

LAW DEPARTMENT

Monthly Report

5/1/11 to 5/31/11

- 8) Lawsuit filed by Paul Webster against City (Federal court). One of Mr. Webster's cases has been dismissed by the Federal Court. Waiting on Court of Appeals decision for the remaining case.
- 9) Rebecca Vujanov v. Kent – Attend Mediation – Matter not resolved. Defendant requested continuance of January Trial date.
- 10) Two (2) new claims against the City.
- 11) Mortgage Foreclosure filed against Alfreda and Davin Strong for breaking mortgage restrictions on City Home Improvement loan for owner – occupied houses – Mediation Conference scheduled for June 15, 2011.
- 12) Now in Court of Appeals over the taking of Lloyd Atkinson's property for Crain Avenue Bridge Project over value of his property.

LAW DEPARTMENT

Monthly Report

6/1/11 to 6/30/11

- 1) Reviewed contracts for the following:
 - a) Purchase of Thomas & Betts property (RBW);
 - b) PARTA License Agreement;
 - c) RR agreement at Crain Avenue bridge;
 - d) Jones & Stuckey Ltd. Engineering agreement (Pine St.);
 - e) Sidewalk replacement;
 - f) Dominion East Ohio gas line easement;
 - g) Sub-lease with Lindsey;
 - h) Sales Estate sales agreement;
 - i) GDP Group – Alley 5 engineering; and
 - j) Chagrin Valley Paving.
- 2) Festival insurance form applications: Two (2)
- 3) Did research in the following areas:
 - a) Negotiations;
 - b) Terms of Board & Commission members;
 - c) Vacant buildings;
 - d) Overlay District; and
 - e) Estate auctions.
- 4) Prosecution: Sixty eight (68) hearings (trials, pre-trials or suppression hearings), record sealing notices and destruction / sale of contraband forms.
- 5) Jerry Sales Estate property: Continuing the process to sell properties. Attend Court hearing.
- 6) Brady Lake lawsuit: Trial set for January 19, 2011 was continued. No new date. Waiting for rulings on motions.
- 7) Kent Hotel, LLC vs. City of Kent: Set for Trial September 13, 2011.

LAW DEPARTMENT Monthly Report

6/1/11 to 6/30/11

- 8) Lawsuit filed by Paul Webster against City (Federal court). One of Mr. Webster's cases has been dismissed by the Federal Court. Waiting on Court of Appeals decision for the remaining case.
- 9) Rebecca Vujanov v. Kent – Attend Mediation – Matter not resolved. Defendant requested continuance of January Trial date.
- 10) One (1) new claim against the City.
- 11) Mortgage Foreclosure filed against Alfreda and Davin Strong for breaking mortgage restrictions on City Home Improvement loan for owner – occupied houses – Mediation Conference re-scheduled for August 30, 2011.
- 12) Now in Court of Appeals over the taking of Lloyd Atkinson's property for Crain Avenue Bridge Project over value of his property.

LAW DEPARTMENT

Monthly Report

Pending Code Violations & Enforcement

4/1/2011 to 4/30/2011

<i>Type</i>	<i>Address</i>	<i>Owner</i>	<i>Issue</i>	<i>Work Involved</i>
Complaint	Kent Hotel	Vilco, Inc.	Abandoned building	New court hearing scheduled.
Complaint	1288 Gale Street	Cherry, Paula		Sale appears complete. Pending action from buyer.
Complaint	939 South Water	Neva Groves	Scaffolding House	Contact homeowner.
Planning Commission			New Code provisions	Review proposed new zoning code chapters.
Planning Commission		Edwards Project		Research property line set backs.
Planning Commission				Research proposals for various projects.
BZA				Research proposals for various projects.
Health Dept	1629 Olympus	Thembo Trasada	Nuisance violation	As of Feb 5, fines are accumulating.
Building Dept	509 Franklin	CHO-OYU LTD	Unsecured Structure/Razing	Prep for trial. Court continues case until April. C/D inspects building. Is not habitable, but Meets all exterior maintenance codes. Cannot proceed.
Building Dept	234 Lake Street	Brenda Richards	Abandoned Building/Razing	Motion for service by publication.
Building Dept	1415 East Main Street	J&C Properties	Improper downspouts	None. Need update from C/D
Building Dept	many	Jerry Sales Estate	demolition of properties	Scheduled for court hearing.
BZA/PC/BBA	746 River Bend Blvd	Parks Launch Project	Appeal	Receive appeal. Initiate response. Prepare findings of fact for BBA, BZA, PC. Briefing schedule ordered. Complaint amended.

LAW DEPARTMENT

Monthly Report

Pending Code Violations & Enforcement

5/1/11 to 5/31/11

<i>Type</i>	<i>Address</i>	<i>Owner</i>	<i>Issue</i>	<i>Work Involved</i>
Complaint	Kent Hotel	Vilco, Inc.	Abandoned building	New court hearing scheduled.
Complaint	1288 Gale Street	Cherry, Paula		Property inspected by C/D. No violations observed. File to be closed.
Complaint	939 South Water	Neva Groves	Scaffolding House	Meet with JRS and C/D for other solutions.
Planning Commission			New Code provisions	Review proposed new zoning code chapters.
Planning Commission		Edwards Project		Research application of overlay districts.
Planning Commission				Research proposals for various projects.
BZA				Research proposals for various projects.
Health Dept	1629 Olympus	Thembo Trasada	Nuisance violation	As of Feb 5, fines are accumulating.
Building Dept	509 Franklin	CHO-OYU LTD	Unsecured Structure/Razing	Matter closed.
Building Dept	234 Lake Street	Brenda Richards	Abandoned Building/Razing	Matter scheduled for Status in August. Service by publication granted. Notice posted by Record Courier.
Building Dept	many	Jerry Sales Estate	demolition of properties	Hearing held. Proceed to auction.
BZA/PC/BBA	746 River Bend Blvd	Parks Launch Project	Appeal	Verbatim transcripts filed. Briefing scheduled amended.
Building Dept	1225 West Main St	Mike Tabba	Illegal Sign	Drafted and filed complaint. Filed motions for emergency injunction. Drafted motions for service.

LAW DEPARTMENT

Monthly Report

Pending Code Violations & Enforcement

6/1/11 to 6/30/11

<i>Type</i>	<i>Address</i>	<i>Owner</i>	<i>Issue</i>	<i>Work Involved</i>
Complaint	Kent Hotel	Vilco, Inc.	Abandoned building	Review court rulings. Awaiting next court date.
Complaint	1368 Athena Drive	Ashley Bojc	Illegal Boarding House	Spoke to neighbors
Planning Commission			New Code provisions	Review overlay district.
Planning Com		Edwards Project		Review language for deed restrictions.
Planning Commission				Research proposals for various projects.
BZA				Research proposals for various projects.
Building Dept	234 Lake Street	Brenda Richards	Abandoned Building/Razing	Time running on service by publication.
Building Dept	many	Jerry Sales Estate	demolition of properties	Scheduled for additional court hearings.
Building Dept	1225 West Main St.	Mike Tabba	Illegal Sign	Appeared for court. Visited property with UL inspectors. Issue resolved.
Building Dept	500 S Water Street	CVS project	Alley Ownership	Review evidence of ownership of alley. Auction remains pending.
BZA/PC/BBA	746 River Bend Blvd	Parks Launch Project	Appeal	Receive appellants brief. Review motions. File responding brief and motion to dismiss. Briefing schedule amended.
				Sent letter, drafted complaint

KENT CITY PLANNING COMMISSION
BUSINESS MEETING
AUGUST 16, 2011
COUNCIL CHAMBERS
KENT CITY HALL
325 S. DEPEYSTER STREET
7:00 P.M.

A G E N D A

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **READING OF PREAMBLE**

IV. **ADMINISTRATION OF OATH**

V. **MEETING MINUTES** June 7, 2011 and June 21, 2011

VI. **CORRESPONDENCE**

VII. **OLD BUSINESS**

- A. PC11-014 CVS
500 South Water Street
Conditional Zoning Certificate & Site Plan Review

The applicant is seeking a Conditional Zoning Certificate and Site Plan Review and Approval to raze the existing drug store and two adjacent structures and rebuild a new CVS drug store with a drive-thru pharmacy. The subject property is zoned R-C: High Density – Commercial Zone District.

- 1) Public Hearing
- 2) Planning Commission Discussion/Action

VIII. **NEW BUSINESS**

- A. PC11-016 PentaPoint Properties, LTD
Lincoln Commons Subdivision, Primrose Lane
Recommendation to City Council for a subdivision variance

The applicant is seeking a recommendation to City Council for a subdivision variance to split out a parcel to enlarge the current Sublot 14 and to create a new Sublot. The subject property is zoned R-3: High Density Residential Zone District.

- 1) Public Comment
- 2) Planning Commission Discussion/Action

IX. **OTHER BUSINESS**

X. **ADJOURNMENT**



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: August 9, 2011
TO: Kent City Planning Commission
FROM: Jennifer Barone, PE, Development Engineer
RE: Staff Report for the August 16, 2011 Planning Commission Meeting

The following items appear on the agenda for the August 16, 2011 Planning Commission meeting:

OLD BUSINESS:

CASE NO: PC11-014

APPLICANT: CVS

SITE LOCATION: 500 South Water Street

STATUS OF APPLICANT: Zarembo Group is the authorized representative for the property owners.

REQUESTED ACTION: Conditional Zoning Certificate and Site Plan Review & Approval to raze the existing CVS Drug store & two adjacent structures and rebuild a new CVS Drug store with a drive-thru pharmacy.

ZONING: R-C: High Density Multifamily - Commercial District

TRAFFIC: The parcel is accessed from South Water Street, West Summit Street and Alley #11

SURROUNDING LAND USES: The property is surrounded by commercial uses on the north and east and residential (multifamily) on the west and south sides.

APPLICABLE CODE SECTIONS: Chapters 1107, 1113, and 1137 of the Kent Codified Ordinance

ANALYSIS:

This project was tabled by the applicant at the June 21, 2011 meeting in order to provide more time to address concerns of the Planning Commission.

PROJECT DESCRIPTION:

CVS is seeking to demolish their existing store and purchase additional acreage to construct a new facility with a drive-thru pharmacy for their retail operations. The new facility will be 13,600 SF.

CVS intends to maintain their pharmacy operation during construction using a temporary trailer on site. Staff has concerns about the security of this trailer. Staff can review the proposed measures during technical plan review and suggest making this a condition of approval.

TRAFFIC/PARKING:

An ingress/egress drive is proposed from West Summit Street which aligns as closely as feasible with the drive for Walgreens on the south side of the street. There are also two drives onto Alley #11, one of which enter the parking lot with two-way traffic and one drive exiting from the drive-thru area (one-way). Staff has estimated the parking need to be 54 spaces and 66 are proposed.

The Fire Department has requested fire lanes along the north and south sides of the building. Staff suggests making this a condition of approval.

The loading zone is located at the west end of the project (the rear) and is denoted by signage.

UTILITIES:

Existing water and sanitary mains will service the utility needs.

STORMWATER:

The storm water runoff will be treated in an underground storage facility. This tank will discharge to the storm sewer on West Summit Street.

SIGNAGE:

The developer needs to proceed with the process to obtain a comprehensive sign plan approval per KCO 1165.12 since there are more than 3 signs. The Architectural Review Board and the Planning Commission approval must be obtained.

LIGHTING/LANDSCAPING/DUMPSTER:

Pole lights in the parking lot are proposed for the lighting system as well as lighting on the building. The lights will need to be adjusted to prevent spillage over the property line. This can be handled during technical plan review.

The landscape plan depicts a variety of trees and shrubs distributed around the perimeter of the site on the east side.

The dumpster is located on the west side of the parcel. Garbage pick up will be during non-business hours.

ARCHITECTURAL ADVISORY BOARD:

The Architectural Review Board reviewed the revised plans on August 2, 2011 and recommended the following:

North Elevation

- The split face block be changed from the beige to the darker shade (red) shown for the right 3 panels.
- Add vertical relief at the columns and horizontal relief at the base by having the columns and base project out further than the main wall.

East Elevation

- The split face block be changed from the beige to the darker shade (red) shown for the left 2 panels.
- Add vertical relief at the columns and horizontal relief at the base by having the columns and base project out further than the main wall.
- Since the red signs will not stand out on the red split face, attach a panel type sign.

Site

- Add a sidewalk island at the front door by eliminating a couple parking spaces.
- Modify the walking path to be from the intersection corner to the front door versus shift west on West Summit Street.

VARIANCES:

Variances will need to be obtained from the Board of Zoning Appeals (BZA) for the following.

1. A 17 foot variance from the 20 foot minimum parking setback/landscaping strip requirement to allow parking to be 3 feet from the West Summit Street right-of-way.
2. A 28.5 foot variance from the 30 feet minimum front yard building setback to allow a new building to be 1.5 feet from the front yard property line along Alley 11.

RECOMMENDATION:

Staff recommends approval subject to the conditions listed below.

The Planning Commission may approve, approve with conditions, or disapprove the application. Should Planning Commission wish to approve this project, the following language may be used:

I move that in Case PC11-014, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to demolish the existing store and adjacent two structures and reconstruct a store with a drive-thru pharmacy subject to the following:

1. Technical Plan Review.
2. Installation of sidewalk on the south side of West Summit Street adjacent to this parcel.
3. Approval of the variances from the Board of Zoning Appeals.
4. Approval of the comprehensive sign plan.
5. Provide proper security for the temporary trailer as approved by staff.
6. Provide fire lanes along the north and south sides of the building.
7. Implementation of the Architectural Review Board recommendations.

