

### WATERLINE VALVE ACCESS

FOR AND IN CONSIDERATION of One Dollar (\$1.00) and other consideration, the receipt of which is acknowledged, **KENT INVESTORS LLC**, an Ohio limited liability company, licensor, who claims title to certain real estate by deed recorded in Document #201609645 of the Portage County Records, for itself and its successors and assigns, licenses and authorizes the **City of Kent**, Portage County, Ohio, a municipal corporation, licensee, and its agents and employees, the perpetual right to enter on and use for the limited purpose of access to the waterline curb stops and valves located within the following described parcel of land:

#### 20' Water Line Valve Access Description

Situated in the State of Ohio, County of Portage, City of Kent, being part of Block B in Glen H. Reeds University Heights Allotment Addition to the City of Kent as recorded in Plat Book 6, Page 55 of Portage County Recorder's records, and being further bounded and described as follows: Beginning a 5/8" bar in monument box found and held marking the intersection of the centerline of East Main Street (80' wide) with the centerline of Luther Avenue (60' wide). Thence N 00°17'00"E, along the centerline of Luther Avenue, a distance of 207.82' to a point thereon; Thence S 89°43'00"E, a distance of 30.00' to a point on the east right-of-way line of Luther Avenue being the **TRUE PLACE OF BEGINNING** for the access area described herein; Thence N 00°17'00"E, along the east right-of-way line of Luther Avenue, a distance of 20.00' to a point thereon; Thence S 89°55'00"E, a distance of 98.51' to a point; Thence S 00°07'10"W, a distance of 20.00' to a point; Thence N 89°55'00"W, a distance of 98.56' to the **TRUE PLACE OF BEGINNING** and containing 0.045 acres (1,971 square feet) of land as described by James P. Yurkschatt, P.S. 7809 of Campbell and Associates, Inc. on January 22, 2018. The Basis of Bearings for this survey is N 00°17'00"E as the centerline of Luther Avenue and is the same bearing found in Plat Book 6, Page 55 of Portage County Recorder's records. The license parcel is as shown in attached **Exhibit A**.

Licensor acknowledges and agrees that licensee, its agents and employees, need perpetual access to the curb stops and valves located within the parcel for the purpose of controlling the water supplied by the City of Kent to the commercial entities located on the real estate now or formerly owned by licensor (per the City of Kent water rules and regulations the City may shut off the water in the event of nonpayment).

Licensee is not responsible for any maintenance of the waterline within the parcel. The waterline from the master valve (located within the Luther Avenue right-of-way) to the commercial building(s) within the real estate being served is private and maintenance is the responsibility of the owner(s).

The rights created by this license shall run with the land with respect to licensor and its successors and assigns and is in effect so long as the City of Kent supplies water to the real estate and the commercial entities therein.

IN WITNESS WHEREOF, licensor has set its signature this 2-28, 2019.

WITNESS:

KENT INVESTORS LLC, licensor:

[Handwritten Signature]

By: [Handwritten Signature]  
Kevin J. Fallon

[Handwritten Signature]

State of Ohio; County of ~~Portage~~ Summit

Before me, a notary public, personally appeared Kevin J. Fallon, authorized representative of KENT INVESTORS LLC, licensor, who acknowledged that he did sign this instrument as his free act and deed.

[Handwritten Signature]  
Notary

Elizabeth A Mahoney  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: April 30, 2022



This instrument was prepared for the licensee by the City of Kent Law Department, \_\_\_\_\_

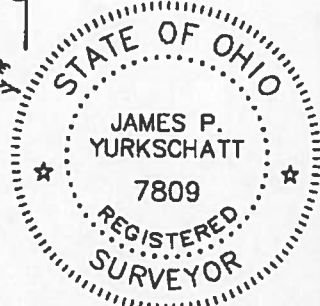
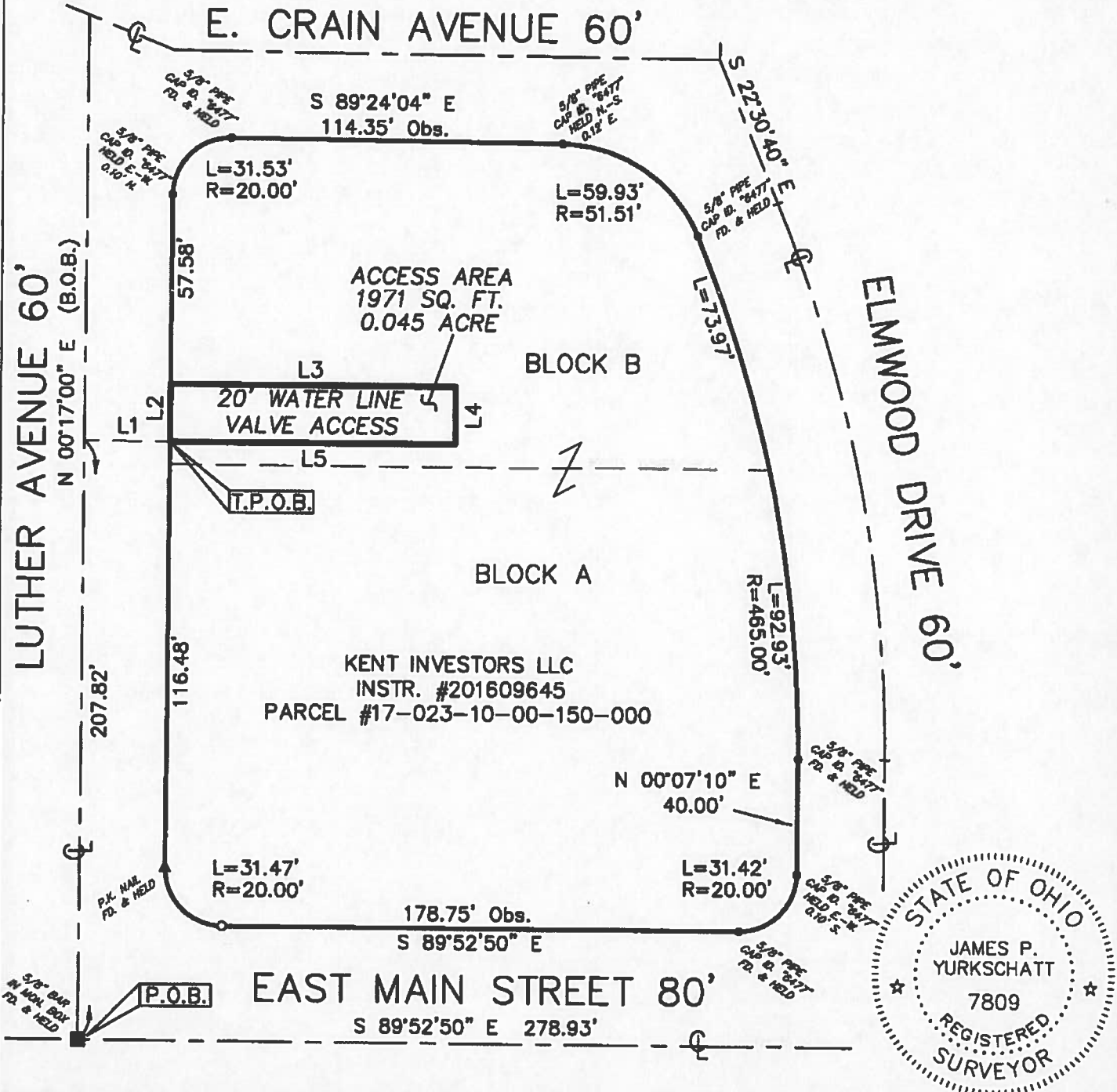


**BASIS OF BEARINGS**

THE BASIS FOR BEARINGS FOR THIS SURVEY IS N 00°17'00" E AS THE CENTERLINE OF LUTHER AVENUE AND IS THE SAME BEARING FOUND IN PLAT BOOK 6, PAGE 55 OF PORTAGE COUNTY RECORDER'S RECORDS.

SCALE: 1"=50'

LINE	BEARING	DISTANCE
L1	S 89°43'00" E	30.00'
L2	N 00°17'00" E	20.00'
L3	S 89°55'00" E	98.51'
L4	S 00°07'10" W	20.00'
L5	N 89°55'00" W	98.56'



**20' WATER LINE VALVE ACCESS EXHIBIT**  
 STATE OF OHIO, COUNTY OF PORTAGE, CITY OF KENT,  
 PART OF BLOCKS A AND B IN GLEN H. REED'S UNIVERSITY  
 HEIGHTS ALLOTMENT ADDITION TO THE CITY OF KENT, AS  
 RECORDED IN P.B. 6, PG. 55 OF PORTAGE COUNTY RECORDS.

3485 Fortuna Drive  
 Suite 100  
 Akron, Ohio 44312  
 (330) 945-4117  
 www.campbellsurvey.com  
 DATE: 01/22/18  
 BY: JPY  
 JOB NO. 20160121

## SIDEWALK EASEMENT AGREEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) and other consideration, the receipt of which is acknowledged, the undersigned, KENT INVESTORS LLC, an Ohio limited liability company, referred to as Grantor, who claims title to certain real estate by deed recorded in Document #201609645 of the Portage County Records, does for itself, its successors and assigns, give, devise, grant, and convey to the City of Kent, Portage County, Ohio, a municipal corporation, referred to as Grantee, its successors and assigns, the perpetual right to a permanent, exclusive easement and right-of-way to lay, maintain, operate, repair, remove, and replace sidewalks and related necessary appurtenances over and through the easement described as follows:

### 7' Sidewalk Easement Description

Situated in the State of Ohio, County of Portage, City of Kent, being part of Block A in Glen H. Reeds University Heights Allotment Addition to the City of Kent as recorded in Plat Book 6, Page 55 of Portage County Recorder's records, and being further bounded and described as follows: Beginning at the intersection of the centerline of East Main Street (80' wide) with the centerline of Elmwood Drive (60' wide); Thence N 00°17'00"E, along the centerline of Elmwood Drive, a distance of 87.80' to a point thereon; Thence N 89°52'50"W, a distance of 30.00' to a point on the west right-of-way line of Elmwood Drive being the **TRUE PLACE OF BEGINNING** for the easement area described herein; Thence S 00°07'10"W, along the west right-of-way line of Elmwood Drive, a distance of 27.80' to a point of curvature therein; Thence along the arc of a curve to the right having a radius of 20.00', a delta angle of 49°27'30", a chord bearing S 24°50'55"W for 16.73', an arc length of 17.26' to a point thereon; Thence N 00°07'10"E, a distance of 43.00' to a point; Thence S 89°52'50"E, a distance of 7.00' to the **TRUE PLACE OF BEGINNING** and containing 0.006 acres (268 square feet) of land as described by James P. Yurkschatt, P.S. 7809 of Campbell and Associates, Inc. on January 22, 2018. This 7' wide sidewalk easement is as shown in attached **Exhibit A**.

Together with the right of Grantee, its agents or employees, to store earth and materials during the period of construction, repair or replacement of said sidewalks upon the premises of the Grantor on an additional strip of land ten (10) feet wide along the west and north sides of the above described easement.



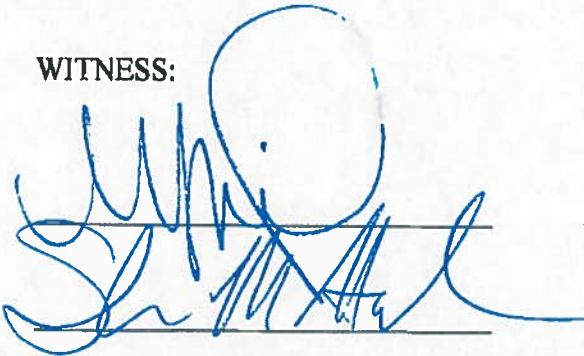
And Grantor does agree to keep such easement free of all permanent structures, providing that Grantee shall operate and maintain such improvement as a public facility in accordance with the standards, policies, and procedures of other similar public facilities within the City of Kent and shall properly 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 Grantee 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 Grantee, its agents, employees, contractors, licensees, or invitees.

Notwithstanding the "exclusive" nature of the easement, Grantor shall be permitted to install, maintain, and/or remove any desired underground and overhead utilities within the 7' Sidewalk Easement so long as the Grantor performs such work in a timely and workmanlike manner. Grantee shall not be liable for any damage to the sidewalk or surrounding property inflicted upon or created by the installation, maintenance, or repair of said underground/overhead utilities.

IN WITNESS WHEREOF, Grantor has set its signature this 28- Feb, 2018.

WITNESS:

KENT INVESTORS LLC, Grantor:



By:   
Kevin J. Fallon

State of Ohio; County of ~~Portage~~ Summit

Before me, a notary public, personally appeared Kevin J. Fallon, authorized representative of KENT INVESTORS LLC, Grantor, who acknowledged that he did sign this instrument as his free act and deed.

  
Notary Public

Elizabeth A Mahoney  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: April 30, 2022



This instrument was prepared by the City of Kent Law Department

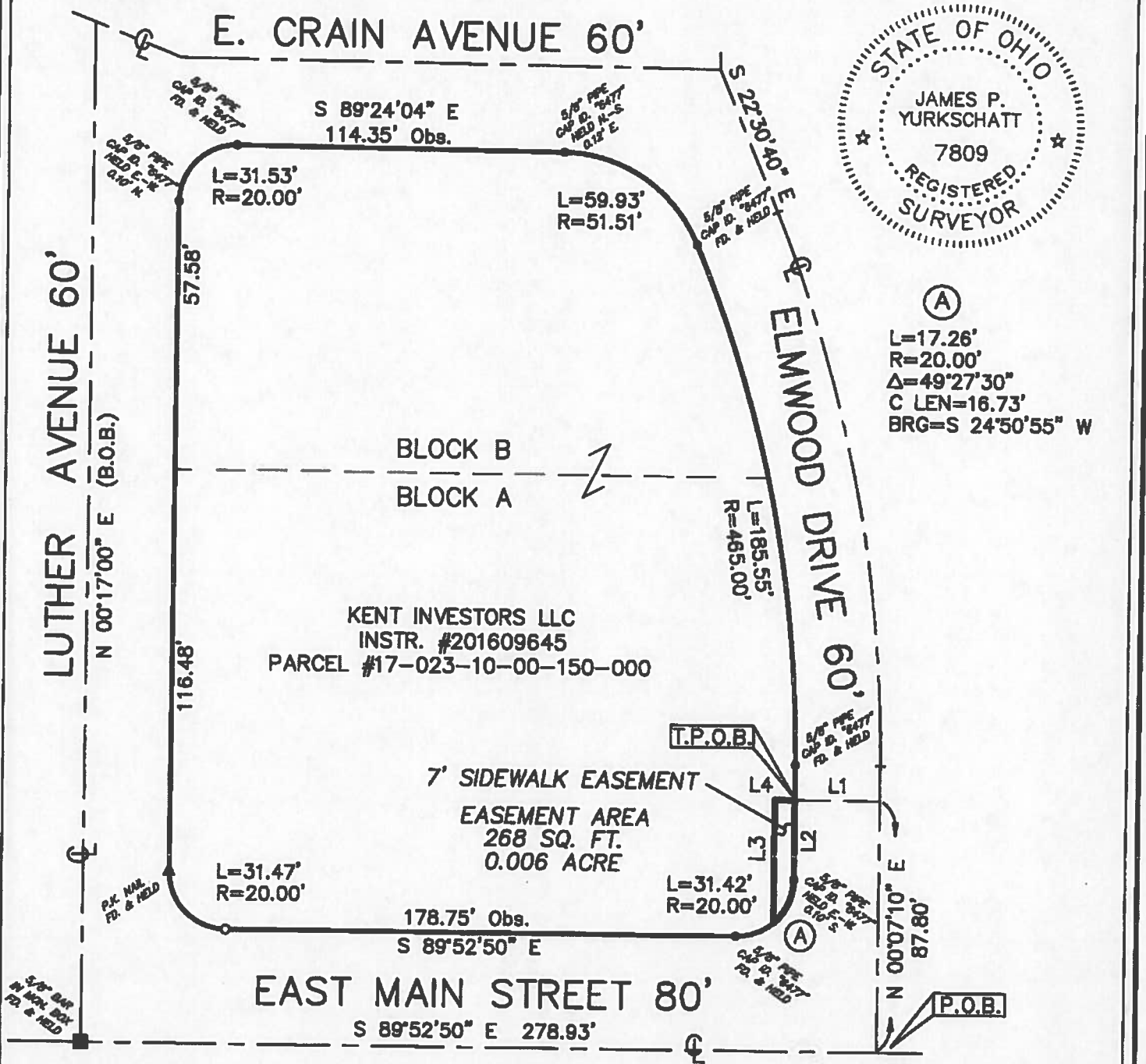


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LINE	BEARING	DISTANCE
L1	N 89°52'50" W	30.00'
L2	S 00°07'10" W	27.80'
L3	N 00°07'10" E	43.00'
L4	S 89°52'50" E	7.00'

SCALE: 1"=50'



(A)  
 L=17.26'  
 R=20.00'  
 Δ=49°27'30"  
 C LEN=16.73'  
 BRG=S 24°50'55" W

EXHIBIT A



**7' SIDEWALK EASEMENT EXHIBIT**  
 STATE OF OHIO, COUNTY OF PORTAGE, CITY OF KENT,  
 PART OF BLOCKS A AND B IN GLEN H. REED'S UNIVERSITY  
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 RECORDED IN P.B. 6, PG. 55 OF PORTAGE COUNTY RECORDS.

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