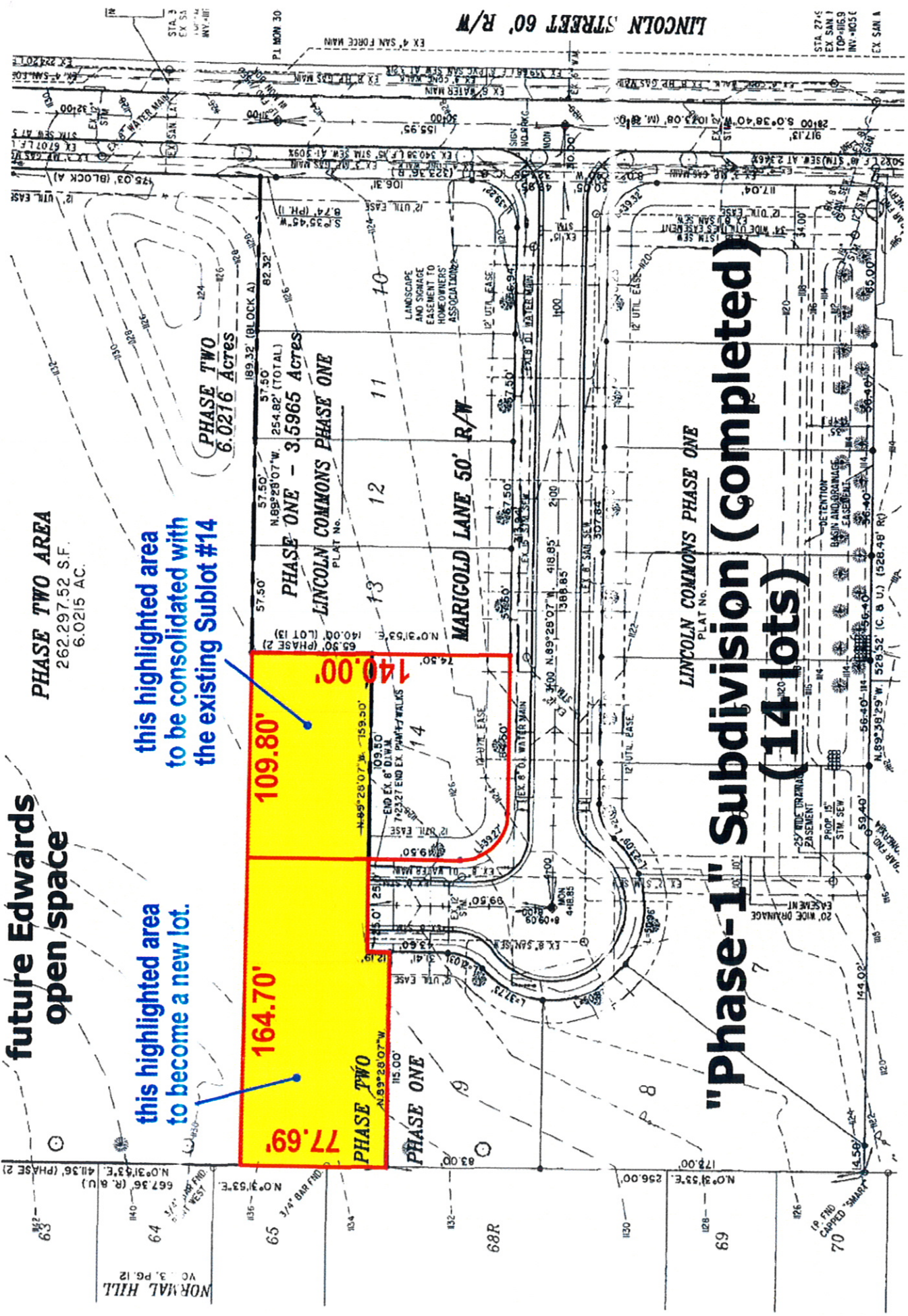
this highlighted area
to be consolidated with
the existing Sublot #14

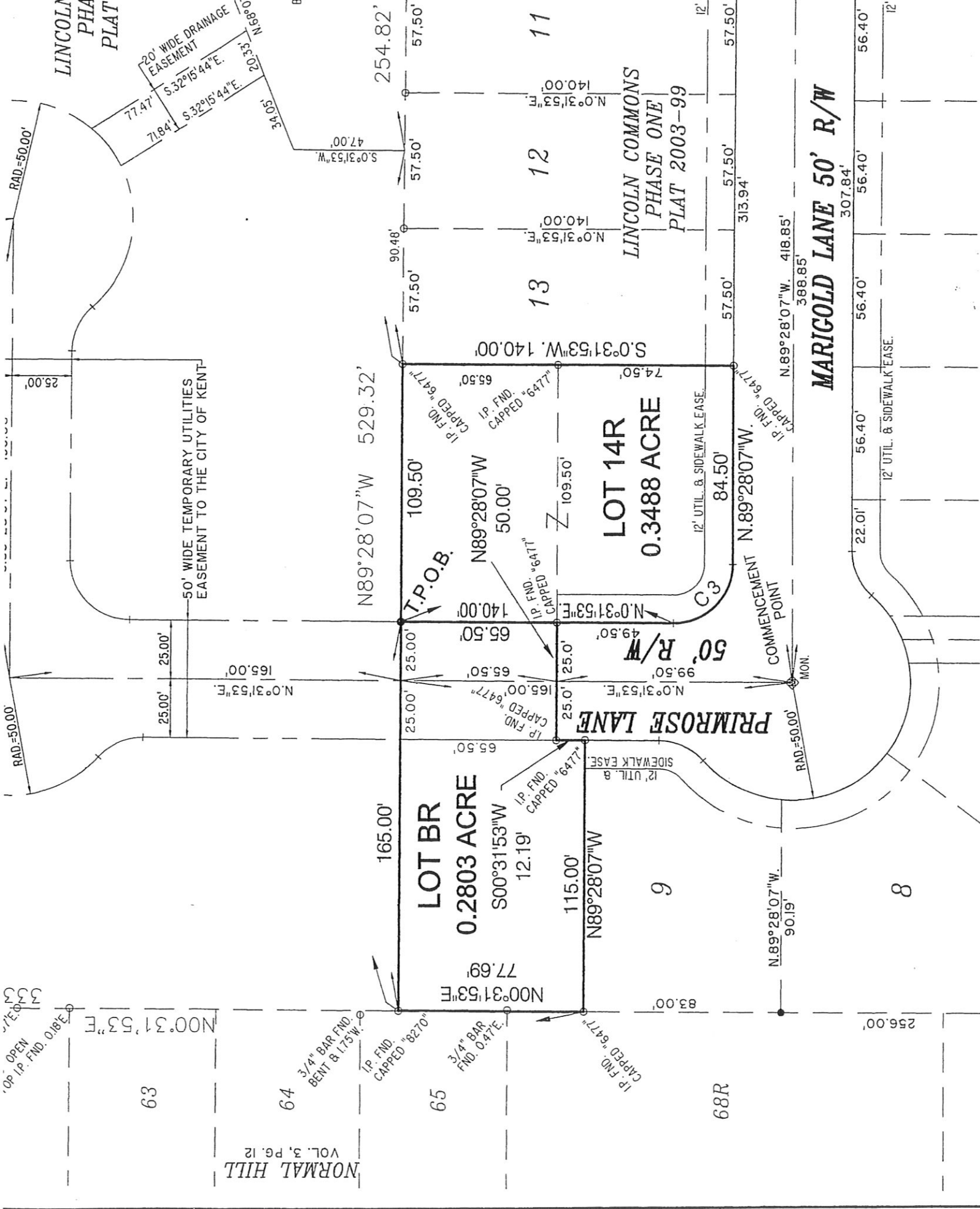
PHASE TWO AREA
262,297.52 S.F.
6.0215 AC.

PHASE TWO
189.32 (BLOCK A)
6.0216 Acres

PHASE ONE - 3.5965 Acres
LINCOLN COMMONS PHASE ONE

"Phase-1" Subdivision (completed)
(14 lots)





NORMAL HILL
VOL. 3, PG. 12



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: September 2, 2011
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Grants & Neighborhood Programs Administrator *BSD*
RE: Proposed Ward Apportionment based on 2010 Census Data

At the August 3, 2011 Council Committee session, Community Development Director Gary Locke did a presentation on proposed changes to the ward apportionment in order to comply with Section 64 of the City of Kent Charter, which specifies that the ward apportionment needs to be evaluated every ten (10) years at the time the U.S. Census Bureau releases new decennial census data. The review is required to ensure that the residential population disparity between wards is no more than ten (10) percent.

After receiving comments from Council, Gary developed another proposed ward apportionment model that adjusted the block groups assigned to Wards 3, 4 and 5. The proposed changes will result in an increase of persons to Ward 3 (+81), a slight decrease of persons in Ward 4 (-2) and a decrease of persons assigned to Ward 5 (-79).

I am requesting time at the September 7 Council Committee session to discuss these changes in greater detail. I just received this information yesterday and did not have time to get the proposed changes depicted on a map to include with this correspondence, but I will have the map prepared to present to members of Council at the September 7, 2011 meeting.

Thank you for your assistance with this matter. If you need any additional information in order to add this to the Council Committee agenda, please let me know.

Cc: Gary Locke, Community Development Director
Jim Silver, Law Director
Linda Copley, Clerk of Council
2011 Ward Apportionment File