



CITY OF KENT, OHIO

DEPARTMENT OF LAW

TO: DAVE RULLER, CITY MANAGER
FROM: JAMES R. SILVER, LAW DIRECTOR *JS*
DATE: FEBRUARY 15, 2011
RE: MONTHLY REPORTS – DECEMBER, 2010 & JANUARY, 2011

Attached are the monthly reports per council's request. If you have any questions or require further information, please let me know.

LAW DEPARTMENT



Monthly Report

12/1/10 to 12/31/10

- 1) Reviewed contracts for the following:
 - a) Ametek site cleanup agreement;
 - b) Demolition of Erie Street house;
 - c) Crain Avenue – ODOT Agreement;
 - d) Public Defender; and
 - e) PARTA Construction.
- 2) Festival insurance form applications: None
- 3) Did research in the following areas:
 - a) Local hire provisions;
 - b) Second hand sales;
 - c) Taxi cab revisions;
 - d) Contracts;
 - e) Public Records Requests;
 - f) Tax status for canoe livery; and
 - g) Vendors & Peddlers;
- 4) Prosecution: Fifty six (56) 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 & final estate insolvent.
- 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: Continuing mediation process.
- 8) City of Kent vs. Kent Hotel, LLC: No new news.
- 9) Lawsuit filed by Paul Webster against City (Federal court). Waiting on Court of Appeals decision.
- 10) Rebecca Vujanov v. Kent – Attend Mediation – Matter not resolved. Defendant requested continuance of January Trial date.
- 11) Three (3) new claims against the City.

LAW DEPARTMENT

Monthly Report

1/1/11 to 1/31/11

- 1) Reviewed contracts for the following:
 - a) WMR Associates (storm sewers);
 - b) Graedic (downtown parking);
 - c) TH II;
 - d) P. Kenlos;
 - e) Greg Miller (animal control);
 - f) Coleman Professional Services (litter);
 - g) Wright Heating (HVAC maintenance);
 - h) Huron Lime (bulk pebble lime);
 - i) PARTA;
- 2) Festival insurance form applications: None
- 3) Did research in the following areas:
 - a) PLA's;
 - b) Taxicab / Limousines;
 - c) Criminal statutes of limitations;
 - d) Internet cafés;
- 4) Prosecution: Fifty eight (58) 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 (which constitute the filing of a lawsuit in the Common Pleas Court in order to get a Court Order to sell the property) & final estate insolvent.
 - e) Public Records Requests;
 - f) Easements;
 - g) Vendors & Peddlers; and
 - h) Residency.
- 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: Continuing mediation process.
- 8) City of Kent vs. Kent Hotel, LLC: No new news.
- 9) 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.

LAW DEPARTMENT

Monthly Report

12/1/10 to 12/31/10

Pending Code Violations & Enforcement

<i>Type</i>	<i>Address</i>	<i>Owner</i>	<i>Issue</i>	<i>Work Involved</i>
Complaint	Kent Hotel	Vilco, Inc.	Abandoned building	Another telephone conference with independent appraiser.
Planning Commission			New Code provisions	Review proposed new zoning code chapters.
Complaint	1275 Carol Street	Doyle, John	Abandoned property	Seeking direction from city counsel.
Complaint	1288 Gale Street	Cherry, Paula		New citations issued. Phone calls with title company.
Planning Commission				Research proposals for various projects.
BZA				Research proposals for various projects.
Health Dept	1629 Olympus	Thembo Trasada	Nuisance violation	Attend court hearing.
Building Dept	509 Franklin	CHO-OYU LTD	Unsecured Structure/Razing	Attend Court Hearing. Agreement made between Co-Defendants. Motions against City dismissed.
Building Dept	1320 Parmalee	Kathy Schraeder	Unsecured Structure/Razing	Per court order, no City action required until late Jan.
Building Dept	234 Lake Street	Brenda Richards	Abandoned Building/Razing	Service failed.

LAW DEPARTMENT
Monthly Report
Pending Code Violations & Enforcement

12/1/10 to 12/31/10

<i>Type</i>	<i>Address</i>	<i>Owner</i>	<i>Issue</i>	<i>Work Involved</i>
Building Dept	105 West Oak Street	Joan Rogers	Abandoned Building/Razing	Order complete. Follow up with C/D.
Complaint	939 South Water	Neva Groves	Scaffolding House	Verify deadlines met.
Building Dept	995 Wrens Hollow	Maxwell Plageman	Stop Work Order/Deck	In compliance. Final resolution in spring.
Building Dept	1415 East Main Street	J&C Properties	Improper downspouts	Progress made. Not resolved yet.
Building Dept	many	Jerry Sales Estate	demolition of properties	Scheduled for court hearing.
Planning Com		Kent Parks	notification requirements	Review statutes on "activity area"
Planning Com		Edwards Project		Research property line set backs.

LAW DEPARTMENT

Monthly Report

Pending Code Violations & Enforcement

1/1/11 to 1/31/11

Type	Address	Owner	Issue	Work Involved
Complaint	Kent Hotel	Vilco, Inc.	Abandoned building	Review appraisal. Alternative resolutions discussed.
Planning Commission			New Code provisions	Review proposed new zoning code chapters.
Complaint	1275 Carol Street	Doyle, John	Abandoned property	Seeking direction from city counsel.
Complaint	1288 Gale Street	Cherry, Paula		Negotiate resolution with new buyers. Liens kept. Contract in place with possible new owners.
Planning Commission				Research proposals for various projects.
Planning Com		Edwards Project		Research property line set backs.
BBA		Kent Parks		Attend hearing on watershed
BZA				Research proposals for various projects.
Health Dept	1629 Olympus	Thembo Trasada	Nuisance violation	Prepare entry for court. Review entry signed by court.
Building Dept	509 Franklin	CHO-OYU LTD	Unsecured Structure/Razing	Defendant applies for permit. Review request. Conference with atty. Prepare for Evidentiary Hearing.
Building Dept	1320 Parmalee	Kathy Schraeder	Unsecured Structure/Razing	Defendant has not acted. Follow up with court for contempt in Feb?

LAW DEPARTMENT
Monthly Report
Pending Code Violations & Enforcement

1/1/11 to 1/31/11

<i>Type</i>	<i>Address</i>	<i>Owner</i>	<i>Issue</i>	<i>Work Involved</i>
Building Dept	234 Lake Street	Brenda Richards	Abandoned Building/Razing	Meet with C/D re using funds for advertising Court notice for service.
Building Dept	105 West Oak Street	Joan Rogers	Abandoned Building/Razing	Case closed.
Complaint	939 South Water	Neva Groves	Scaffolding House	Deadlines failed. Met with Troy for follow up Evidence. Motion drafted.
Building Dept	995 Wrens Hollow	Maxwell Plageman	Stop Work Order/Deck	In compliance. Final resolution in spring.
Building Dept	1415 East Main Street	J&C Properties	Improper downspouts	Progress made. Not completed yet.
Building Dept	many	Jerry Sales Estate	demolition of properties	Attend court hearing.
Building Dept ?		117 Oak Street	FCS	Attend meeting with borrower. Sign doc's.

**KENT POLICE DEPARTMENT
JANUARY 2011**

	JANUARY 2010	JANUARY 2011	TOTAL 2010	TOTAL 2011
CALLS FOR SERVICE	1765	1453	1765	1453
FIRE CALLS	326	295	326	295
ARRESTS, TOTAL	149	149	149	149
JUVENILE ARRESTS	16	11	16	11
O.V.I. ARRESTS	17	24	17	24
TRAFFIC CITATIONS	265	246	265	246
PARKING TICKETS	434	356	434	356
ACCIDENT REPORTS	68	89	68	89
Property Damage	40	49	40	49
Injury	12	9	12	9
Private Property	11	20	11	20
Hit-Skip	5	11	5	11
OVI Related	0	4	0	4
Pedestrians	1	0	1	0
Fatals	0	0	0	0
U.C.R. STATISTICS				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	1	0	1	0
Assault Total	19	18	19	18
Serious	8	3	8	3
Simple	11	15	11	15
Burglary	3	7	3	7
Larceny	33	29	33	29
Auto Theft	0	2	0	2
Arson	1	0	1	0
TOTAL	57	56	57	56
CRIME CLEARANCES				
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	0	0	0	0
Assault Total	13	11	13	11
Serious	5	1	5	1
Simple	8	10	8	10
Burglary	0	0	0	0
Larceny	5	2	5	2
Auto Theft	0	1	0	1
Arson	0	0	0	0
TOTAL	18	14	18	14

**City of Kent
Income Tax Division**

January 31, 2011

Income Tax Receipts Comparisons - RESTATED - (NET of Refunds)

Monthly Receipts

Total receipts for the month of January, 2011	\$ 1,026,357
Total receipts for the month of January, 2010	\$ 952,296
Total receipts for the month of January, 2009	\$ 731,968

Year-to-date Receipts and Percent of Total Annual Receipts Collected

	<u>Year-to-date Actual</u>	<u>Percent of Annual</u>
Total receipts January 1 through January 31, 2011	\$ 1,026,357	9.77%
Total receipts January 1 through January 31, 2010	\$ 952,296	9.11%
Total receipts January 1 through January 31, 2009	\$ 731,968	6.98%

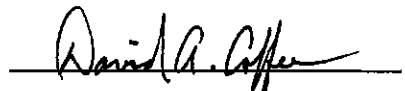
Year-to-date Receipts Through January 31, 2011 - Budget vs. Actual

<u>Year</u>	<u>Annual Budgeted Receipts</u>	<u>Revised Budgeted Receipts</u>	<u>Year-to-date Actual Receipts</u>	<u>Percent Collected</u>	<u>Percent Remaining</u>
2011	\$ 10,500,000	\$ 10,500,000	\$ 1,026,357	9.77%	90.23%

Comparisons of Total Annual Receipts for Previous Five Years

<u>Year</u>	<u>Total Receipts</u>	<u>Percent Change From Prior Year</u>
2006	\$ 10,151,202	-0.36%
2007	\$ 10,540,992	3.84%
2008	\$ 10,712,803	1.63%
2009	\$ 10,482,215	-2.15%
2010	\$ 10,453,032	-0.28%

Submitted by



Director of Budget and Finance

2011 CITY OF KENT, OHIO
Comparison of Income Tax Receipts
as of Month Ended January 31, 2011

Monthly Receipts				Comparisons	
Month	2009	2010	2011	Amount	Percent Change
January	\$ 731,968	\$ 952,296	\$ 1,026,357	\$ 74,061	7.78%
February	1,083,705	785,233			
March	845,720	809,613			
April	993,055	1,026,687			
May	988,003	877,364			
June	867,634	798,635			
July	824,083	828,960			
August	858,853	865,224			
September	729,239	762,176			
October	886,840	961,274			
November	820,876	880,655			
December	852,239	904,915			
Totals	\$ 10,482,215	\$ 10,453,032	\$ 1,026,357		

Year-to-Date Receipts				Comparisons	
Month	2009	2010	2011	Amount	Percent Change
January	\$ 731,968	\$ 952,296	\$ 1,026,357	\$ 74,061	7.78%
February	1,815,673	1,737,529			
March	2,661,393	2,547,142			
April	3,654,448	3,573,829			
May	4,642,451	4,451,193			
June	5,510,085	5,249,828			
July	6,334,168	6,078,788			
August	7,193,021	6,944,012			
September	7,922,260	7,706,188			
October	8,809,100	8,667,462			
November	9,629,976	9,548,117			
December	10,482,215	10,453,032			
Totals	\$ 10,482,215	\$ 10,453,032			

2011 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
as of Month Ended January 31, 2011

Month	Monthly Receipts			Comparisons	
	2009	2010	2011	Amount	Percent Change
January	\$ 344,562	\$ 422,779	\$ 406,862	\$ (15,917)	-3.76%
February	346,921	328,502			
March	344,275	349,936			
April	346,865	350,591			
May	340,901	348,819			
June	335,596	345,261			
July	320,155	334,650			
August	366,601	381,241			
September	287,150	291,775			
October	348,108	370,956			
November	353,917	370,551			
December	355,737	372,404			
Totals	\$ 4,090,788	\$ 4,267,465	\$ 406,862		

Month	Year-to-Date Receipts			Comparisons	
	2009	2010	2011	Amount	Percent Change
January	\$ 344,562	\$ 422,779	\$ 406,862	\$ (15,917)	-3.76%
February	691,483	751,281			
March	1,035,758	1,101,217			
April	1,382,623	1,451,808			
May	1,723,524	1,800,627			
June	2,059,120	2,145,888			
July	2,379,275	2,480,538			
August	2,745,876	2,861,779			
September	3,033,026	3,153,554			
October	3,381,134	3,524,510			
November	3,735,051	3,895,061			
December	4,090,788	4,267,465			
Totals	\$ 4,090,788	\$ 4,267,465			

2011 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
as of Month Ended January 31, 2011

Comparisons of Total Annual Receipts for Previous Five Years

<u>Year</u>	<u>Total Receipts</u>	<u>Percent Change</u>
2006	\$ 3,542,080	2.59%
2007	\$ 3,707,931	4.68%
2008	\$ 3,919,539	5.71%
2009	\$ 4,090,788	4.37%
2010	\$ 4,267,465	4.32%

AGENDA

CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARINGS & BUSINESS MEETING
FEBRUARY 21, 2011
7:00PM
COUNCIL CHAMBERS – KENT CITY HALL
325 SOUTH DEPEYSTER STREET

I. CALL TO ORDER

II. PLEDGE

III. ROLL CALL

IV. PREAMBLE

V. ADMINISTRATION OF THE OATH

VI. NEW BUSINESS

A. BZ11-002 ROBINSON HOSPITAL SYSTEMS / GRAPHIC
EXPRESSIONS SIGNS & MORE
401 – 411 DEVON PLACE

Sections: 1165.05(c)(3)

Requests: The applicant is requesting a variance from Section
1165.05(c)(3) to allow a free-standing sign to be a total of 96
square feet in size.

1. Public Comment
2. Board of Zoning Appeals Discussion / Action

VII. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 10, 2011
TO: KENT CITY BOARD OF ZONING APPEALS
FROM: HEATHER PHILE, DEVELOPMENT PLANNER *HP*
RE: STAFF REPORT FOR THE FEBRUARY 21, 2011 BOARD OF ZONING APPEALS MEETING

The following case appears on the agenda for the February 21, 2011 Board of Zoning Appeals meeting:

NEW BUSINESS

CASE NO.: BZ11-002

APPLICANT: Robinson Hospital Systems / Graphic Expressions Signs & More

SITE LOCATION: 401 – 411 Devon Place

STATUS OF APPLICANT: The applicant is the owner of the property and the sign representative for the owners.

REQUESTED ACTION: The applicant is requesting a variance from Section 1165.05(c)(3) to allow a free-standing sign to be a total of 96 square feet in size.

ZONING: This property is currently located in the C: Commercial Zoning District.

TRAFFIC: The property is accessible from Devon Place.

SURROUNDING LAND USES: The property is bordered by other commercial uses to the East, West, and South and by State Route 261 on the North.

APPLICABLE CODE SECTIONS: 1165.05(c)(3)

ANALYSIS:

This property is located at 401, 408, and 411 Devon Place. The property is currently zoned C: Commercial and is currently home to the Robinson Health Center complex. The complex consists of three separate buildings that have doctor's offices, an imaging center, and other healthcare related offices.

**Staff Report to the Board of Zoning Appeals
February 21, 2011 meeting**

The applicant is proposing to improve the existing free-standing sign so that the addresses and names of the practices are on one central sign. The existing free-standing sign is approximately 50.5 square feet in size. The applicant is proposing to replace this sign with one that is approximately 96 square feet in size. Instead of having a free-standing sign for each building, the applicants are proposing to have one sign that will have the services listed for each building and address. The new sign will meet all of the other setbacks and height restrictions outlined in the zoning code. The applicants are also replacing the building signage, but this sign will be smaller than what was previously on the building and is therefore permitted.

The City of Kent zoning ordinances state that free-standing signs in the Commercial zoning district are permitted up to 50 square feet.

cc: Applicants
Case files
Gary Locke, Community Development Director
Jennifer Barone, Development Engineer
Eric Fink, Asst. Law Director

AGENDA

CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARINGS & BUSINESS MEETING
MARCH 21, 2011
7:00PM
COUNCIL CHAMBERS – KENT CITY HALL
325 SOUTH DEPEYSTER STREET

- I. CALL TO ORDER
- II. PLEDGE
- III. ROLL CALL
- IV. ELECTION OF OFFICERS
- V. PREAMBLE
- VI. ADMINISTRATION OF THE OATH
- VII. NEW BUSINESS

A. BZ11-003 ST. PATRICK CHURCH / MIKE MAYERNIK
313 NORTH DEPEYSTER STREET

Section: 1165.05(a)(3)

Request: The applicant is requesting a variance from Section 1165.05(a)(3) to allow a free-standing sign to be a total of 39 square feet in size.

- 1. Public Comment
- 2. Board of Zoning Appeals Discussion / Action

B. BZ11-004 STAR OF THE WEST MILLING COMPANY / DAVID
SOMMERS
162 NORTH WATER STREET

Section: 1169.05

Request: The applicant is requesting a variance from Section 1169.05 to allow a 169 square foot addition on the existing structure that contains a non-conforming use.

- 1. Public Comment
- 2. Board of Zoning Appeals Discussion / Action

VIII. OTHER BUSINESS

A. APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW
FOR BZ11-001 COURT CASE

IX. MEETING MINUTES

A. VERBATIM MEETING MINUTES FROM THE JANUARY 24, 2011
MEETING

X. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: MARCH 10, 2011
TO: KENT CITY BOARD OF ZONING APPEALS
FROM: HEATHER PHILE, DEVELOPMENT PLANNER *HP*
RE: STAFF REPORT FOR THE MARCH 21, 2011 BOARD OF ZONING APPEALS MEETING

The following case appears on the agenda for the March 21, 2011 Board of Zoning Appeals meeting:

NEW BUSINESS

CASE NO.: BZ11-003

APPLICANT: St. Patrick Church / Mike Mayernik

SITE LOCATION: 313 North Depeyster Street

STATUS OF APPLICANT: The applicant is the owner of the property and the sign representative for the owners.

REQUESTED ACTION: The applicant is requesting a variance from Section 1165.05(a)(3) to allow a free-standing sign to be a total of 39 square feet in size.

ZONING: This property is currently located in the R-3: High Density Residential Zoning District.

TRAFFIC: The property is accessible from North Depeyster Street.

SURROUNDING LAND USES: The property is bordered by single family residential and Church/school property on all sides.

APPLICABLE CODE SECTION: 1165.05(a)(3)

ANALYSIS:

This property is located at 313 North Depeyster Street and is home to St. Patrick Church. This property is currently zoned R-3 and is a conditionally permitted use (a church).

The applicant is proposing to replace the existing 24 square foot, pole-mounted free-standing sign with a 39 square foot monument sign. The applicant explains that the new sign will be placed on a hillside, approximately 35 feet from the street. The applicant also explains that this

Page 2
Staff Report to the Board of Zoning Appeals
March 21, 2011 meeting

sign will be more appealing and will blend in more with the landscaping and architecture of the building. The sign will meet all other zoning requirements for height and setback. The applicant has provided maps and renderings that show the location and design of the sign.

The City of Kent Zoning Code states that a sign for a church, school, or other or other quasi-public may have a building or a free-standing sign no larger than 20 square feet in size. The maximum height of the sign cannot be more than 6 feet from the ground to the top of the sign.

CASE NO.: BZ11-004

APPLICANT: Star of the West Milling Company / David Sommers

SITE LOCATION: 162 North Water Street

STATUS OF APPLICANT: The applicant is the owner of the property and the architect for the owner.

REQUESTED ACTION: The applicant is requesting a variance from Section 1169.05 to allow a 169 square foot addition on the existing structure that contains a non-conforming use.

ZONING: This property is currently located in the C-D: Commercial – Downtown Zoning District.

TRAFFIC: The property is accessible from North Water Street.

SURROUNDING LAND USES: The property is bordered by the Cuyahoga River on the West and other commercial uses on the North, East, and South sides.

APPLICABLE CODE SECTION: 1169.05

ANALYSIS:

This property is located at 162 North Water Street and is home to the Star of the West flour mill. The property is zoned C-D: Commercial – Downtown and is an existing, non-conforming use.

The applicant is proposing to alter the existing dock on the building. The current dock requires delivery trucks to block the south bound lane of North Water Street, making the area unsafe for vehicular and pedestrian traffic on that side of the street. The applicant explains that as many as 50 trucks pick up or delivery goods to the mill each month. The owner of the facility would like to improve the safety of the area by altering the existing dock so that trucks will be angled and would be off of the street.

The applicant explains in 2006, a 182 square foot portion of the current building was removed. This alteration of the dock area will add 169 square feet of space. Therefore, the total net result of building will be a 13 square foot decrease. This addition will also make the loading/unloading area safer for the traveling public. The applicant has submitted drawings that show the existing dock area and the proposed alteration.

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Staff Report to the Board of Zoning Appeals
March 21, 2011 meeting

Section 1169.05 of the City of Kent Zoning Code states that any kind of addition or alteration of a non-conforming use needs to be approved by the Board of Zoning Appeals. The Board is to determine that this alteration 1) would not be more than 25 percent of the overall square footage of floor space in the existing structure; 2) would not create a nuisance to the surrounding neighborhood or community; and 3) will not constitute a threat to public health and safety.

This alteration proposal has been sent to the Police, Fire, Safety, Service, and Engineering departments for their comments and review. The Fire and Safety departments have responded that they are both in favor of the new dock alteration, but do have the concern that when the trucks back in, they would need to have some sort of traffic control measure to direct traffic until the truck is safely in position to unload/load materials. Their comments are included in the packets of information that was provided by the applicant. No other comments were submitted to Staff.

cc: Applicants
Case files
Gary Locke, Community Development Director
Jennifer Barone, Development Engineer
Eric Fink, Asst. Law Director

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE

MEMO

February 18, 2011

To: Dave Ruller, City Manager

From: Gene Roberts, Service Director

RE: Sale of City Surplus Parts to the Village of Mogadore

John Osborne, City of Kent Master Mechanic, has been approached by the mechanic from the Village of Mogadore regarding purchase of the following City of Kent surplus parts:

1. 1 Used Rockford Clutch assembly that needs rebuilt. MODEL #4-24827
2. 1 clutch lever.
3. Water Pump, Hercules Engine Corp.
4. Box of used parts for clutch.
5. Box of linkage parts.
6. 1 Adjuster ring.
7. 2 spacer rings.
8. 1 used friction disc.
9. 1 heater by pass hose.

John Osborne reports that he believes the price of \$250.00 offered by the Village of Mogadore is fair. John further stated that the City of Kent no longer has purpose for the surplus parts.

I respectfully request Kent City Council's consideration of the sale of the above listed items to the Village of Mogadore and support said sale.

Cc: Jim Silver, Law Director
David Coffec, Budget & Finance Director
Jack Hogue, Central Maintenance Manager
Gerald Shanley, City Arborist
John Osborn, Master Mechanic
file



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 11, 2011
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Grants & Neighborhood Programs Administrator *B.S.*
RE: Revisions to Lease with Kent City Schools

I received an e-mail from Jim Soyers, Director of Business Services with Kent City Schools, informing me that he needed changes to the lease agreement approved by Kent City Council on January 19, 2011 (Resolution No. 2011-07).

Specifically, he needed two changes to section 3 of the lease, including changing the monthly rent amount from \$354.73 to \$382.01 and changing the 2.5% increase to be effective March 2012 instead of March 2011. A copy of the revised lease with the changes highlighted in bold has been attached.

I apologize for the need to re-do the lease. I had sent the copy of the lease approved by Council in January to Jim Soyers for review and approval and had received e-mail confirmation from him that it was correct.

If you need any additional information concerning this matter, please let me know.

Thank you.

LEASE AGREEMENT

THIS LEASE AGREEMENT is entered into between the KENT CITY SCHOOL DISTRICT BOARD OF EDUCATION ("Lessor"), operated and established under the laws of the State of Ohio, and the CITY OF KENT, Ohio ("Lessee"), an Ohio municipal corporation.

1) The Lessor agrees to lease to Lessee thirty (30) parking spaces, plus access to said parking spaces in its parking lot located on the east side of North Mantua Street, between Park Avenue and Rockwell Street. Lessor has the option of designating which thirty (30) spaces may be used.

2. a.) The term of the lease will be one (1) year beginning on March 1, 2011. The lease will automatically renew for two (2) one (1) year periods unless either party gives a written notice not to renew to the other party, six (6) months prior to the expiration of the lease or any subsequent automatic renewal periods.

b.) It is further agreed by the parties that this agreement shall be reviewed and may be modified or terminated once the property known as West River Place has full occupancy.

3) The Lessee agrees to pay rent for said premises in the amount of Three Hundred **Eighty Two** Dollars **01/100 (\$382.01)** per month, payable on the first (1st) day of each month in advance. An increase of two and one half percent (2.5%) per year, payable monthly, shall be applicable, beginning in March **2012**. Rent payments paid after the fifteenth (15th) of each month will cause an additional Ten Dollar (\$10.00) late fee to be due and owing.

4) Lessee further agrees to use the premises for parking vehicles. The premises shall not be used for any other purpose without the written consent of the Lessor.

5) Upon non-payment of any of the rent for thirty (30) days after it becomes due or upon the breach of any of the agreement herein, the Lessor may terminate this lease and re-enter and repossess the premises without prejudice to the Lessee.

6) The Lessor agrees that the Lessee shall be able to use the premises during the term of the lease without any hinderance by the Lessor.

7) The Lessee will make no alterations to the premises without the written consent of the Lessor.

8) The Lessee will surrender and deliver up the premises at the end of the term in the same order and condition as the premises now stands. Reasonable use and natural wear and tear excepted.

9) Lessee may sublet the parking spaces only with the prior consent of Lessor, which consent shall not be unreasonably withheld. (This provision does not apply to the Lessee's intended use of the parking spaces for public parking with the issuance of 10-hour parking permits).

10) Lessee agrees to hold Lessor harmless for any and all injuries and damages occurring on the property, including Lessor's legal costs, if any, unless some act or omission of Lessor was the substantial and proximate cause for such injuries and/or damages incurred.

11) During the term of this Lease, Lessee shall be solely responsible for all routine maintenance of the property, including but not limited to snow removal, vegetation control, and gravel replacement.

12) In the event an unforeseen event, such as an act of God/natural disaster, occurs which makes one of the Kent City School buildings uninhabitable for students and staff, and the Board of Education thereafter determines that Central School must be re-occupied to maintain the educational program of the District, Lessee agrees to surrender the property and void the lease within fifteen (15) days of the Lessor's written request.

13) This lease shall be governed under the laws of the State of Ohio.

Lessor and Lessee have executed this agreement this _____ day of _____, 2011.

KENT CITY BOARD OF EDUCATION
321 North Depeyster Street
Kent, Ohio 44240

CITY OF KENT, OHIO
325 South Depeyster Street
Kent, Ohio 44240

By: _____
Dr. Joseph M. Giancola, Superintendent

By: _____
Dave Ruller, City Manager

By: _____
Deborah A. Krutz, Treasurer

By: _____
David Coffee
Budget & Finance Director

APPROVED AS TO FORM

James R. Silver, Law Director
City of Kent, Ohio