List of Enclosures for this Project:

1. Applicant Cover Letter dated April 25, 2011.
2. Plans dated July 18, 2011.
3. Aerial Topo and Zoning Map.

NEW BUSINESS:

CASE NO: **PC11-016**

APPLICANT: PentaPoint Properties, LTD

SITE LOCATION: Lincoln Commons Subdivision, Primrose Lane.

STATUS OF APPLICANT: The applicant is the owner.

REQUESTED ACTION: Recommendation to City Council for a subdivision variance.

ZONING: R-3: High Density Residential.

TRAFFIC: The parcels are accessed from Primrose Lane.

SURROUNDING LAND USES: The property is surrounded by residential uses on the east, south and west sides and open space on the north side.

APPLICABLE CODE SECTIONS: Chapter 1181 and 1187 of the Kent Codified Ordinance

ANALYSIS:

PROJECT DESCRIPTION:

The applicant is asking for a positive recommendation to City Council to grant a variance from the subdivision code. As you are aware, the applicant 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. 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.

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.)

TRAFFIC/PARKING:

Sublot 14 can be accessed by both Marigold and Primrose Lane. The new subplot will be accessed at the end of Primrose Lane. Snow plowing will be an issue since there is no location to place the snow. Staff recommends that the Planning Commission consider placing a condition upon your recommendation that an agreement be signed stating that the homeowners utilizing Primrose Lane are responsible for plowing the snow.

UTILITIES:

Existing water, sanitary and storm sewer mains will service the utility needs. However, the treatment of the end of the existing utilities will need to be modified. The sanitary will need a manhole and the water main will need a fire hydrant.

VARIANCES:

No variances from the Board of Zoning Appeals are required.

OTHER:

The easements shown in lot A-R & BR (50' wide temporary utilities easement, 20' drainage easement and detention basin and drainage easement) have been presented to City Council for vacation at August 3, 2011 committee meeting.

RECOMMENDATION:

The Planning Commission may recommend approve, approve with conditions, or disapprove of the requested variance. The following language may be used:

I move that in Case PC11-016, the Planning Commission recommend to City Council approval of the requested subdivision variance for a dead end street length subject to the following:

1. Technical Plan Review.
2. Installation of the proper utility end treatments on Primrose Lane.
3. Execution of an agreement stating that the homeowners utilizing Primrose Lane are responsible for plowing the snow.

List of Enclosures for this Project:

1. Applicant Cover Letter and plans dated June 24, 2011.
2. Replat dated June 27, 2011.
3. Aerial Topo and Zoning Map.

cc: Gary Locke, Community Development Director
Jim Bowling, City Engineer
Eric Fink, Assistant Law Director
Heather Phile, Development Planner
Applicants
PC Case Files

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Linda Copley

FROM: Jim Bowling

DATE: August 6, 2011

RE: Downtown Redevelopment Block – Lot Split

The engineering division requests council time to review and approve a proposed lot split for the downtown redevelopment block. The lot is owned by the City of Kent and is located in the city block bounded by S. Water Street, Erie Street, Depeyster Street and SR 59. The City parcel (17-024-10-00-022-001), currently labeled 10 R, will be split into the following parcels:

PARCEL	AREA
10 R 1	0.8775 ac
10 R 2	0.5541 ac
10 R 3	1.0970 ac
10 R 4	0.0128 ac
10 R 5	0.1845 ac
TOTAL	2.7259 ac

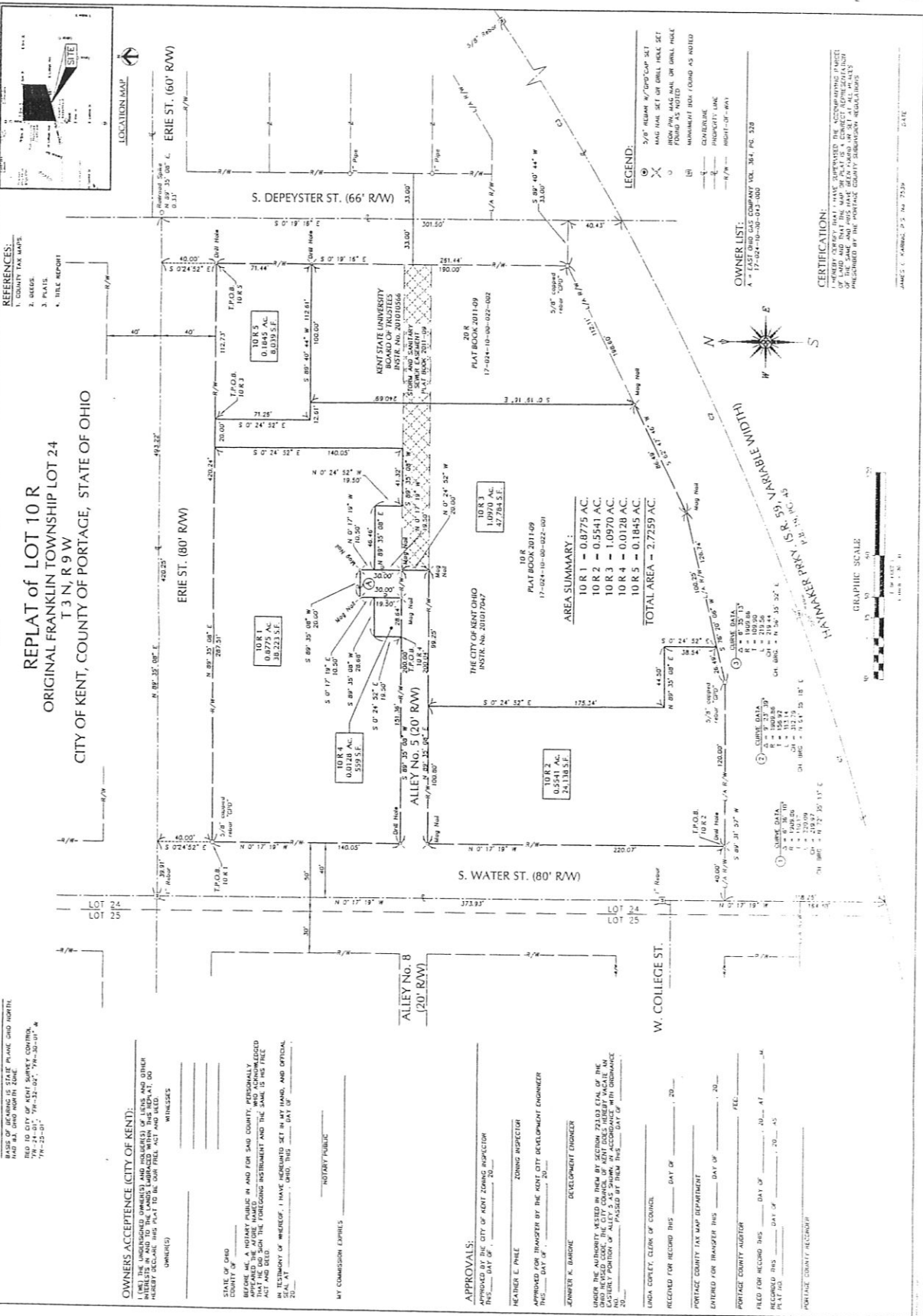
The splitting of the lot is necessary for the lease of the parcels 10 R 1, 10 R 2 and 10 R 5 to College Town Kent, LLC for the construction of mixed-use buildings. Attached are the proposed Replat and legal descriptions for the parcels.

C: Rhonda Boyd
Jim Silver
File

REV.	DATE	DESCRIPTION

OWNER LIST:
 1. THE CITY OF KENT, 17-024-10-00-02-001
 2. THE CITY OF KENT, 17-024-10-00-02-002

2008255.00
 1 of 1



BASIS OF BEARING:
 MADE BY SURVEYING IN STATE PLANE GRID NORTH
 REF TO CITY OF KENT SURVEY CONTROL
 78-24-01, 78-25-02, 78-25-03, 78-25-04, 78-25-05, 78-25-06, 78-25-07, 78-25-08, 78-25-09, 78-25-10, 78-25-11, 78-25-12, 78-25-13, 78-25-14, 78-25-15, 78-25-16, 78-25-17, 78-25-18, 78-25-19, 78-25-20, 78-25-21, 78-25-22, 78-25-23, 78-25-24, 78-25-25, 78-25-26, 78-25-27, 78-25-28, 78-25-29, 78-25-30, 78-25-31, 78-25-32, 78-25-33, 78-25-34, 78-25-35, 78-25-36, 78-25-37, 78-25-38, 78-25-39, 78-25-40, 78-25-41, 78-25-42, 78-25-43, 78-25-44, 78-25-45, 78-25-46, 78-25-47, 78-25-48, 78-25-49, 78-25-50, 78-25-51, 78-25-52, 78-25-53, 78-25-54, 78-25-55, 78-25-56, 78-25-57, 78-25-58, 78-25-59, 78-25-60, 78-25-61, 78-25-62, 78-25-63, 78-25-64, 78-25-65, 78-25-66, 78-25-67, 78-25-68, 78-25-69, 78-25-70, 78-25-71, 78-25-72, 78-25-73, 78-25-74, 78-25-75, 78-25-76, 78-25-77, 78-25-78, 78-25-79, 78-25-80, 78-25-81, 78-25-82, 78-25-83, 78-25-84, 78-25-85, 78-25-86, 78-25-87, 78-25-88, 78-25-89, 78-25-90, 78-25-91, 78-25-92, 78-25-93, 78-25-94, 78-25-95, 78-25-96, 78-25-97, 78-25-98, 78-25-99, 78-25-100

OWNERS ACCEPTANCE (CITY OF KENT):
 I, _____, Mayor of the City of Kent, Ohio, do hereby certify that the above described plat is a correct representation of the land and that the same has been approved by the Board of Trustees of the City of Kent, Ohio, and that the same has been recorded in the Public Records of the County of Portage, Ohio, in accordance with the provisions of the Public Records Act, Ohio Revised Code, Sections 5301.01 to 5301.09, and that the same is a correct representation of the land and that the same has been approved by the Board of Trustees of the City of Kent, Ohio, and that the same has been recorded in the Public Records of the County of Portage, Ohio, in accordance with the provisions of the Public Records Act, Ohio Revised Code, Sections 5301.01 to 5301.09.

APPROVALS:
 APPROVED BY THE CITY OF KENT ZONING INSPECTOR
 THIS _____ DAY OF _____, 20____
 HEATHER E. PAILE
 ZONING INSPECTOR

APPROVED FOR TRANSFER BY THE KENT CITY DEVELOPMENT ENGINEER
 THIS _____ DAY OF _____, 20____
 JENNIFER K. DARGONE
 DEVELOPMENT ENGINEER

UNDER THE AUTHORITY VESTED IN ME BY SECTION 2133.01 OF THE
 EARLIER PORTION OF ALLEY 5 AS SHOWN IN ACCORDANCE WITH ORDINANCE
 20____ PASSED BY THEM THIS _____ DAY OF _____, 20____
 LINDA CONLEY, CLERK OF COUNCIL

RECEIVED FOR RECORD THIS _____ DAY OF _____, 20____
 PORTAGE COUNTY TAX MAP DEPARTMENT
 ENTERED FOR TRANSFER THIS _____ DAY OF _____, 20____
 PORTAGE COUNTY AUDITOR
 FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT _____
 RECORDED THIS _____ DAY OF _____, 20____ AS _____
 PORTAGE COUNTY RECORDER

10 R 1

Situated in the City of Kent, County of Portage, State of Ohio, and known as being a part of Original Franklin Township Lot 24, Township 3 North, Range 9 West, and a part of Lot 10R as recorded in Plat Book 2010-26, also known as being a portion of a parcel of land conveyed to The City of Kent Ohio as recorded in Instrument No. 201017047 of said County's records, and being further bounded and described as follows:

Commencing at a 5/8 inch rebar with cap "GPD" found at the northwest corner of said Lot 10R and the intersection of the east right of way line of S. Water St. (80 feet wide) and the south right of way line of Erie St. (80 feet wide), said rebar found being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following twelve (12) courses and distances:

- 1) Thence along the north line of said Lot 10R and the south right of way line of said Erie St., N 89° 35' 08" E for a distance of 287.51 feet to a point;
- 2) Thence S 0° 24' 52" E for a distance of 140.05 feet to a point;
- 3) Thence S 89° 35' 08" W for a distance of 41.32 feet to a point;
- 4) Thence N 0° 24' 52" W for a distance of 19.50 feet to a point;
- 5) Thence S 89° 35' 08" W for a distance of 46.46 feet to a point on the east line of a parcel of land conveyed to the East Ohio Gas Company as recorded in Deed Book 364, page 528;
- 6) Thence along the east line of said East Ohio Gas Company, N 0° 17' 19" W for a distance of 10.50 feet to a Mag Nail found at the northeast corner of said East Ohio Gas Company;
- 7) Thence along the north line of said East Ohio Gas Company, S 89° 35' 08" W for a distance of 20.00 feet to a Mag Nail found at the northwest corner of said East Ohio Gas Company;
- 8) Thence along the west line of said East Ohio Gas Company, S 0° 17' 19" E for a distance of 10.50 feet to a point;
- 9) Thence S 89° 35' 08" W for a distance of 28.68 feet to a point;
- 10) Thence S 0° 24' 52" E for a distance of 19.50 feet to a point on the north right of way line of Alley No. 5 (20 feet wide);
- 11) Thence along said north right of way line, S 89° 35' 08" W for a distance of 151.36 feet to a Drill Hole found at a corner of said Lot 10R and on the east right of way line of said S. Water St.;

12) Thence along the west line of said Lot 10R and said east right of way line, N 0° 17' 19" W for a distance of 140.05 feet to the True Place of Beginning and containing 0.8775 acres (38,223 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in July of 2011.

Basis of Bearing is State Plane Grid North, NAD 83(1983), Ohio North Zone.
Tied to City of Kent survey control points "FR-24-01", "FR-32-02", "FR-30-01" & "FR-25-01".

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10 R 2

Situated in the City of Kent, County of Portage, State of Ohio, and known as being a part of Original Franklin Township Lot 24, Township 3 North, Range 9 West, and a part of Lot 10R as recorded in Plat Book 2010-26, also known as being a portion of a parcel of land conveyed to The City of Kent Ohio as recorded in Instrument No. 201017047 of said County's records, and being further bounded and described as follows:

Commencing at a Drill Hole found at the southwest corner of said Lot 10R and the intersection of the east right of way line of S. Water St. (80 feet wide) and the north limited access right of way line of Haymaker Parkway (S.R. 59, variable width) as recorded in Plat Book 19, Page 45, said Drill Hole found being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following seven (7) courses and distances:

- 1) Thence along the east right of way line of said S. Water St., N 0° 17' 19" W for a distance of 220.07 feet to a Mag Nail found on the south right of way line of Alley No. 5 (20 feet wide);
- 2) Thence along said south right of way line, N 89° 35' 08" E for a distance of 100.80 feet to a point;
- 3) Thence S 0° 24' 52" E for a distance of 175.34 feet to a point;
- 4) Thence N 89° 35' 08" E for a distance of 44.50 feet to a point;
- 5) Thence S 0° 24' 52" E for a distance of 38.54 feet to a point on the north limited access right of way line of said Haymaker Parkway and the south line of said Lot 10R;
- 6) Thence along said north limited access right of way line and said south line of Lot 10R, S 76° 20' 06" W for a distance of 26.49 feet to a 5/8 inch rebar with cap "GPD" found;
- 7) Thence continuing along said north limited access right of way line and said south line Lot 10R, S 89° 31' 57" W for a distance of 120.00 feet to the True Place of Beginning and containing 0.5541 acres (24,138 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in July of 2011.

Basis of Bearing is State Plane Grid North, NAD 83(1983), Ohio North Zone.

Tied to City of Kent survey control points "FR-24-01", "FR-32-02", "FR-30-01" & "FR-25-01".

10 R 3

Situated in the City of Kent, County of Portage, State of Ohio, and known as being a part of Original Franklin Township Lot 24, Township 3 North, Range 9 West, and a part of Lot 10R as recorded in Plat Book 2011-09, also known as being a portion of a parcel of land conveyed to The City of Kent Ohio as recorded in Instrument No. 201017047 of said County's records, and being further bounded and described as follows:

Commencing at a Drill Hole found at a northeast corner of said Lot 10R and the intersection of the west right of way line of S. Depeyster St. (66 feet wide) and the south right of way line of Erie St. (80 feet wide), thence along the north line of said Lot 10R and the south right of way line of said Erie St., S 89° 35' 08" W for a distance of 112.73 feet to a point, said point being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following sixteen (16) courses and distances:

- 1) Thence S 0° 24' 52" E for a distance of 71.26 feet to a point;
- 2) Thence N 89° 40' 44" E for a distance of 12.61 feet to the northwest corner of Lot 20R as recorded in Plat Book 2011-09;
- 3) Thence along the west line of said Lot 20R, S 0° 19' 16" E for a distance of 240.69 feet to a Mag Nail found at the southwest corner of said Lot 20R and on the north limited access right of way line of Haymaker Parkway (S.R. 59, variable width) as recorded in Plat Book 19, Page 45;
- 4) Thence along said north limited access right of way line, S 62° 47' 46" W for a distance of 86.49 feet to a Mag Nail found;
- 5) Thence continuing along said north limited access right of way line, S 76° 20' 06" W for a distance of 100.25 feet to a point;
- 6) Thence N 0° 24' 52" W for a distance of 38.54 feet to a point;
- 7) Thence S 89° 35' 08" W for a distance of 44.50 feet to a point;
- 8) Thence N 0° 24' 52" W for a distance of 175.34 feet to a point on the south right of way line of Alley No. 5 (20 feet wide);
- 9) Thence along said south right of way line, N 89° 35' 08" E for a distance of 99.25 feet to a Mag Nail found;
- 10) Thence along the east right of way line of said Alley No. 5, N 0° 24' 52" W for a distance of 20.00 feet to a Mag Nail found at the northeast corner of said Alley No. 5 and the southeast corner of a parcel of land conveyed to the East Ohio Gas Company as recorded in Deed Book 364, Page 528;

- 11) Thence along the east line of said East Ohio Gas Company, N 0° 17' 19" W for a distance of 19.50 feet to a point;
- 12) Thence N 89° 35' 08" E for a distance of 46.46 feet to a point;
- 13) Thence S 0° 24' 52" E for a distance of 19.50 feet to a point;
- 14) Thence N 89° 35' 08" E for a distance of 41.32 feet to a point;
- 15) Thence N 0° 24' 52" W for a distance of 140.05 feet a point on the south right of way line of said Erie St. and the north line of said Lot 10R;
- 16) Thence along said south right of way line and the north line of said Lot 10R, N 89° 35' 08" E for a distance of 20.00 feet to the True Place of Beginning and containing 1.0970 acres (47,784 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in July of 2011.

Basis of Bearing is State Plane Grid North, NAD 83(1983), Ohio North Zone.

Tied to City of Kent survey control points "FR-24-01", "FR-32-02", "FR-30-01" & "FR-25-01".

10 R 4

Situated in the City of Kent, County of Portage, State of Ohio, and known as being a part of Original Franklin Township Lot 24, Township 3 North, Range 9 West, and a part of Lot 10R as recorded in Plat Book 2010-26, also known as being a portion of a parcel of land conveyed to The City of Kent Ohio as recorded in Instrument No. 201017047 of said County's records, and being further bounded and described as follows:

Commencing at a 5/8 inch rebar with cap "GPD" found at the northwest corner of said Lot 10R and the intersection of the east right of way line of S. Water St. (80 feet wide) and the south right of way line of Erie St. (80 feet wide), thence along the east right of way line of said S. Water St. and the west line of said Lot 10R, S 0° 17' 19" E for a distance of 140.05 feet to a Drill Hole found on the north right of way line of Alley No. 5 (20 feet wide), thence along said north right of way line, N 89° 35' 08" E for a distance of 151.36 feet to a point, said point being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following four (4) courses and distances:

- 1) Thence N 0° 24' 52" W for a distance of 19.50 feet to a point;
- 2) Thence N 89° 35' 08" E for a distance of 28.68 feet to a point on the west line of a parcel of land conveyed to the East Ohio Gas Company as recorded in Deed Book 364, Page 528;
- 3) Thence along said west line, S 0° 17' 19" E for a distance of 19.50 feet to a Mag Nail found on the north right of way line of said Alley no. 5;
- 4) Thence along said north right of way line, S 89° 35' 08" W for a distance of 28.64 feet to the True Place of Beginning and containing 0.0128 acres (559 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in July of 2011.

Basis of Bearing is State Plane Grid North, NAD 83(1983), Ohio North Zone.
Tied to City of Kent survey control points "FR-24-01", "FR-32-02", "FR-30-01" & "FR-25-01".

10 R 5

Situated in the City of Kent, County of Portage, State of Ohio, and known as being a part of Original Franklin Township Lot 24, Township 3 North, Range 9 West, and a part of Lot 10R as recorded in Plat Book 2011-09, also known as being a portion of a parcel of land conveyed to The City of Kent Ohio as recorded in Instrument No. 201017047 of said County's records, and being further bounded and described as follows:

Commencing at a Drill Hole found at a northeast corner of said Lot 10R and the intersection of the west right of way line of S. Depeyster St. (66 feet wide) and the south right of way line of Erie St. (80 feet wide), said Drill Hole found being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following four (4) courses and distances:

- 1) Thence along an east line of said Lot 10R and the west right of way line of said S. Depeyster St., S 0° 19' 16" E for a distance of 71.44 feet to a Drill Hole found at the northeast corner of Lot 20R as recorded in Plat Book 2011-09;
- 2) Thence along the north line of said Lot 20 R and its extension west, S 89° 40' 44" W for a distance of 112.61 feet to the northwest corner of said Lot 20R;
- 3) Thence N 0° 24' 52" W for a distance of 71.26 feet to a point on the south right of way line of said Erie St. and the north line of said Lot 10R;
- 4) Thence along said south right of way line and the north line of said Lot 10R, N 89° 35' 08" E for a distance of 112.73 feet to the True Place of Beginning and containing 0.1845 acres (8,039 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in July of 2011.

Basis of Bearing is State Plane Grid North, NAD 83(1983), Ohio North Zone.
Tied to City of Kent survey control points "FR-24-01", "FR-32-02", "FR-30-01" & "FR-25-01".