

AGENDA

DATE: (TUES.) SEPTEMBER 3, 2002
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS THIS EVENING

1. ROLL CALL
2. INVOCATION BY COUNCILMAN MIKE LOUDIANA (OR GUEST)
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. 155 - 2002 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

P.H. OCT 7 @ 6:45 PM Drainage

1st **AN ORDINANCE** amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from R-1 Single Family Residential and B-3 General Business to I-1 Light Industrial, and declaring an emergency.

ORDINANCE NO. 156 - 2002 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

P.H. OCT 7 @ 7:00 PM CT 2000

1st **AN ORDINANCE** amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from Tuscarawas Township to RM-1 Multiple Family Residential, and declaring an emergency.

ORDINANCE NO. 157 - 2002 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

P.H. OCT 7 @ 7:15 PM CDDT

1st **AN ORDINANCE** amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from I-1 Light Industrial to R-3 One Family Residential, and declaring an emergency.

ORDINANCE NO. 158 - 2002 **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Susp 9-0
P.H. 8-0
9-0* **AN ORDINANCE** accepting the Final Plat for Castle West Estates No. 3 and dedication of Jormay Avenue N.W. in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 159 - 2002 **BY: PARKS AND RECREATION COMMITTEE**

*Susp 9-0
P.H. 8-1
9-0* **AN ORDINANCE** amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 961.23 "DOGS ON LEADS", and declaring an emergency.

ORDINANCE NO. 160 - 2002 **BY: PARKS AND RECREATION COMMITTEE**

*Susp 9-0
P.H. 9-0* **AN ORDINANCE** amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 961.24 "DOG PARKS", and declaring an emergency.

ORDINANCE NO. 161 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

Burlington Orange East

5-9
P000
9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a drainage easement on Part of Out Lot 739 owned by the City and Part of Out Lot 536 and Part of Out Lot 738 owned by KAE Development Limited, and declaring an emergency.

ORDINANCE NO. 162 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

5000
9-0
P000
9-0
AN ORDINANCE authorizing the Mayor of the City of Massillon to enter into the Stark County Phase II Consortium Agreement for the preparation of applications for EPA Phase II Per its, and declaring an emergency.

ORDINANCE NO. 163 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

155
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a no-drill lease agreement on various parcels of land owned by the city with Great Lakes Energy Partners, L.L.C., and declaring an emergency.

ORDINANCE NO. 164 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Mayor and the Director of Service and Safety of the City of Massillon to enter into the joint Participation Agreement with Perry Township to apply for funding from the Ohio Public Works Commission for the 27th Street N.E./Jackson Avenue Project, and declaring an emergency.

ORDINANCE NO. 165 - 2002 BY: FINANCE COMMITTEE

125
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2003, and declaring an emergency.

ORDINANCE NO. 166 - 2002 BY: FINANCE COMMITTEE

Redeveloped to supply council w/ change order Requested

500P
9-0
P000
9-0
AN ORDINANCE making various appropriations from the unappropriated balance of the Wastewater Treatment Plant Fund and the Muni Motor Vehicle License Plate Tax Fund for the year ending December 31, 2002, 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 AUGUST - 2002

B). AUDITOR SUBMITS MONTHLY REPORT FOR AUGUST - 2002 *(9-0 TO ACCEPT Auditor Report)*
5:30 Discuss 27th & Jackson Agreed

11. REPORTS OF COMMITTEES

SEPT 9 @ 5:30pm

Ann Bruce Song to update council @ 5:00pm

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 80 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

3rd
POSS
1-2
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a purchase agreement between the City of Massillon and the development group "21 Lincoln Way Project, LLC" for the redevelopment of the sites currently known as the Ohio Drilling and Consolidation properties, and declaring an emergency

Mayor Bryan

15. SECOND READING ORDINANCES AND RESOLUTIONS
16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

SHARON HOWELL

CLERK OF COUNCIL

- CONTAMINATION*
Hospitality classes

- 10) Jerry Slabaugh:
• when H.S. built promised a bridge
• Middle School - storm sewer
 - widen 27th St.
• have \$7 mill to improve Agoston
• Improve the Arch ~~to~~ as park

DATE: September 3, 2002

CLERK: SHARON HOWELL

1st Reading

P.H. OCT 7 @ 6:45

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 155 - 2002

2nd Reading 9/16
Failed 10/7 to 10/21
passed 10/21

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from R-1 Single Family Residential and B-3 General Business to I-1 Light Industrial, and declaring an emergency.

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-1 Single Family Residential and B-3 General Business to I-1 Light Industrial. Said rezoning request was approved by the Planning Commission of the City of Massillon, Ohio, on August 14th, 2002 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 be and is hereby amended to show the following described area as I-1 Light Industrial.

Part of Out Lot No. 153, a 7.34 acre parcel located on the east side of Erie Street South between Shriver and Pearl Avenue S.E. Presently zoned R-1 Single Family Residential and B-3 General Business to I-1 Light Industrial. The applicant Russell E. Draime wants to construct a storage building including a possible small mechanic or machine shop on the property.

Section 3:

That 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 I-1 Light Industrial. 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.



Rezoning Request

From R-1 and B-3
to I-1 Light Industrial

EXISTING ZONING MAP

- R-1 One Family Residential
- RM-1 Multiple Family Res.
- B-3 General Business
- I-1 Light Industrial

DATE: September 3, 2002

CLERK: SHARON HOWELL

135 Ready

O H OCT 7 @ 7:00pm

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 156 - 2002

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from Tuscarawas Township to RM-1 Multiple Family Residential, and declaring an emergency.

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 from Tuscarawas Township to RM-1 Multiple Family Residential as approved by the Planning Commission of the City of Massillon, Ohio, on August 14th, 2002, 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, be and is hereby amended to show the following described area as RM-1 Multiple Family Residential.

Being known as Lots No. 16303 through 16318, Out Lots 902 and 903, a total of 44.303 acres located on the south side of Lincoln Way NW between Kenyon and Manchester Avenues. This rezoning is being requested by the City of Massillon as the property was recently annexed into the City.

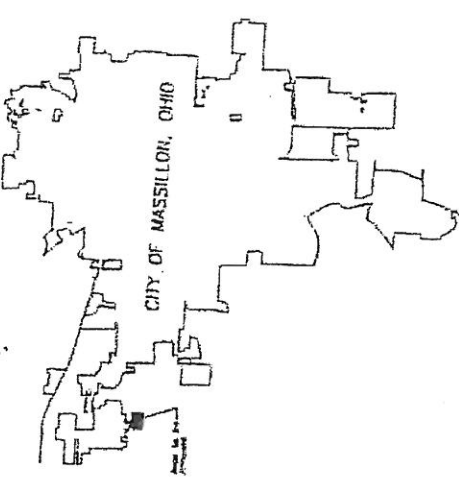
Section 3:

That 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 for the additional reason that the property was annexed into the City of Massillon and it is now necessary to give the property the City zoning classification. 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 THIS _____ DAY OF _____, 2002

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR



LOCATION MAP - NO. 79 SCALE

[illegible]

RECEIVED BY THE DIRECTOR OF THE BUREAU OF THE ARMY

11-764

PROPERTY DISSEMINATED

BY THE NATIONAL SECURITY AGENCY

INTERNAL SECURITY

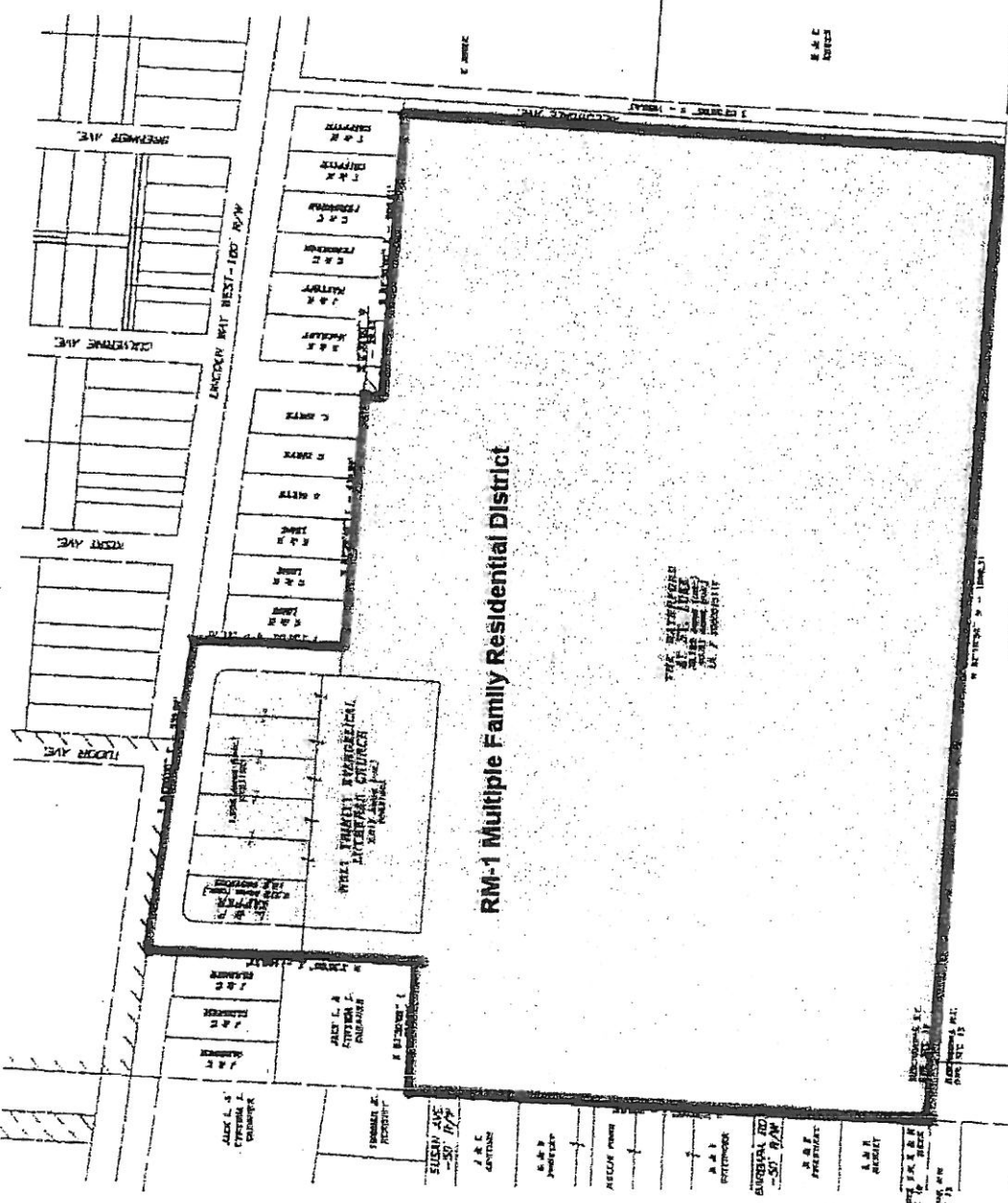
10/10/1944

QUALITY RECORDS

Submitted to Ref. _____, Page _____, File _____, Day of _____, 19____.

19 day _____

~~From Robert Thompson~~



**Proposed Zoning Map
St. Luke Area Annexation**

...BUTTER IN BEHAPPOD...
that something new seemed to be "out" but they would keep the
hundreds of pounds of butter in the tin containers. Apparently he
wasn't the only one who thought that. I at that time found
reference to real butter 200 pages 43.

DATE: September 3, 2002

CLERK: SHARON HOWELL

1st Reading

PH Oct 7 @ 7:15 pm

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 157 - 2002

2nd Reading 9/16
passed 9/7

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from I-1 Light Industrial to R-3 One Family Residential, and declaring an emergency.

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 I-1 Light Industrial to R-3 One Family Residential. Said rezoning request was approved by the Planning Commission of the City of Massillon, Ohio, on August 14th, 2002 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 be and is hereby amended to show the following described area as R-3 One Family Residential.

Part of Out Lot No. 286, a 0.599 acre parcel located on the east side of 17th Street S.W. between Finefrock Blvd. (SR 241) and Oberlin Avenue S.W. The Ohio Department of Transportation proposes to sell this property as a residential building site.

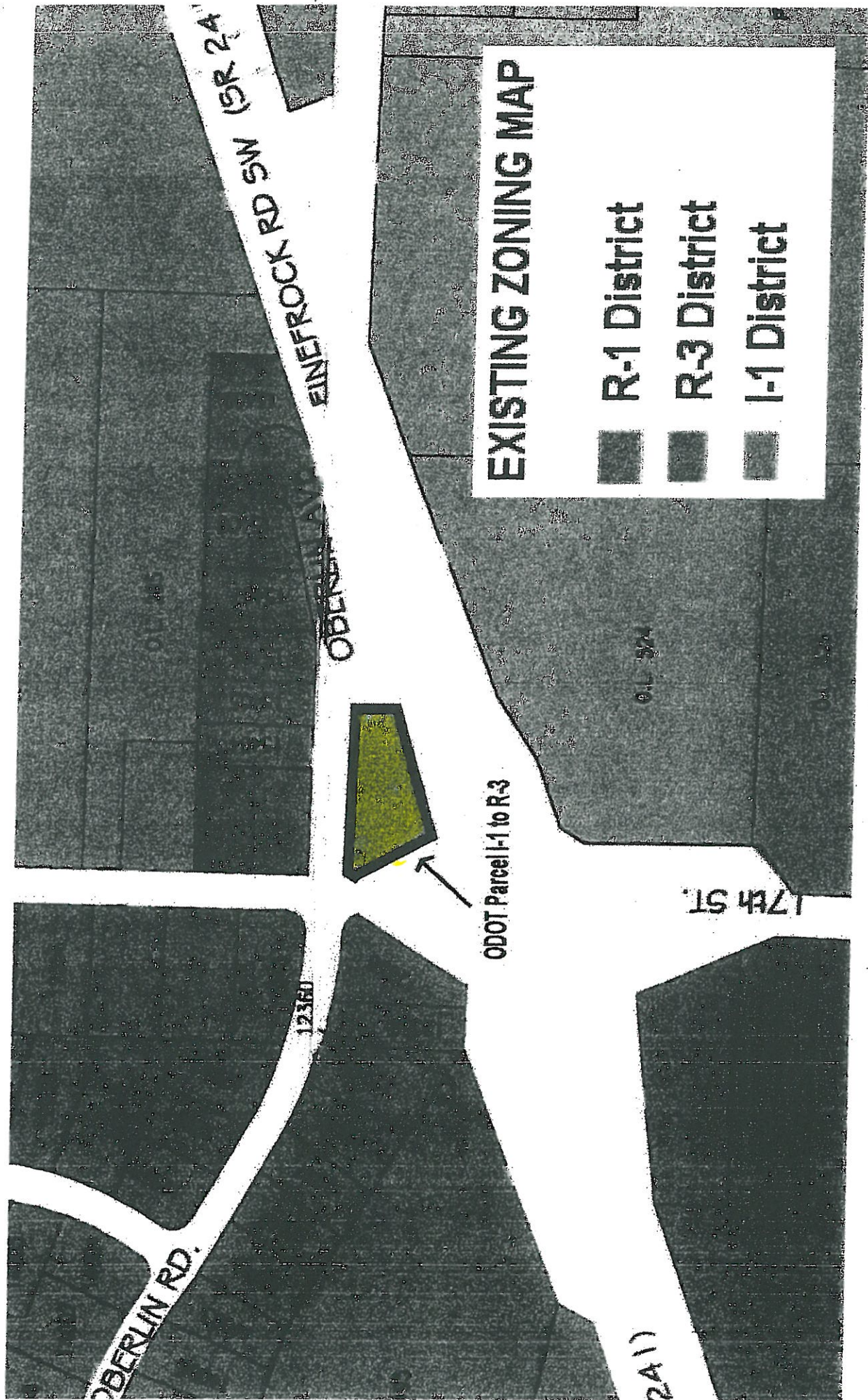
Section 3:

That 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 R-3 One 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 _____ 2002

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

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



EXISTING ZONING MAP

- R-1 District
- R-3 District
- I-1 District

ODOT Parcel I-1 to R-3

17th ST.

123rd

2417

BERLIN RD.

EINFROCK RD SW (SR 2A)

DATE: September 3, 2002

CLERK: SHARON HOWELL

*5-200 9-0
p 200 9-0*
CITY OF MASSILLON, OHIO
COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat for Castle West Estates No. 3 and dedication of Jormay Avenue N.W. 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 Castle West Estates No. 3 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 of Jormay Avenue N.W., and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held August 14th, 2002. The description of Castle West Estates No. 3 is as follows:

Being known as Part of Out Lot 193, a total of 7.648 acres located on the east side of 32nd Street N.W., south of Castle West Circle N.W. This plat creates a total of 17 lots zoned R-2 One Family Residential, as well as the dedication of Jormay Avenue N.W.

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 _____ 2002

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

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

RECORD PLAT OF

CASTLE WEST ESTATES No. 3

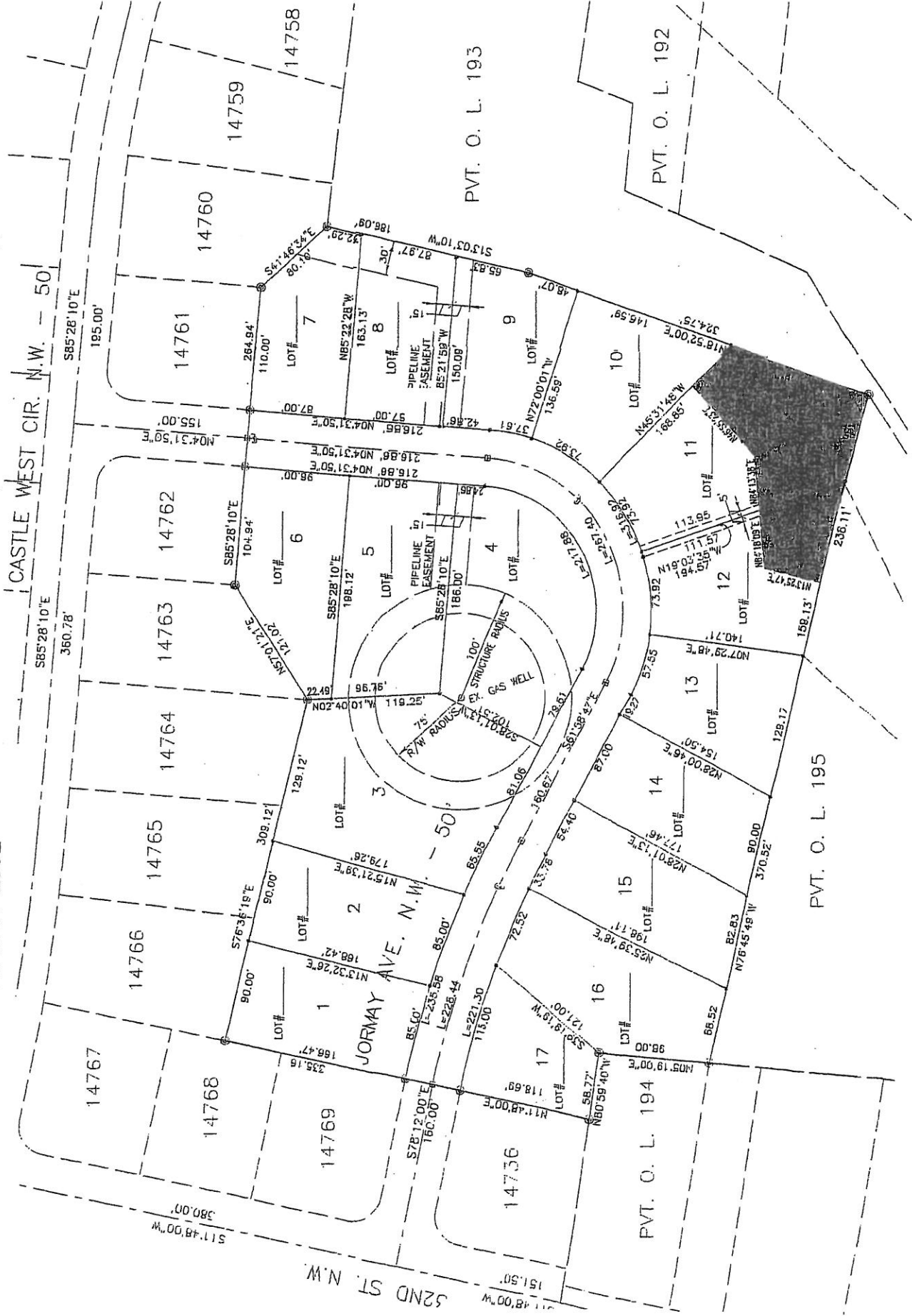
PART OF OUT LOT 193, CITY OF MASSILLON,
STARK COUNTY, OHIO

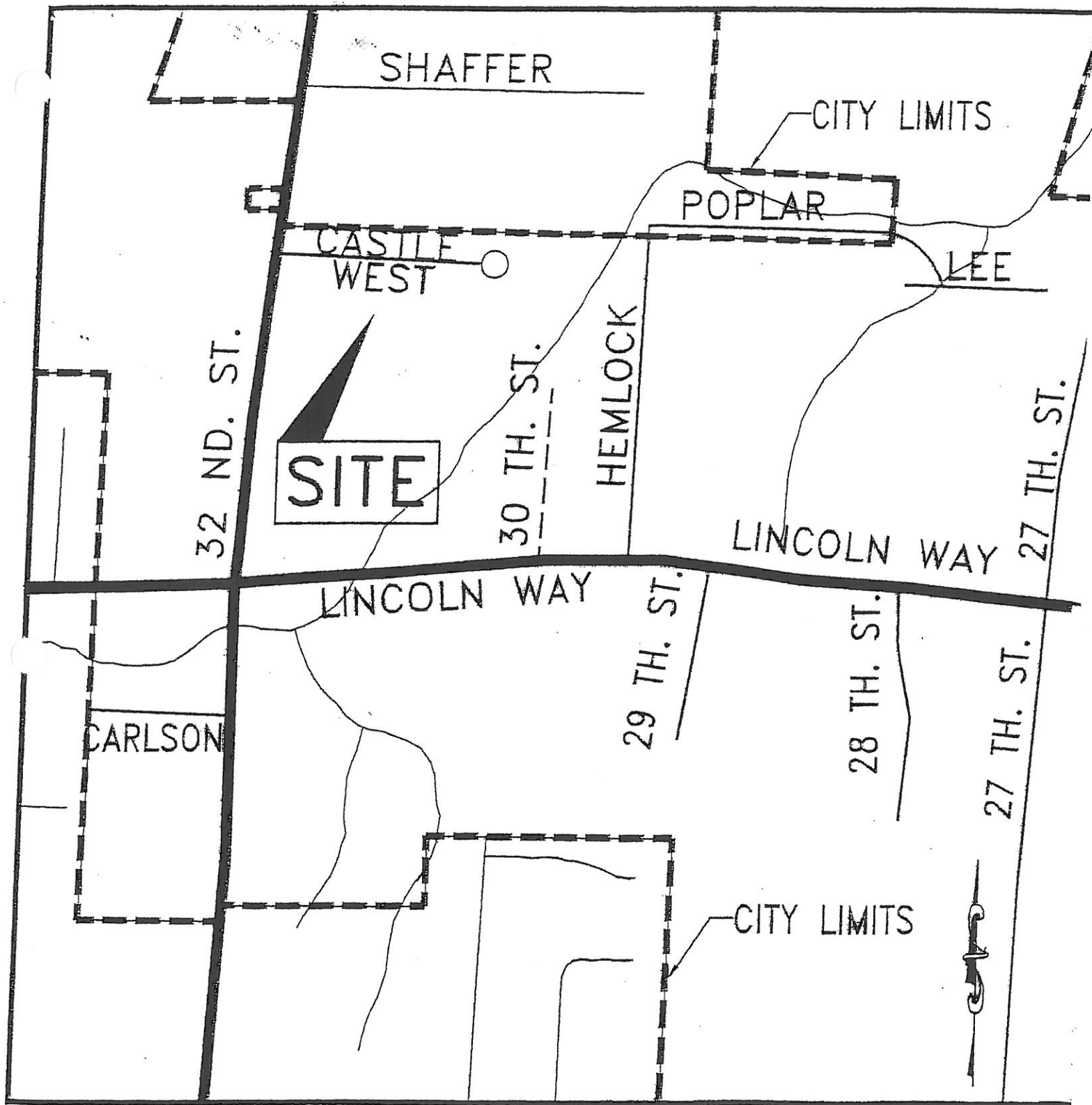
AREA IN ROADWAY 1.002 Ac.
AREA IN LOTS 6.646 Ac.
TOTAL AREA 7.648 Ac.

DEVELOPER/
PROPERTY OWNER
SMJD PROPERTIES, LTD
4179 GEORGIA ST. N.W.
MASSILLON, OHIO 44646
CONTACT: LARRY KOLICK
PHONE: (330)495-8821

DATE: AUGUST 2002

TOTAL NUMBER OF LOTS-17





LOCATION MAP

1"=600'

DATE: September 3, 2002

CLERK: SHARON HOWELL

SUSP 9-0
POD 8-1
number

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Sharon Howell
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 159 - 2002

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 961.23 "DOGS ON LEADS", 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 is hereby enacted a new Section 961.23 "DOGS ON LEADS" Said newly enacted section shall read as follows:

961.23 DOGS ON LEADS

Dogs shall be allowed on a maximum of six (6) feet leads at Reservoir and North Sippo Parks only.

Section 2:

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 parks 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 _____, 2002

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

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

DATE: September 3, 2002

CLERK: SHARON HOWELL

SUSP 9-0

POSS 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 160 - 2002

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 961.24 "DOG PARKS", and declaring an emergency.

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

Section I:

There be and is hereby enacted a new Section 961.24 "DOG PARKS" Said newly enacted section shall read as follows:

961.24 DOG PARKS

- a. No person may bring the following into the off-leash area site of the designated dog parks in the City of Massillon:
 1. Dangerous and/or aggressive dogs.
 2. Any Presa Canarios.
 3. A female dog in heat.
 4. More than two (2) dogs at one time.
 5. A dog without a current license and updated shot records.
 6. Food or drink of any kind and treats for dogs.
- b. Any person who brings a dog into the off-leash site shall:
 1. Use provided materials and implements for removing and disposing of dog excreta and remove all excreta deposited by the dog in the off-leash site.
 2. Lead the dog on a leash and retain the dog in custody when entering and exiting the off-leash site.
 3. Keep the dog under visual and voice control at all times while in the off-leash park.
 4. Stay in the off-leash area with their dog at all times.
 5. Fill any holes that the dog digs in the off-leash site as well as other places in the park.
 6. Remove the dog from the off-leash site at the first sign of aggression.

7. Be fully responsible and liable for the behavior and actions of their dog.
 8. Be able to show proof of current license and updated shot records if asked by city personnel.
 9. Abide by all other city rules and codes relating to dog ownership and care.
- c. Any person who brings a child under 12 years of age into the off-leash site shall keep the child under strict supervision. Children under age 6 not permitted in off-leash area.
- d. Use of an off-leash site by any dog constitutes:
1. Implied consent of the owner, harborer or person having care, custody or control of the dog to comply with all conditions and regulations stated in the section or promulgated by the Recreation Board and posted at the off-leash site.
 2. Implied consent from the owner that the dog has a current license and up-to-date shot records.
 3. A waiver of liability to the city of Massillon and the Parks and Recreation Department by the owner, or person having care, custody or control of the dog and an agreement and undertaking to protect, indemnify, defend and hold the City harmless, for any injury or damage caused by the dog during any time that the dog is in the off-leash site.
- e. Hours of operation shall be from dawn to dusk

Section 2:

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 parks 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 _____, 2002

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

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

DATE: September 3, 2002

CLERK: SHARON HOWELL

SLIP 9-0

Post 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161 - 2002

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a drainage easement on Part of Out Lot 739 owned by the City and Part of Out Lot 536 and Part of Out Lot 738 owned by KAE Development Limited, 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, hereby finds that it is necessary to enter into a drainage easement on Part of Out Lot 739 owned by the city and Part of Out Lot 536 and Part of Out Lot 738 owned by KAE Development Limited.

Section 2:

The Director of Public Service and Safety of the city of Massillon, Ohio, is hereby authorized to enter into a drainage easement on Part of Out Lot 739 owned by the city and Part of Out Lot 536 and Part of Out Lot 738 owned by KAE Development Limited.

Section 3:

This Ordinance is hereby declared to be an emergency measure for the reason that this easement is needed to provide proper drainage to these three parcels of land. 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.

IT TO K A E DEVELOPMENT LTD. (O.L. 563 & 73) AND CITY OF MASSILLON (O.L. 739), RANTEES
THESE P. SENTS

IT A PERPETUAL EASEMENT FOR
INATED BY THIS PLAT FOR THE CONSIDERATION
HEREBY ACKNOWLEDGED BY THE GRANTORS.

K A E DEVELOPMENT LTD.

ALEX BOULAS, PRESIDENT

CITY OF MASSILLON

SHARON HOWELL, COUNCIL CLERK

Alan W. Climer
Safety + Service Director

DENNIS HARWIG, COUNCIL PRESIDENT

BEFORE ME A NOTARY PUBLIC IN AND FOR

HE FOREGOING INSTRUMENT AND THAT IT

LAW

Y WHEREOF I HAVE HEREUNTO SET MY HAND

L SEAL AT

DAY OF _____, A.D. 2002.

NOTARY PUBLIC

ION EXPIRES _____, 2002.

OF _____, 2002.

STARK COUNTY RECORDER

UNIVERSITY DRIVE S.E. - 50'

5/8 INCH IRON BAR
WITH CAP FOUND
(G.P.D.)



CITY OF MASSILLON
OUT LOT 739

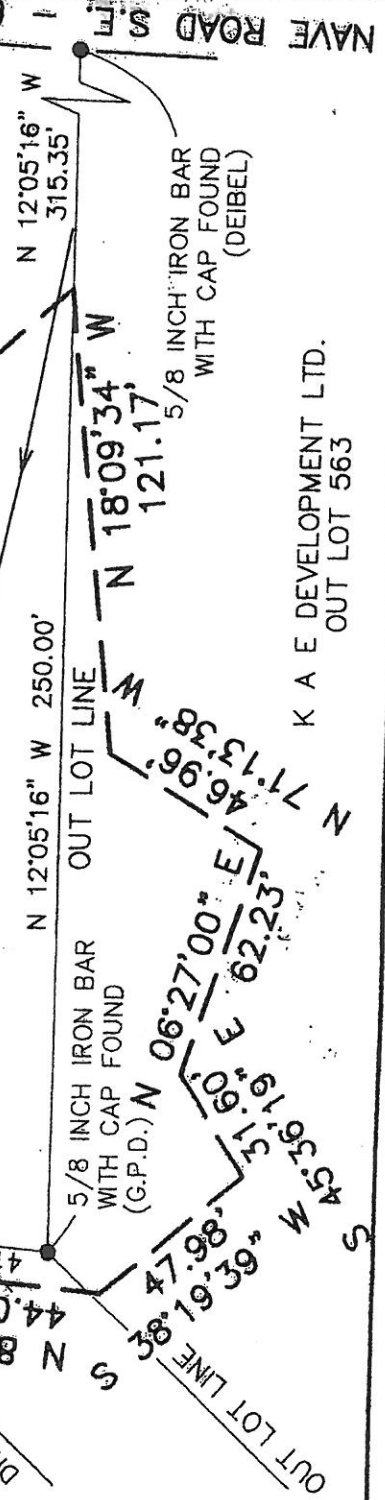
DATE: 8/20/02
SCALE: 1"=50'



BY: HAMMONTREE & ASSOC., LTD.
R: \BOUNAVSU\DRG_ESMT.DWG.

0.720 ACRE
DRAINAGE EASEMENT
GRADING & BUILDING PROHIBITED
ONCE DETENTION BASIN IS CONSTRUCTED

DITCH



K A E DEVELOPMENT LTD.
OUT LOT 563

DATE: September 3, 2002

CLERK: SHARON HOWELL

5050 9-0
7050 9-0
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 162 - 2002

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon to enter into the Stark County Phase II Consortium Agreement for the preparation of applications for EPA Phase II Permits, 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 authorize the Mayor of the City of Massillon to enter into the Stark County Phase II Consortium Agreement for the preparation of applications for EPA Phase II Permits.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into the Stark County Phase II Consortium Agreement for the preparation of applications for EPA Phase II Permits.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason the agreement will assist the 16 members of said consortium within Stark County in filing the proper Phase II application. 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 _____ 2002

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 3, 2002

CLERK: SHARON HOWELL

1st Reading

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT
passed 9/16

ORDINANCE NO. 163- 2002

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a no-drill lease agreement on various parcels of land owned by the City with Great Lakes Energy Partners, L.L.C., 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 that Great Lakes Energy Partners, L.L.C. be granted a no-drill lease agreement on various parcels of land owned by the city.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a no-drill lease agreement on various parcels of land owned by the City with Great Lakes Energy Partners, L.L.C.

Section 3:

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 such emergency arising out of the necessity to issue a no-drill lease agreement on various parcels of land owned by the City with Great Lakes Partners, L.L.C. 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 _____ 2002

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

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

NON-SURFACE DEVELOPMENT OIL & GAS LEASE

THIS LEASE, made this ____ day of _____, 2002, by and between

THE CITY OF MASSILLON, OHIO
151 Lincoln Way East
Massillon, OH 44646-6615

COPY

hereinafter called Lessor, and Great Lakes Energy Partners, L.L.C., 125 St. Rte 43, P.O. Box 550, Hartsville, OH 44632, hereinafter called Lessee, do agree:

1. Lessor, for valuable consideration, the receipt of which is hereby acknowledged, and the covenants and agreements hereinafter contained, does hereby lease and let exclusively unto the Lessee all the oil and gas in the lands described below, with the exclusive right to operate for, produce and market same from a well or wells on other lands; and the right to utilize Lessor's lands, or any portion, or strata, with other lands into a drilling unit of no more than one hundred sixty acres. This Lease is for three (3) years, and as long thereafter as operations are being conducted on any such unit or 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 8, 9 of Perry Township, Stark County, Ohio, and described, as follows:

Tax Parcel #(s):	0680315	Routing #:	06 034 01 00700	City Lot 9493	0.07 acres
Tax Parcel #(s):	0680316	Routing #:	06 034 01 00800	City Lot 9494	0.18 acres
Tax Parcel #(s):	0680877	Routing #:	06 034 01 00900	City Lot 9495	0.08 acres
Tax Parcel #(s):	0680317	Routing #:	06 034 01 03500	City Lot 9518	0.25 acres
Tax Parcel #(s):	0680380	Routing #:	06 034 08 02600	O. L. 59	18.65 acres
Tax Parcel #(s):	0680404	Routing #:	06 034 16 00100	City Lots 3190, 3197, 3198	1.03 acres
Tax Parcel #(s):	0680634	Routing #:	06 034 16 01200	City Lot 0853	0.02 acres
Tax Parcel #(s):	0680381	Routing #:	06 034 16 01300	O. L. 63	6.54 acres
Tax Parcel #(s):	0680795	Routing #:	06 035 10 01400	City Lot 6156	0.03 acres
Tax Parcel #(s):	0680208	Routing #:	06 035 14 01800	O. L. 337	1.98 acres
Tax Parcel #(s):	0680207	Routing #:	06 035 14 01900	O. L. 337	1.35 acres
Tax Parcel #(s):	0680206	Routing #:	06 035 21 00100	O. L. 338	4.40 acres
Tax Parcel #(s):	0680410	Routing #:	06 035 21 00110	City Lot 3548	1.61 acres
Tax Parcel #(s):	0680221	Routing #:	06 044 10 00000	O. L. 445	0.07 acres
Tax Parcel #(s):	0680314	Routing #:	06 044 01 01010	City Lot 9399	0.17 acres
Tax Parcel #(s):	0680300	Routing #:	06 045 03 00100	City Lot 6760	11.07 acres
Tax Parcel #(s):	0680359	Routing #:	06 045 03 00110	City Lot 3815	0.04 acres
Tax Parcel #(s):	0680736	Routing #:	06 045 03 00200	City Lot 4286	0.04 acres
Tax Parcel #(s):	0680299	Routing #:	06 045 04 01600	City Lot 6497	0.11 acres
Tax Parcel #(s):	0680863	Routing #:	06 045 08 00400	City Lot 6394	0.11 acres
Tax Parcel #(s):	0680215	Routing #:	06 045 14 00110	City Lot 378	0.28 acres
Tax Parcel #(s):	0680969	Routing #:	06 045 14 00300	City Lots 6759, 0405	6.22 acres
Tax Parcel #(s):	0680217	Routing #:	06 045 20 00610	O. L. 381	0.02 acres
Tax Parcel #(s):	0680216	Routing #:	06 045 21 00200	O. L. 380	0.03 acres

being all the property owned by Lessor or to which Lessor may have any rights in said Section/Lot or adjoining Sections/Lots, containing a total of 54.35 acres, more or less, and being the properties described in Deed Volume(s)/Page(s) _____

of the Stark County, Ohio, Record of Deeds.

2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8) of "Proceeds Realized" by Lessee on all the oil and gas sold off the unit, as the amount of the Lessor's acreage in the unit bears to total acreage in the unit, the same to be paid by the end of the next month following Lessee's receipt of payment for same, less any tax imposed by any government body, including but not limited to the 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.

3. Lessee shall drill no well on Lessor's property, nor shall Lessee enter upon or install any installation of any nature whatsoever on the leased property. The within Lease does not grant Lessee the authority, at any time, to enter upon, or store or place anything upon the surface of the leased premises. The within Lease being granted for the purpose of permitting Lessee to utilize the leased property with other properties, which other 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.

COPY

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 allegedly has breached. Lessee shall have 30 days after receipt of said notice to meet or commence to meet any part of the breached 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.

8. Lessee shall indemnify, protect, save harmless and defend Lessor from and against any loss, claim or expense, including without limitation claims for injury or death to persons or property damage occurring as a result of Lessee's operations on other lands.

9. Lessor agrees to pay Lessor a signing bonus of Two Thousand Five Hundred Dollars (\$2,500.00) upon execution of said Lease.

10. Lessee agrees to pay Lessor an additional bonus of Five Thousand Dollars (\$5,000.00) upon commencement of drilling operations on the first well which unitizes a portion of the leased premises.

11. Upon completion of the first well which unitizes Lessor's land, Lessee agrees to pay Lessor a sum of Five Thousand Dollars (\$5,000.00) as an advance payment of royalties due per Paragraph 2 of this Lease.

12. Lessor shall fully use and enjoy said premises for any and all purposes. The granting of said lease does not hamper or prevent Lessor, in any way, from developing the leased premises in any fashion, including but not limited to, a water well or any other type of improvements.

Signatures of Witnesses:

Signatures of Lessor(s):

Witness:(Printed Name) _____

Witness:(Printed Name) _____

Witness:(Printed Name) _____

STATE OF _____ COUNTY OF _____ SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2002.

by _____

My Commission Expires:

Notary Public _____

This instrument was prepared by: GREAT LAKES ENERGY PARTNERS, L.L.C., 125 State Route 43, P. O. Box 550, Hartsville, Ohio 44632

DATE: September 3, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

129
ORDINANCE NO. 164 - 2002

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Service and Safety of the City of Massillon to enter into the joint Participation Agreement with Perry Township to apply for funding from the Ohio Public Works Commission for the 27th Street N.E./Jackson Avenue Project, 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 authorize the Mayor and the Director of Service and Safety of the City of Massillon to enter into the joint Participation Agreement with Perry Township to apply for funding from the Ohio Public Works Commission for the 27th Street N.E./Jackson Avenue Project.

Section 2:

The Mayor and the Director of Service and Safety of the City of Massillon are hereby authorized to enter into the joint Participation Agreement with Perry Township to apply for funding from the Ohio Public Works Commission for the 27th Street N.E./Jackson Avenue Project.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason the agreement is needed so as to allow Massillon and Perry Township to apply for the necessary funding of the project. 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: September 3, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 165 - 2002

passed 9/16

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2003, 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 and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2003.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit applications for the 2003 Ohio Public Works Commission Funding for various projects for the year 2003. Said projects shall be as follows:

1. 27th Street N.E./Jackson Avenue
2. Lincoln Way West Rehab
3. Main & Tremont Intersection at 23rd Street N.W.
4. Lake and Wales

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to submit the various projects in order to receive Ohio Public Works Funding. 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: September 3, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 166 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Plant Fund and the Muni Motor Vehicle License Plate Tax Fund for the year ending December 31, 2002, 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 Wastewater Treatment Plant Fund for the year ending December 31, 2002, the following:

\$1,000,000.00 to an account entitled "Wastewater Treatment Plant Upgrade" 1421.610.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Muni Motor Vehicle License Plate Tax Fund the year ending December 31, 2002, the following:

\$ 8,000.00 to an account entitled "Stark County Phase II Consort. Agree." 1266.435.2518

Section 3:

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 _____ 2002

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR