

AGENDA

DATE: NOVEMBER 6, 2000
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

Arman - Absent

1. ROLL CALL
2. INVOCATION - COUNCILMAN GLORIA AUTREY
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

A). Mrs. Peel to address Council concerning a fund raising raffle for Officer Paul Covert.

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 224 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE authorizing an agreement to issue Industrial Development Revenue Bonds for the benefit of A.R.E. Inc., and declaring an emergency.

ORDINANCE NO. 225 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

JH *1st*
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 Single Family Residential to RM-1 Multiple Family Residential.
Page 18 - 8:00 pm.

ORDINANCE NO. 226 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

JH *1st*
AN ORDINANCE accepting the Final Plat for Augusta Lakes No. 1, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 227 - 2000 BY: HEALTH, WELFARE & BLDG. REGULATIONS COMM.

1st
AN ORDINANCE amending CHAPTER 1309 "HOUSING CODE" of the Codified Ordinances of the City of Massillon, by repealing Section 1309.01(t) "DEFINITIONS" of CHAPTER 1309 "HOUSING CODE" and enacting a new Section 1309.01(t) "DEFINITIONS" of CHAPTER 1309 "HOUSING CODE", and declaring an emergency.

ORDINANCE NO. 228 - 2000 BY: FINANCE COMMITTEE

Revenue Splits

SDH *1st*
AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.08(1)(2) & (3) "Administration and Disbursement of Funds" and enacting a new Section 937.08 (1) & (2) "Administration and Disbursement of Funds" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND", and declaring an emergency.

ORDINANCE NO. 229 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE authorizing the Auditor of the City of Massillon to combine the "WPCL Debt Fund" and "Debt Fund - WWT" into a single fund, and declaring an emergency.

ORDINANCE NO.230 - 2000 BY: FINANCE COMMITTEE

P AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Centre III Fund, Fire Pension Fund, Wastewater Treatment Fund, Community Development Block Grant Program Fund, Parks & Recreation Capital Improvement Fund, The Legends Fund, OPWC Springhill Fund, Muni Golf Fund, Wastewater Treatment Fund, and the Street Construction M&R Fund, for the year ending December 31, 2000, and declaring an emergency.

ORDINANCE NO. 231 - 2000 BY: FINANCE COMMITTEE

P AN ORDINANCE making certain transfers in the 2000 appropriation from The Legends Golf Fund to the Bond Retirement Legends Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 232 - 2000 BY: PARKS AND RECREATION COMMITTEE

✓ P AN ORDINANCE authorizing the Director of Public Service and Safety, to enter into an agreement and accept a grant from the Stark County Park District, for additional parking spaces at the trailhead facility, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER - 2000

B). MAYOR SUBMITS MONTHLY REPORT FOR OCTOBER - 2000

C). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER - 2000

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 218 - 2000 BY: HEALTH, WELFARE & BUILDING REGULATIONS

2nd ✓ AN ORDINANCE amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, by deleting section 1187.14(h)(6) "PRINCIPLE USES PERMITTED SUBJECT TO SPECIAL CONDITIONS" (private swimming pools), of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" and enacting a new Section 1187.14(h)(6) "PRINCIPLE USES PERMITTED SUBJECT TO SPECIAL CONDITIONS" (private swimming pools), of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

SHARON HOWELL

THERE ARE NO PUBLIC HEARINGS THIS EVENING

DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 224 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing an agreement to issue Industrial Development Revenue Bonds for the benefit of A.R.E. Inc., and declaring an emergency.

WHEREAS, the City of Massillon, Ohio, a city organized and existing under the laws of the State of Ohio (the "City"), pursuant to the authority of Article VIII, Section 13, of the Constitution of the State of Ohio, and Chapter 165 of the Ohio Revised Code, is empowered and authorized and desires to take certain necessary actions toward the issuance of its industrial development revenue bonds (the "Bonds") to finance costs of acquiring, constructing and installing robotic and other equipment and facilities improvements (the "Project") for use by A.R.E. INC., an Ohio corporation (the "Company"), at its Massillon, Ohio facility, in its business of manufacturing truck caps and lids; and

WHEREAS, the Council of the City has determined that an Agreement to Issue Bonds between the City and the Company (the "Agreement"), in substantially the form thereof on file with the Clerk of Council, adequately sets forth the general terms and conditions upon which the City is willing to proceed with the financing of the Project; and

WHEREAS, the City and the Company anticipate that the Project would preserve jobs within the City and provide additional jobs and employment opportunities for residents of the City, and that the Project would improve the economic welfare of the City and its people.

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

Section 1. The City will undertake to authorize and issue its Bonds in an aggregate principal amount currently estimated not to exceed \$2,000,000 for the purpose of financing the Project, and both the City and its officers will take all further action necessary or desirable for that purpose, all subject, however, to the conditions stated in the Agreement, and upon the terms therein provided. This Ordinance shall be an official intent to issue bonds pursuant to Treasury Regulations §1.150-2.

Section 2. The Mayor of the City is hereby authorized to execute the Agreement on behalf of the City, which Agreement shall be in substantially the form of the Agreement on file with the Clerk of Council, with such revisions as are approved by the Mayor. The Mayor is further authorized to sign such documents as are required by the Ohio Department of Development for purposes of obtaining an allocation of volume cap as required under Section 146 of the Internal Revenue Code of 1986, as amended.

Section 3. The E.E.O. Officer is hereby designated as the City's Prevailing Wage Coordinator for the Project pursuant to the requirements of Section 4115.071 of the Ohio Revised Code and is hereby authorized and directed to perform the duties therein specified.

Section 4. This Council hereby finds and determines that all formal actions of this Council relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the law.

Section 5. This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of the Agreement is necessary so as to maximize jobs and employment opportunities within the City of Massillon, Ohio. 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 _____, 2000.

APPROVED: _____

Sharon Howell, Clerk of
Council

Dennis D. Harwig,
President

APPROVED: _____, 2000

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:

Clerk of Council

Date: _____

AGREEMENT TO ISSUE BONDS

THIS AGREEMENT is entered into as of _____, 2000, between the City of Massillon, Ohio (the "Issuer") and A.R.E. INC., an Ohio corporation (the "Company"), in furtherance of the public purposes of Section 13 of Article VIII, Ohio Constitution, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State of Ohio and the City of Massillon, Ohio.

WHEREAS, the Company desires to finance costs of acquiring, constructing and installing robotic and other equipment and facilities improvements (the "Project") for use by the Company at its Massillon, Ohio facility, in its business of manufacturing truck caps and lids; and

WHEREAS, the Company has requested that the Issuer agree to issue industrial development revenue bonds pursuant to Chapter 165, Ohio Revised Code, in an aggregate principal amount now estimated not to exceed \$2,000,000 (the "Bonds"), to provide funds to pay the costs of the Project, and is agreeable to making payments to the Issuer sufficient to pay all of the principal of and premium, if any, and interest on the Bonds; and

WHEREAS, the Issuer is willing to issue the Bonds and desires to obtain the economic benefits from the Project.

W I T N E S S E T H:

1. The Company shall commence the acquisition, construction and installation of the Project as soon as feasible, and may provide, without expense to the Issuer, the necessary interim financing to permit such acquisition, construction and installation to commence and continue. Upon the issuance of the Bonds, the Issuer and the Company will enter into an agreement (the "Financing Agreement") with respect to the Project and the financing therefor. The Financing Agreement shall be in the form of a loan agreement and shall contain such terms and conditions as provided or permitted under said Chapter 165; provided, however, that the Financing Agreement shall provide for payments by the Company sufficient to pay the principal of and premium, if any, and interest on the Bonds. In order to secure the payment of the principal of and premium, if any, and interest on the Bonds, the Issuer may also enter into a trust agreement or an assignment of its rights under the financing agreement which shall have such terms and conditions as may be provided or permitted under said Chapter 165. The Issuer shall not have any financial responsibility with respect to the Bonds or the Project except from "revenues" (as defined in Section 165.01, Ohio Revised Code) derived by the Issuer with respect to the Bonds and the Project.

It is understood that the Project will be that of the Company and any contracts made by the Company or others with respect thereto, or any work done by the Company or others on the Project, are not made or done as agent or contractor for the Issuer.

2. Upon receipt of a request from the Company, the Issuer will promptly issue the Bonds, in the form of one or more bonds or notes, maturing in such amounts and times, bearing interest at such rate or rates, payable on such date or dates and containing such optional and mandatory redemption features and prices as are requested by the Company, and will deliver the Bonds to the purchaser or purchasers thereof and cooperate to the fullest extent in consummating the transaction, subject to all documents being satisfactory to the Issuer, subject to compliance with applicable requirements of law, and subject to the further requirement that the Company shall have either (A) obtained a letter of credit of a credit facility provider whose unsecured, uninsured and unguaranteed debt (or, in the case of a bank subsidiary of a bank holding company, whose bank holding company's debt) is rated in a rating category not lower than the third highest rating category by a nationally recognized municipal securities rating service, or another credit facility reasonably satisfactory to the Issuer, to secure the payment of principal and interest on the Bonds, or (B) provided written documentation satisfactory to the Issuer to evidence that the Bonds have been purchased directly by or privately placed with a sophisticated institutional investor.

3. (A) All wages paid to laborers and mechanics employed on the Project shall be paid at the prevailing rates of wages of laborers and mechanics for the class of work called for by the Project, which wages shall be determined in accordance with the requirements of Chapter 4115, Ohio Revised Code, for determination of prevailing wage rates.

(B) The Issuer has heretofore designated _____ as the Prevailing Wage Coordinator for the Project, pursuant to Section 4115.032, Ohio Revised Code. In order to assist the Prevailing Wage Coordinator in performing the Prevailing Wage Coordinator's responsibilities and in order to ensure compliance with the requirements of the immediately preceding paragraph, the Company shall provide or cause to be provided the following to the Prevailing Wage Coordinator:

- (i) The name, address, phone number of each contractor or subcontractor, and name and address of the contractor's or subcontractor's bonding or surety company.
- (ii) The dates during the life of each contract or subcontract when payments of wages to employees are to be made.
- (iii) Certified payrolls from each contractor or sub-contractor starting no later than two weeks after the initial pay

period and weekly thereafter for projects expected to take four months or fewer to complete and monthly thereafter for projects expected to take more than four months to complete. Each payroll shall include, or be supplemented to include, the full name, address and social security number of each employee; the work classification; the number of hours worked on the Project during the relevant pay period; the actual hourly rate of pay for the basic rate and overtime rate; the type and amount of fringe benefits earned; all deductions and the net pay for the pay period.

(C) To the extent required by Sections 165.031 and 4115.032, Ohio Revised Code, the Company shall comply or cause to be complied, and shall require compliance by all contractors or subcontractors working on the Project, with all applicable requirements of Sections 4115.03 through 4115.16, Ohio Revised Code, and Ohio Bureau of Employment Services Rules 4101:9-4-02 through 4101:9-4-28 including, without limitation:

- (i) Obtaining from the Ohio Bureau of Employment Services its determination of the prevailing rates of wages to be paid for all classes of work called for by the Project and any revisions thereto.
- (ii) Posting in a prominent and accessible place on the Project site a legible statement of the applicable schedules of wage rates.
- (iii) Ensuring that all contractors and subcontractors receive notification of changes in prevailing wage rates as required under Section 4115.05, Ohio Revised Code.
- (iv) Providing written notification to each employee not covered by a collective bargaining agreement which contains the information set forth in Ohio Department of Industrial Relations Rule 4101:9-4-13(A)(7).

(D) Concurrently with issuance of the Bonds and at such times as the Issuer requests, the Company shall be required to provide or cause to be provided the Issuer with evidence, satisfactory to the Issuer, that there has been compliance with the foregoing agreements. Upon completion of the Project, the Company shall provide or cause to be provided a sworn affidavit of compliance from each contractor or subcontractor.

(E) None of the requirements of this Section 3 shall be binding against the Company unless the Bonds shall be issued.

4. If the Company abandons the Project, it shall notify the Issuer, whereupon this Agreement shall terminate. In addition, this Agreement shall terminate 12 months from the date hereof if

for any reason the Company has not by then requested the Issuer to issue the Bonds. Upon any termination of this Agreement under this paragraph, neither the Issuer nor the Company shall have any further rights or obligations hereunder, except that the obligations of the Company under paragraph 5 hereof shall survive any such termination.

5. In order to induce the Issuer to execute and deliver this Agreement and ultimately to issue the Bonds, the Company hereby represents and agrees as follows:

(A) The provision of the assistance to be provided through the issuance of the Bonds (i) have induced the Company to locate or maintain within the boundaries of the Issuer that business of the Company to be conducted by use of the Project and (ii) will create or preserve jobs and employment opportunities within the boundaries of the Issuer.

(B) The Company will reimburse the Issuer for and will defend, indemnify and hold the Issuer and any and all officials thereof harmless against any and all loss, cost, expense, claims or actions arising out of or connected with the execution of this Agreement and the consummation of the transactions provided for herein and contemplated hereunder, including, without limitation, (i) all legal and other expenses relating to the preparation of proceedings for, and the issuance, sale or delivery of, the Bonds, whether or not the Bonds are issued, and (ii) if the Bonds are issued, any failure of compliance with the provisions of Sections 165.031, 4115.05 and any other applicable provisions of Chapter 4115, Ohio Revised Code and Rules thereunder. Whether or not the Bonds are issued, the Company shall pay the reasonable fees and expenses of Kephart & Fisher L.L.P., as Bond Counsel, and any counsel selected by the Issuer to represent it, in connection with reviewing the Project and the preparation of documentation relating to the Bonds.

6. The Issuer's agreement to issue the Bonds is subject to the condition precedent that it shall have received from its designated community improvement corporation a certification that the Project is in accordance with the plan prepared by such corporation and confirmed by the City Council of the Issuer, all as required by Section 165.03(C), Ohio Revised Code.

IN WITNESS WHEREOF, the Issuer, pursuant to an ordinance duly passed by its City Council, has caused this Agreement to be executed, and the Company has executed this Agreement, as of the day and year first above written.

CITY OF MASSILLON, OHIO

A.R.E. INC.

By _____
Mayor

By _____
Title: _____

Attest: _____
Clerk of Council

\\AREMASSILLON\\RK2A9632

DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 225 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 Single Family Residential to RM-1 Multiple Family Residential.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-3 Single Family Residential to RM-1 Multiple Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 11th, 2000 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as RM-1 Multiple Family Residential.

Being known as Part of Out Lot 854, a 4.502 acre parcel, located on the east side of Wales Road N.E., in Massillon, Ohio. This request has been submitted by Joseph and Charlene Paquelet, who wish to construct a funeral home.

Section 3:

This Ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated RM-1 Multiple Family Residential. 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 _____ 2000

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

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

N.E.

7498

7497

7496

7495

7494

7493

7492

ROTCH AVENUE
N.E. 60'

7479

7478

7477

7476

WALE'S ROAD

6802

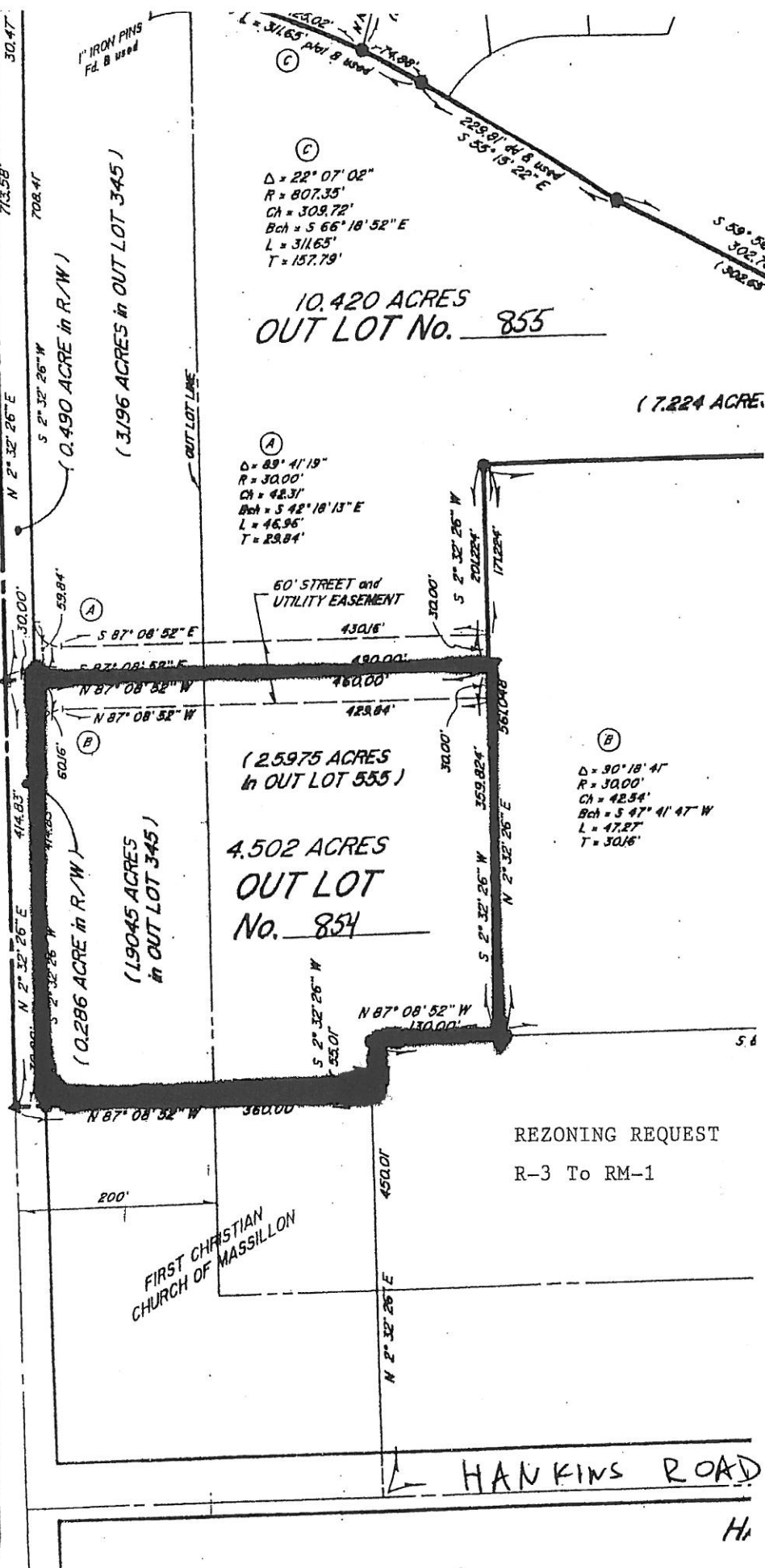
6801

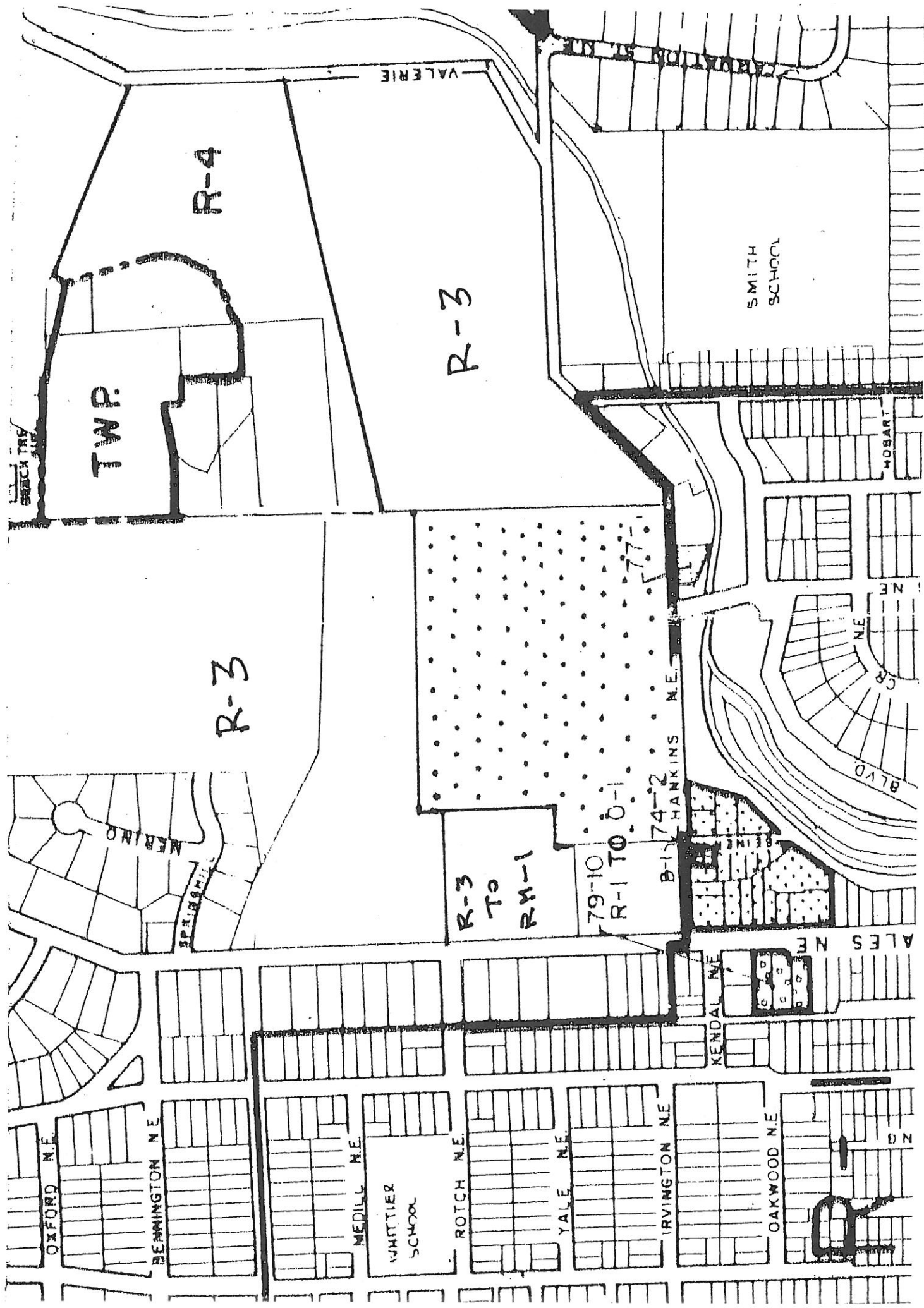
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6799

6798

6796





DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 226 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat for Augusta Lakes No. 1, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Final Plat for Augusta Lakes No. 1 in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer, is hereby approved and accepted and that the dedication to public use of the streets and alleys thereon shown, be, and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held October 11th, 2000. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Augusta Lakes No. 1 is as follows:

Being Known as Part of Out Lots 707 & 708, an 11.276 acres parcel located on the south side of Richville Drive, north of The Legends Golf Course. This plat creates a total of 26 lots.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the 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 _____ 2000

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

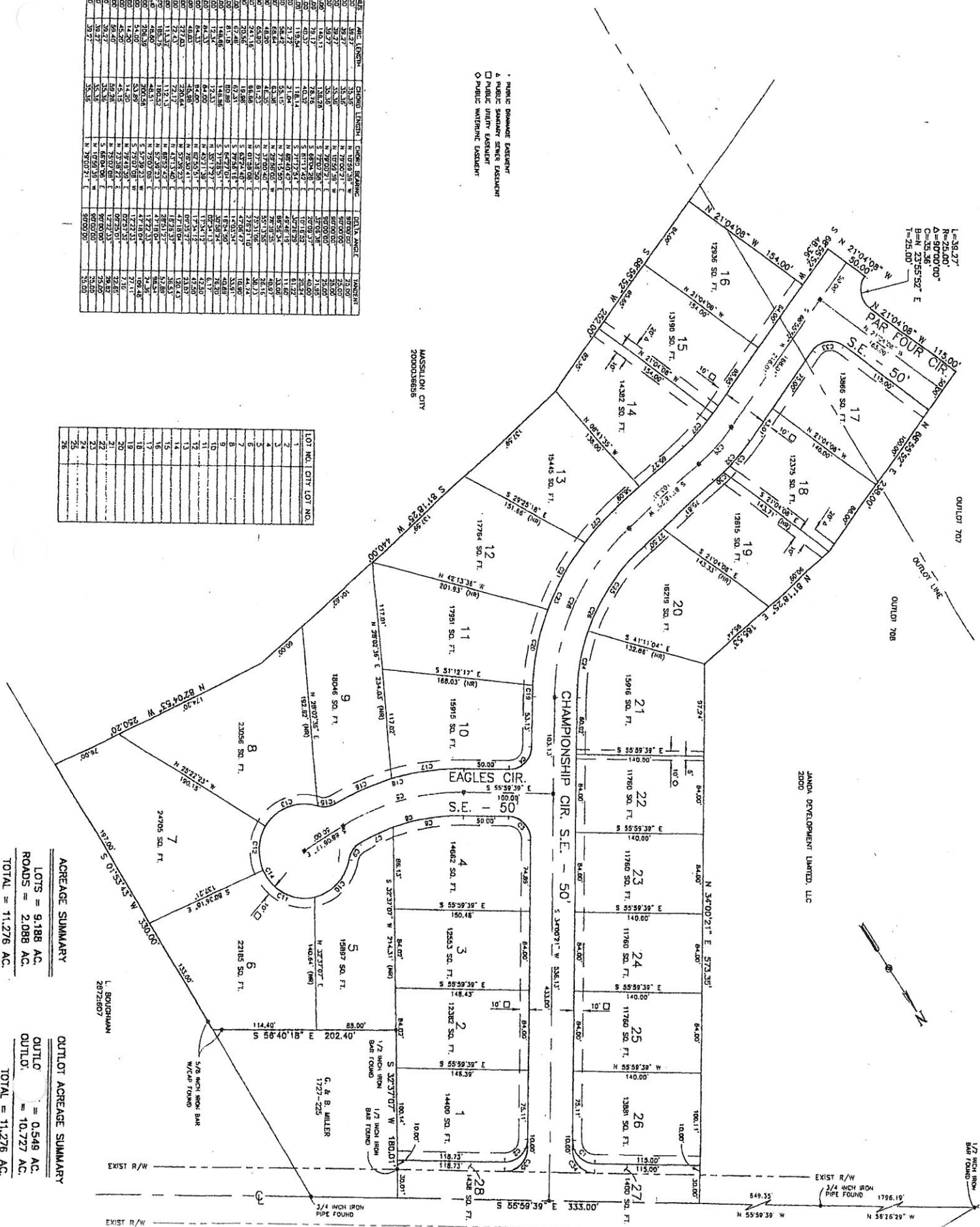
APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

LINE	BEARS	ARC LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C2	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C3	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C4	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C5	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C6	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C7	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C8	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C9	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C10	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C11	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C12	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C13	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C14	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C15	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C16	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C17	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C18	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C19	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C20	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C21	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C22	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C23	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C24	25.00	38.37	N 105°59'32" W	90°00'00"	25.00
C25	25.00	38.37	N 105°59'32" W	90°00'00"	25.00

- PUBLIC DRAINAGE EASEMENT
- PUBLIC UTILITY EASEMENT
- ◊ PUBLIC WATERLINE EASEMENT

MASSILLON CITY
2000035555

LOT NO.	CITY LOT NO.
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
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28	28



ACREAGE SUMMARY

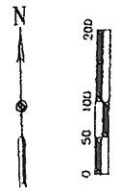
LOTS = 9.188 AC.
ROADS = 2.088 AC.
TOTAL = 11.276 AC.

OUTLOT ACREAGE SUMMARY

OUTLOT = 0.548 AC.
OUTLOT = 10.727 AC.
TOTAL = 11.276 AC.

LOCATED IN THE CITY OF, SILLON, COUNTY OF STARK, STATE
OF OHIO AND BEING PART OF OUTLOTS 707 & 708

28 LOTS



ORIGINAL	DEED	DESCRIPTION
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
13	13	13
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16	16	16
17	17	17
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91	91	91
92	92	92
93	93	93
94	94	94
95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100

DECED: LLN.

STREETS HAVING 50 FOOT RIGHT OF WAY ARE SUITABLE FOR ONE AND TWO FAMILY DWELLINGS ONLY.

○ DENOTES 1/2" IRON BAR WITH H&A CAP FOUND (UNLESS OTHERWISE NOTED).
■ DENOTES MOMENT ROYS TO BE SET AT INTERSECTION.

N 53°39' 39" E, THE CENTERLINE OF RICHVILLE DRIVE S.W., FROM MAP OF SURVEY OF THE LEGENDS OF MASSILLON EXPANSION BY THE CITY OF MASSILLON DATED: NOVEMBER 22, 1999, SHEET 3 OF 3

**ENGINEER/SURVEYOR
HAMMONTREE AND
ASSOCIATES, LTD.**
5233 STONEHAM ROAD
NORTH CANTON, OHIO 44705
PHONE: (330) 499-8117

CHARLES F. HAMMONTREE, P.S. 7263

OWNER
JANDA DEVELOPMENT LIMITED (JC

STEVE SMITH, PRESIDENT

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
THE ABOVE SIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, WHO
THAT HE DID SIGN THE FOREGOING INSTRUMENT AND THAT IT WAS
MADE AND DEED ACCORDING TO LAW IN INSTRUMENT WHEREOF, I HAVE
SUBSCRIBED MY NAME AND AFFIRMED MY SEAL AT _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES _____

SECRETARY

~~SECRETARY~~

CLERK

CLERK

MASSILLON CITY LAW DIRECTOR

ENGINEER

STARK COUNTY AUDITOR

STARK COUNTY RECORDER

DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 227 - 2000

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1309 "HOUSING CODE" of the Codified Ordinances of the City of Massillon, by repealing Section 1309.01(t) "DEFINITIONS" of CHAPTER 1309 "HOUSING CODE" and enacting a new Section 1309.01(t) "DEFINITIONS" of CHAPTER 1309 "HOUSING CODE", and declaring an emergency.

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

Section 1:

Section 1309.01(t) "DEFINITIONS" of CHAPTER 1309 "HOUSING CODE" be and is hereby repealed.

Section 2:

There be and is hereby enacted a new Section 1309.01(t) "DEFINITIONS" of CHAPTER 1309 "HOUSING CODE". Section shall read as follows:

1309.01 DEFINITIONS

(t) "Rubbish" and or "Junk" Rubbish means combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust. Junk includes any personal property which has little or no apparent value or use and is in such damaged or inoperable condition or having missing parts such that it cannot be used for the purpose for which it was intended.

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Building Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. 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 _____, 2000

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

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

DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 228 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.08(1)(2) & (3) "Administration and Disbursement of Funds" and enacting a new Section 937.08 (1) & (2) "Administration and Disbursement of Funds" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND", and declaring an emergency.

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

Section 1:

The existing Section 937.08 (1)(2) & (3) "Administration and Disbursement of Funds" of said CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon be and hereby is repealed.

Section 2:

That there be and hereby is enacted a new Section 937.08 (1) & (2) "Administration and Disbursement of Funds" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

- | | |
|---------------------------------|--|
| * (1) Wastewater Treatment Fund | The revenue deposited in this fund shall be:
All County revenues and Seventy-Six Percent (76%) of all City revenues. |
| * (2) WWT Bond Retirement Fund | The revenue deposited in this fund shall be:
All County debt service payments and twenty-four percent (24%) of all City revenues. |

Section 3:

The Disbursement of Funds listed in Section 2 , shall become effective December 1, 2000

Section 4:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Wastewater Treatment Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. 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 _____, 2000

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

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

DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 229 -2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon to combine the "WPCL Debt Fund" and "Debt Fund - WWT" into a single fund, and declaring an emergency.

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

Section 1:

That the Council of the City of Massillon hereby finds it necessary to combine the "WPCL Debt Fund" and "Debt Fund - WWT" into a single fund as requested by the Auditor's Office, for accounting procedures.

Section 2:

The City Auditor is hereby authorized and directed to combine the "WPCL Debt Fund and the "Debt Fund - WWT" into a single fund for accounting procedures.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to establish this fund for accounting procedures within the Auditor's Department. 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 _____ 2000

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

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

DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 230 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Centre III Fund, Fire Pension Fund, Wastewater Treatment Fund, Community Development Block Grant Program Fund, Parks & Recreation Capital Improvement Fund, The Legends Fund, OPWC Springhill Fund, Muni Golf Fund, Wastewater Treatment Fund, and the Street Construction M&R Fund, for the year ending December 31, 2000, 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 Lincoln Centre III Fund for the year ending December 31, 2000, the following:

\$700,000.00 to an account entitled "Land Acquisition" 1425.905.2510
\$ 9,350.00 to an account entitled "Services/Contracts" 1425.905.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Fire Pension Fund for the year ending December 31, 2000, the following:

\$ 72,000.00 to an account entitled "Fire Pension" 1210.325.2240

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Plant Fund for the year ending December 31, 2000, the following:

\$ 46,000.00 to an account entitled "Utilities" 2101.610.2340
\$ 25,000.00 to an account entitled "Services/Contracts" 2101.615.2392
\$ 1,000.00 to an account entitled "Utilities" 2101.615.2340

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund for the year ending December 31, 2000, the following:

\$ 26,500.00 to an account entitled "Demolition" 1203.845.2801

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Parks & Recreation Capital Improvement Fund for the year ending December 31, 2000, the following:

\$ 23,000.00 to an account entitled "Capital Improvement Projects" 1433.505.2510

Section 6:

There be and hereby is appropriated from the unappropriated balance of The Legends Fund for the year ending December 31, 2000, the following:

\$ 10,000.00 to an account entitled "Transfer To" 2104.920.2710

Section 7:

There be and hereby is appropriated from the unappropriated balance of the OPWC Springhill Fund for the year ending December 31, 2000, the following:

\$ 9,678.70 to an account entitled "OPWC Springhill/Springhaven" 1448.435.2510

Section 8:

There be and hereby is appropriated from the unappropriated balance of the Muni Golf Fund Fund for the year ending December 31, 2000, the following:

\$ 506.00 to an account entitled "Service & Contracts" 1432.920.2392

Section 9:

There be and hereby is appropriated from the unappropriated balance of the Street Construction M & R Fund for the year ending December 31, 2000, the following:

500.00 to an account entitled "Utilities" 1201.420.2340

Section 10:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon 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 _____ 2000

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: November 8, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 231 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2000 appropriation from The Legends Golf Fund to the Bond Retirement Legends Fund, of the City of Massillon, Ohio, 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 transferred from the 2000 appropriation from The Legends Golf Fund to the Bond Retirement Legends Fund, of the City of Massillon, the following:

\$ 50,000.00 FROM: "Transfer To" 2104.920.2710
TO: "Transfer In - Debt" 1302.940.1860

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary operation of the The Legends Golf Course 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 _____ 2000

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

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

DATE: November 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 232 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety, to enter into an agreement and accept a grant from the Stark County Park District, for the purpose of constructing additional parking spaces at the trailhead facility, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into an agreement and accept a grant from the Stark County Park District, for the purpose of constructing additional parking spaces at the trailhead facility.

Section 2:

That the Director of Public Service and Safety be and is hereby authorized to enter into an agreement and accept a grant from the Stark County Park District, for the purpose of constructing additional parking spaces at the trailhead facility.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the additional reason that the City of Massillon needs to enter into an agreement with the Stark County Park District for the purpose of accepting a grant and obligating the City to construct additional parking spaces at the trailhead facility. 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 _____ 1999

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

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

AGREEMENT

This agreement made and entered into this ____ day of _____, 2000 by and between the STARK COUNTY PARK DISTRICT, hereinafter referred to as "Park," and the CITY OF MASSILLON, Ohio, hereinafter referred to as "City"

WITNESSETH:

WHEREAS, the Park has set aside a portion of the levy funds for projects that help preserve and interpret the unique and significant resources of our County Wide Trail System; and

WHEREAS, the Park Board has awarded to the City a grant in the amount of \$25,000 to add parking areas to the trailhead parking area in Massillon; and

WHEREAS, the parties herein desire to and do hereby enter into an agreement as partners for adding additional parking areas to the trailhead facility at Cherry Street in Massillon.

In consideration of the foregoing and in consideration of the mutual promises and conditions, the parties agree:

The Park agrees as follows:

- 1) Award a grant to the City in the amount of \$25,000 for additional parking areas at the trailhead parking area at Cherry Street in Massillon.

The City agrees to:

- 1) Construct 60 additional parking spaces at the trailhead facility located at Cherry and 1st Street in Massillon in accordance with the plans of Recreation Center dated 4-10-00 and attached as exhibit A.
- 2) Recognize the Park as a funding source for this project with a permanent sign of dimensions 2x4 with the park logo.

RECEIVED

SEP 21 2000

MP & RD

The parties mutually agree to:

- 1) Collaborate for the benefit of the general public by providing additional parking spaces at the new trailhead facility located at Cherry Street and 1st Street in Massillon

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the ____ day of _____, 2000.

Signed in the presence:

STARK COUNTY PARK DISTRICT

as to the Park


By: _____

The City of Massillon

As to the City

By: _____

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


WILLIAM F. MORRIS
Counsel for Stark County Park Board

Counsel for the City of Massillon

