

AGENDA

DATE: JUNE 15, 1998
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN TIM BRYAN
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 125 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

P
AN ORDINANCE amending the agreement between the City of Massillon and A.R.E., Inc., under the Ohio Urban Jobs and Enterprise Zone Program, by the assignment by A.R.E., Inc., to GAMI Inc., of its interest, rights and duties under the original Enterprise Zone Agreement, and declaring an emergency.

ORDINANCE NO. 126 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

157
AN ORDINANCE amending the agreement between the City of Massillon and Lukens Steel Company, under the Ohio Urban Jobs and Enterprise Zone Program, by the assignment by Lukens Steel Company to Allegheny Ludlum Corporation its interest, rights and duties under the original Enterprise Zone Agreement, and declaring an emergency.

ORDINANCE NO. 127 - 1998 BY: PARKS AND RECREATION COMMITTEE

LM
Sto - 10/10
P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 18.915 acres of land known as and being part of Out Lot Nos. 499 and 400 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 128 - 1998 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a two year extension of a non-drilling oil and gas lease for and on behalf of the City of Massillon, to MB operating Company, Inc., and declaring an emergency.

ORDINANCE NO. 129 - 1998 BY: FINANCE COMMITTEE

SDH
P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to sell two (2) Plotters in the engineering Department which are no longer needed for any municipal purpose in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 130 - 1998 BY: FINANCE COMMITTEE

LM
P
AN ORDINANCE making certain appropriations from the unappropriated balance of the UDAG B-81-AB-39-0097 Towne Plaza Fund, General Fund and Parking Meter Fund, of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LICENSE FROM MICHAEL E. ESCOLA DBA VIADUCT SHELL, 519 LINCOLN WAY W & GAS PUMPS, MASSILLON, OHIO, 44646 TO BELL STORES INC. DBA VIADUCT SHELL, 519 LINCOLN WAY W & GAS PUMPS, MASSILLON, OHIO, 44646.

9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY REPORT FOR MAY 1998
- B). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MAY 1998
- C). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MAY 1998

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 117 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE accepting the final Plat for Country View Estates No. 2 in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 120 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE repealing Ordinance No. 162 - 1995 and accepting the final Plat for the University Village Phase I in the City of Massillon, Stark County, Ohio, presently on file in the office of the City engineer, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 122 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Tuscarawas Township to Massillon Zoning, and declaring an emergency.

RESOLUTION NO. 14 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

A RESOLUTION changing the address of that portion of Lincoln Way East in front of One First National Plaza to One First Merit Plaza in the City of Massillon, Ohio.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

SHARON HOWELL
COUNCIL CLERK

THERE ARE NO PUBLIC HEARINGS THIS EVENING

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

AMENDED
ORDINANCE NO. 125 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and A.R.E., Inc., and J.J. & W. Limited Partnership, under the Ohio Urban Jobs and Enterprise Zone Program, by recognizing the assignment by J.J. & W. Limited Partnership, through it's successor in interest, J.J. & W. Limited Partnership II, to GAMI, L.P., of its interest, rights and duties under the original Enterprise Zone Agreement, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The agreement between the City of Massillon and A.R.E., Inc., and J.J. & W. Limited Partnership, under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended by the assignment to GAMI, L.P., of J.J. & W. Limited Partnership, interest, rights, and duties under the original Enterprise Zone Agreement.

Section 2:

A copy of said amendment is attached hereto and made part of this ordinance.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone Agreement to reflect the assignment of J.J. & W. Limited Partnership to GAMI, L.P., of all its interests, rights and duties under said agreement. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL TIM BRYAN, ACTING, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 125 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and A.R.E., Inc., under the Ohio Urban Jobs and Enterprise Zone Program, by the assignment by A.R.E., Inc., to GAMI, Inc., of its interest, rights, and duties under the original Enterprise Zone Agreement, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The agreement between the City of Massillon and A.R.E., Inc., under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended by the assignment to GAMI, Inc., of A.R.E., Inc., interest, rights, and duties under the original Enterprise Zone Agreement,

Section 2:

A copy of said amendment is attached hereto and made part of this ordinance.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone Agreement to reflect the assignment of A.R.E., Inc., to GAMI, Inc., of all its interests, rights and duties under said agreement. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS - DAY OF 1998

APPROVED: SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: FRANCIS H. CICCHINELLI, JR., MAYOR

SECOND AMENDMENT TO URBAN JOBS AND ENTERPRISE ZONE AGREEMENT

This Amendment is made and entered into this _____ day of _____, 1998, by and among THE CITY OF MASSILLON (the "City"), THE BOARD OF COUNTY COMMISSIONERS OF STARK COUNTY, OHIO (the "Board"), A.R.E., INC., an Ohio corporation (the "Enterprise"), and GAMI, L.P., an Ohio limited partnership (the "Owner").

WITNESSETH THAT:

WHEREAS, the City, the Board, and the Enterprise have preciously entered into an Urban Jobs and Enterprise Zone Agreement dated June 28, 1994 (the "Agreement"), whereby the Enterprise agreed and undertook to construct and equip a 211,396 square foot facility on a 15.1 acre site in Out Lot 599 on Nova Road, S.E., in the City of Massillon, Stark County, Ohio, (the "Project") and the City and the Board provided the Enterprise with development incentives to support the economic viability of the Project; and,

WHEREAS, the Agreement provides for a partial tax exemption for real property improvements made in connection with the Project; and,

WHEREAS, the Enterprise has determined it to be in the Enterprise's best interest in completing the Project to finance the acquisition, construction and equipping of the Project by means of a lease with the Owner; and,

WHEREAS, the initial Amendment, which is dated October 27, 1994, to the Urban Jobs and Enterprise Zone Agreement dated June 28, 1994, recognized J.J. & W. Limited Partnership as a part of the Enterprise and acknowledged it as being the record owner of the real property improvements subject to a partial tax exemption; and,

WHEREAS, the successor to J.J. & W. Limited Partnership, known as J.J. & W. Limited Partnership, II, did sell its interest in the project site and the real property improvements to GAMI, L.P., an Ohio limited partnership, whose general partner is GAMI, LLC, an Ohio limited liability company, on March 30, 1998, thereby substituting GAMI, L.P. as the owner of the project site and real property improvements thereon and as Lessor to the Enterprise participant, A.R.E., Inc., an Ohio corporation; and,

WHEREAS, in order to accomplish the intended purpose of the Agreement, the parties have determined to amend the Agreement, in the particulars set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, set forth in the Agreement and the benefit to be derived from each party from the completion of the Project as contemplated by the Agreement, the parties hereby agree as follows:

1. For purposes of the Agreement, the term "Enterprise" shall include A.R.E., Inc. and GAMI, L.P., in its capacity as owner of the Project site and of the real property improvements constructed thereon. GAMI, L.P. hereby joins in the agreements and undertakings

of the Enterprise as they relate to the real property ownership and improvements of the Project, which has been constructed since the initial Amendment hereto dated October 27, 1994.

2. GAMI, L.P. is hereby recognized by the City and Board as part of the Enterprise and is acknowledged as being the record owner of the real property improvements subject to partial tax exemption as set forth in Section 3(2) of the Agreement. J.J. & W Limited Partnership and J.J. & W. Limited Partnership II are acknowledged to have had their interest in the property terminated as of March 30, 1998, and therefore its interest in the Agreement as of that date.

3. In all other respects, the Agreement is hereby confirmed and ratified as written.

IN WITNESS WHEREOF, the parties have each caused this Agreement to be executed by their duly authorized representations as of the date and year first above written.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

BY: _____

WITNESSED BY:

THE BOARD OF COMMISSIONERS OF
STARK COUNTY, OHIO

BY: _____

BY: _____

BY: _____

WITNESSED BY:

A.R.E., INC.

BY: _____

WITNESSED BY:

GAMI, L.P., By GAMI, LLC, Gen. Partner

BY: _____

Member, GAMI, LLC

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Prosecuting Attorney
Stark County, Ohio

Director of Law
City of Massillon, Ohio

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 126 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and Lukens Steel Company, under the Ohio Urban Jobs and Enterprise Zone Program, by the assignment by Lukens Steel Company to Allegheny Ludlum Corporation, of its interest, rights, and duties under the original Enterprise Zone Agreement, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The agreement between the City of Massillon and Washington Steel Corporation, under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended by the assignment to Allegheny Ludlum Corporation of Lukens Steel Company's interest, rights, and duties under the original Enterprise Zone Agreement.

Section 2:

A copy of said amendment is attached hereto and made part of this ordinance.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone Agreement to reflect the assignment of Lukens Steel Company to Allegheny Ludlum Corporation of all its interests, rights and duties under said agreement. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

**SECOND AMENDMENT TO URBAN JOBS
AND ENTERPRISE ZONE AGREEMENT**

This Second Amendment made and entered into this _____ day of June, 1998, by and between THE CITY OF MASSILLON, OHIO ("the City"), THE BOARD OF COUNTY COMMISSIONERS OF STARK COUNTY, OHIO (hereinafter "the Board"), and ALLEGHENY LUDLUM CORPORATION, the successor in interest to Lukens Steel Company (hereinafter "Allegheny").

Witnesseth, That,

Whereas, the City and the Board have previously entered into an Urban Jobs and Enterprise Zone Agreement (hereinafter "Agreement"), dated June 28, 1994, with Washington Steel Corporation for the adoption of a project under which Washington Steel Corporation would invest approximately \$76 million to expand a facility located at 411 Oberlin Road, S.W., within the City's Enterprise Zone, through the installation of a wide anneal and pickle line to process grades of stainless steel (the "Project"); and

Whereas, the City, the Board, and Lukens Steel Company entered into an amendment to the Agreement dated April 8, 1997, permitting the transfer and assignment from Washington Steel Corporation to Lukens Steel Company ("Lukens") of its interest, rights, and duties under the Agreement, and

Whereas, Allegheny is now acquiring ownership of the wide anneal and pickle line facility and the real estate upon which it is situated from Lukens, and

Whereas, in order to accomplish the intended purpose of the Agreement, the parties have determined to amend the Agreement as set forth herein.

Now, Therefore, in consideration of the mutual covenants set forth in the Agreement, the parties hereby agree as follows:

Section 1:

That both the City and the Board hereby give their approval and consent, as required by Section 11 of the Agreement, to the transfer and assignment to Allegheny by Lukens of Lukens' interests, rights, duties, and benefits under the Agreement.

Section 2:

That in all other respects, the Agreement is hereby confirmed and ratified as written.

In Witness Whereof, the parties have each caused this Amendment to be executed by their duly authorized representatives as of the date and year first above written.

Witnessed By:

THE CITY OF MASSILLON, OHIO

By: _____
Francis H. Cicchinelli, Jr., Mayor

Witnessed By:

**THE BOARD OF STARK COUNTY
COMMISSIONERS**

By: _____
John P. Dougherty

By: _____
Gayle A. Jackson

By: _____
Donald R. Watkins

Witnessed By:

**ALLEGHENY LUDLUM
CORPORATION**

By: _____

**Approved as to Form and
Legal Sufficiency**

Prosecuting Attorney
Stark County, Ohio

**Approved as to Form and
Legal Sufficiency**

Director of Law
City of Massillon, Ohio

«CT2:168840_1»

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 127 - 1998

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 18.915 acres of land known as and being part of Out Lot Nos. 499 and 400 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 18.915 acres of land known as and being part of Out Lot Nos. 499 and 400 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 2:

The following described real estate belonging to the City of Massillon, Ohio, is not needed for any municipal purpose, to-wit:

Known as and being part of Out Lot Nos. 499 and 400, 18.915 acres of land located between 23rd. Street S.W., and Kelly S.W., south of Carlene S.W., in the City of Massillon, County of Stark and State of Ohio.

Section 3:

The Director of Public Safety and Service be and hereby is authorized to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 18.915 acres of land known as and being part of Out Lot Nos. 499 and 400 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 4:

The advertisement for the bidding of said real estate shall contain the following instructions:

- 1). Each bidder shall be prepared to review with the Massillon Recreation Board and City Council their intended use for the real estate.
- 2). The successful bidder shall be responsible to pay all fees and costs associated with the sale and transfer of said property.
- 3). The City reserves the right to reject any and all bids.

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of real estate no longer needed for any municipal purpose for the best price obtainable. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 128 - 1998

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a two year extension of a non-drilling oil and gas lease for and on behalf of the City of Massillon, to MB Operating Company, Inc., and declaring an emergency.

WHEREAS, on September 8, 1992 Council approved Ordinance No. 160 - 1992 granting a non-drilling oil and gas lease to MB Operating Company, Inc.; and

WHEREAS, on July 5th, 1994 Council approved Ordinance No. 137 - 1994 granting an extension of a non-drilling oil and gas lease to MB Operating Company, Inc.; and

WHEREAS, on August 5, 1996 Council approved Ordinance No. 134 - 1996 granting an extension of a non-drilling oil and gas lease to MB Operating Company, Inc.; and

WHEREAS, MB Operating Company, Inc., has requested a two (2) year extension of this lease agreement with the City of Massillon;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Mayor and the Director of Public Service and Safety be and hereby are authorized to sign on behalf of the City of Massillon, Ohio, a two (2) year extension of a non-drilling oil and gas lease for and on behalf of the City of Massillon, granting to MB Operating Company, Inc., an Ohio Corporation, its successors and assigns, certain rights as more fully set forth in Section 2 hereof.

Section 2:

The non-drilling lease referred to in Section 1 hereof which is to be extended shall be in the following form and shall contain the following terms and conditions:

(SEE ATTACHED COPY)

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and that it is necessary to allow MB Operating Company to continue its operations in the City of Massillon, upon the best terms obtainable. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

NON-SURFACE DEVELOPMENT OIL AND GAS LEASETHIS LEASE, made this 21st day of May, 1998, by and between _____The City of Massillon(Address) One James Duncan Plaza, Massillon, OH 44646 (Phone) (330) 830-1702
hereinafter called Lessor and MB OPERATING CO., INC., whose address is 104 Sixth Street SW, Canton, Ohio 44702, hereinafter called Lessee, do agree:

1. Lessor, for consideration of Fifty Dollars (\$50.00), grants to Lessee all the oil and gas in the lands described below, with the exclusive right to operate for, produce and market the same from a well or wells on other lands; and the right to unitize Lessor's lands, or any portion, or strata, with other lands into a drilling unit of not more than one hundred sixty acres.

This lease is for TWO years, and as long thereafter as operations are being conducted on any such unit and oil or gas can be produced in paying quantities in Lessee's judgment from any such unit. This lease covers all of Lessor's land in and adjoining Section/Lot SE Qtr. Sec. 8 of the Township/City of Perry Stark County, Ohio, Permanent Parcel No. _____ containing 1.09 acres, more or less, bounded substantially, now or formerly as follows:

North by Miller, EnglehardtEast by EnglehardtSouth by Rep. SteelWest by Miller

or further described as _____

2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8th) of the "Proceeds Realized" by Lessee on all oil and gas sold off the unit, as the amount of Lessor's acreage in the unit bears to the total acreage in the unit, the same to be paid by the end of the next month following the Lessee's receipt of payment for same, less any tax imposed by any government body, including but not limited to severance tax. For purposes of calculating the natural gas royalties hereunder, "Proceeds Realized" by Lessee shall be based upon Lessee's "WAGSP" sales price for natural gas less a reasonable amount for transportation, compression and other post-production activities. WAGSP shall be defined as follows:

Lessee's weighted average natural gas actual sales price shall be calculated by the formula: P/V where: P = the total actual gross natural gas sales revenue received by Lessee for the applicable production period. Such sales revenue shall be calculated at the point where the gas first enters a regulated or common carrier pipeline or, if the gas is sold directly to the consumer, the consumer's designated facility, whichever point occurs first ("Delivery Point"); if the contractual point of sale is downstream from the Delivery Point, transportation and other fees may be deducted from the ultimate sales price to determine the sales price at the Delivery Point. The actual transportation charges, fees and other tariffs charged by non-affiliated pipeline carriers are hereby deemed fair and reasonable. The actual transportation charges, fees and other tariffs charged by any pipeline carriers affiliated with Lessee shall be entitled to a rebuttable presumption that they are fair and reasonable. V = the total actual number of units of natural gas (expressed in mcf) used to calculate P ; if the volume is not measured at the Delivery Point, adjustments shall be made to reasonably determine volume at the Delivery Point. If natural gas from the Lease is measured by a master meter (which is a meter through which gas from more than one well or Lease flows) the volume of gas allocated to each well shall be based upon an allocated percentage of the master meter volume. If after a well is drilled there is no production from any such unit for twelve (12) continuous months, then thereafter Lessor shall be paid fifty dollars (\$50.00) per year until production occurs or the well is plugged and abandoned according to law.

3. No well shall be drilled on Lessor's property, nor shall Lessee enter upon or install any surface installation of any nature whatsoever on the leased property. The within Lease is being granted for the purpose of permitting Lessee to unitize the leased property with other properties, which properties shall bear all the burden of surface development. Lessor understands and gives consent that, due to slant (directional) drilling originating from surface entry on a parcel not owned by Lessor, the wellbore may pass through or terminate below the surface of Lessor's property.

4. This lease shall be binding on all heirs, successors, and assigns of Lessor and Lessee. If the leased land is hereinafter owned in separate tracts, the premises, nevertheless, shall be treated as an entirety and all payments due shall be paid proportionally (on an acreage basis) to each separate owner, and if Lessor owns less than the entire fee, Lessor shall be paid only his proportional share of any payment due. Lessee may at any time assign or surrender this Lease in whole or in part.

5. No change of ownership in the leased premises or in the rentals or royalties hereunder shall be binding on Lessee until after notice to the Lessee either by delivery of notice in writing duly signed by the parties to the instrument of conveyance or assignment and delivery of such original instrument or a duly certified copy thereof to the Lessee.

6. In the event Lessor considers Lessee has not complied with its expressed or implied obligations hereunder, Lessor shall notify Lessee in writing indicating specifically what Lessee has allegedly breached. Lessee shall have 30 days after receipt of said notice to meet or commence to meet any part of the breaches alleged by Lessor. Lessor shall not bring any action against Lessee until after 30 days after service of such notice on Lessee.

7. Lessor hereby warrants and agrees to defend title to the land herein described and agrees that Lessee, at its option, may pay and discharge any taxes, mortgages, or other liens existing, levied, or assessed on or against the said lands and, in the event it exercises such option, it shall be subrogated to the rights of any holder or holders thereof and may reimburse itself for any payments due hereunder.

Witnessed by: _____

Lessor: _____

Printed: _____

Printed: _____

Social Security Number: _____

Printed: _____

Printed: _____

Social Security Number _____

Witnessed by:

Printed _____

Printed: _____

Lessor:

Printed _____
Social Security Number _____

Printed: _____
Social Security Number: _____

INDIVIDUAL NOTARY

STATE OF _____ :
: SS:
COUNTY OF _____ :

Before me, a Notary Public, in and for said County and State, on this day personally appeared _____
_____, who acknowledged to me that _____ executed the foregoing instrument and that the
same is _____ free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal at _____
this _____ day of _____, 199__.

Notary Public
My Commission Expires: _____

INDIVIDUAL NOTARY

STATE OF _____ :
: SS:
COUNTY OF _____ :

Before me, a Notary Public, in and for said County and State, on this day personally appeared _____
_____, who acknowledged to me that _____ executed the foregoing instrument and that the
same is _____ free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal at _____
this _____ day of _____, 199__.

Notary Public
My Commission Expires: _____

CORPORATE NOTARY

STATE OF _____ :
: SS:
COUNTY OF _____ :

Before me, a Notary Public, in and for said County and State, on this day personally appeared _____
_____, by _____ who acknowledged to me that _____ is a duly authorized
officer of said corporation, and that _____ executed the foregoing instrument and that the same is
_____ free act and deed and the free act and deed of said corporation.

In Testimony Whereof, I have hereunto set my hand and official seal at _____
this _____ day of _____, 199__.

Notary Public
My Commission Expires: _____

This instrument prepared by:
MB OPERATING CO., INC.
104 Sixth Street SW
Canton, Ohio 44702

Form MB297
rev198

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 129 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to sell two (2) Plotters in the Engineering Department which are no longer needed for any municipal purpose in the City of Massillon, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Director of Public Service and Safety be and is hereby authorized to sell two (2) Plotters in the Engineering Department which are no longer needed for any municipal purpose in the City of Massillon.

Section 2:

That the Plotters no longer needed in the City of Massillon be advertised for sale at least two weeks and not more than four weeks in a newspaper of general circulation.

Section 3:

That the City Auditor be and is hereby is directed to deposit the monies received from the sale of the equipment in the Capital Improvement Fund.

Section 4:

That this ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of these Plotters in the Engineering Department, which are items no longer needed for any municipal purpose, for the best price obtainable. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 129 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to sell two (2) Plotters in the Engineering Department which are no longer needed for any municipal purpose in the City of Massillon, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Director of Public Service and Safety be and is hereby authorized to sell two (2) Plotters in the Engineering Department which are no longer needed for any municipal purpose in the City of Massillon.

Section 2:

That the Plotters no longer needed in the City of Massillon be advertised for sale at least two weeks and not more than four weeks in a newspaper of general circulation.

Section 3:

That the City Auditor be and is hereby is directed to deposit the monies received from the sale of the equipment in the Capital Improvement Fund.

Section 4:

That this ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of these Plotters in the Engineering Department, which are items no longer needed for any municipal purpose, for the best price obtainable. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 15th DAY OF June 1998

APPROVED: Sharon Howell
SHARON HOWELL, CLERK OF COUNCIL

Dennis D. Harwig
DENNIS D. HARWIG, PRESIDENT

APPROVED: June 16, 1998

Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Sharon Howell
Clerk of Council

Date 6/15/98

Plotters for Sale

CITY OF MASSILLON

Sealed bids for **two (2) plotters** to be sold to the highest bidder will be received by the Director of Public Service and Safety as his office at the Municipal Government Center, Second Floor, One James Duncan Plaza, Massillon, Ohio 44646 until **1:30 p.m. on July 16, 1998**, then publicly opened and read aloud. This has been authorized by Massillon City Council on June 15, 1998 as Ordinance No. 129-1998.

Plotters are sold at "AS IS" condition and NO WARRANTIES or guarantees.

A prospective bidder can inspect plotters and obtain bid sheets beginning at the Massillon City Engineering Office, Second Floor, One James Duncan Plaza, Massillon, Ohio by appointment only. Please contact Fred Werner for further information at (330) 830-1722. Bid sheets will also be available at the Engineer's office at the above-mentioned address from 8:30 a.m. to 4:30 p.m. Both plotters will be sold as one unit.

Highest bidders will be notified and will have five (5) working days to pay and remove plotters. Payment is made by CHECK or MONEY ORDER only and payable to the City of Massillon.

Designate "Bid for Plotters" on outside of bid envelope.

The City of Massillon has the right to set a minimum bid and reject any or all bids.

Alan W. Climer, Director of Public Service and Safety

Publish in The Independent

July 2, July 9



Alan W. Climer
Director of Public Service & Safety

DATE: June 15, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 130 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the UDAG B-81-AB-39-0097 Towne Plaza Fund, General Fund and Parking Meter Fund, of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and hereby is appropriated from the unappropriated balance of the UDAG B-81-AB-39-0097 Towne Plaza Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 5,000.00 to an account entitled "Legal/Professional Services" 1217.840.2393

Section 2:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 1,000.00 to an account entitled "City Share Medicare" 1100.415.2231

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Parking Meter Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 150.00 to an account entitled "Postage" 1208.445.2350

Section 4:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforesaid departments of the City of Massillon, Ohio, and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR