

ORDINANCE NO. 2007- 90

AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE FOR THERESA TRIVELLI dba CAPELLI FOR THE PREMISES KNOWN AS 209 EAST SUMMIT STREET, KENT, OHIO PREVIOUSLY AUTHORIZED BY CITY COUNCIL ON MAY 23, 2007 IN ORDINANCE 2007-51 AND DECLARING AN EMERGENCY.

WHEREAS, Kent City Council authorized the execution of a Commercial Property Lease Agreement with Theresa Trivelli dba Capelli for 209 East Summit Street in Ordinance 2007-51; and

WHEREAS, due to delays with the completion of leasehold improvements and necessary licensing by the State of Ohio Board of Cosmetology, the start date of the business has been delayed; and

WHEREAS, Kent City Council wishes to amend the current lease, so the first rent payment is due on October 1, 2007 to allow for the start-up delays, and to revise the security deposit from \$300.00 to \$220.00.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto:

SECTION 1. That Council does hereby accepts and authorizes the City Manager to execute the Lease Amendment with Theresa Trivelli dba Capelli for 209 East Summit Street, Kent, Ohio in substantial conformity with the amendment marked as Exhibit 1, attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 09/19/2007
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
ACTING CLERK OF COUNCIL

I hereby certify that Ordinance No. 2007- 90 was duly enacted this 19 day of SEPTEMBER, 2007 by the Council of the City of Kent, Ohio.

Acting Clerk of Council

LEASE AMENDMENT

THIS AMENDMENT is for the Commercial Property Lease, dated June 7, 2007, by and between the CITY OF KENT, OHIO (“Lessor”) and THERESA TRIVELLI, dba Capelli (“Lessee”), for the space known as 209 East Summit Street, Kent, Ohio.

SECTION III, Rent, is hereby amended to read as follows:

The total annual rent for:

1. October 1, 2007 through September 30, 2008 (year one) is the sum of \$2,640.00, which is payable in twelve (12) equal monthly \$220.00 installments, in advance, on the first day of each calendar month during the term, beginning October 1, 2007.
2. The lease rate for October 1, 2008 through September 30, 2009 will be \$264.00 per month or \$3,168.00 annually.
3. The rate for the term commencing October 1, 2009 and ending September 30, 2010 will be \$286.00 per month or \$3,432.00 annually.
4. Finally, the rate for the term commencing October 1, 2010 and ending September 30, 2012 will be \$289.66 per month or \$3,476.00 annually.

SECTION XXIV, Security Deposit, is hereby amended from \$300.00 to \$220.00.

This Lease Amendment is executed this _____ day of _____, 2007.

THERESA TRIVELLI dba CAPELLI

CITY OF KENT, OHIO

By: _____
Theresa Trivelli dba Capelli

By: _____
David Ruller, City Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

James R. Silver, Law Director

EXHIBIT 1