

DATE: JUNE 1, 2009

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

**\*AMENDED\***  
ORDINANCE NO. 78 - 2009

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems, Corp., for certain streets and three (3) parcels of real estate owned by 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 Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems, Corp., for certain streets as described on Exhibit "A" and parcel numbers 06-80397, 06-80213 and 06-80211 totaling 15.76 acres and owned by the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems, Corp., for certain streets as described on Exhibit "A" and parcel numbers 06-80397, 06-80213 and 06-80211 totaling 15.76 acres and owned by the City of Massillon. A copy of the Non-Surface Development Oil & Gas Lease and map is attached hereto as Exhibit "A".

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 that this oil and gas lease is signed. 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 17<sup>th</sup> DAY OF August 2009

APPROVED: Mary Beth Bailey  
MARY BETH BAILEY, CLERK OF COUNCIL

Glenn E. Gamber  
GLENN E. GAMBER, PRESIDENT

APPROVED: August 18, 2009 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:

Mary Beth Bailey  
Clerk of Council

Date 8/17/09

## PROPERTY DESCRIPTION

Attached hereto and made a part hereof that certain Non-Development Oil and Gas Lease by and between the City of Massillon, 1 James Duncan Plaza SE, Massillon, Ohio, City of Massillon, as Lessor and Ohio Valley Land and Exploration, L. L. C., 200 Victoria Road- Building 4 Austintown, Ohio 44515, as Lessee dated the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Stark County Ohio  
Township 10 North, Range 9 West  
Perry and Jackson Townships  
City of Massillon

### Hills and Dales Road, N.W.

Beginning at the point of intersection of the easterly right-of-way of Wales Avenue, N.E. and Hills and Dales Road N.W. extending northeast approximately 1,385 feet to a point of intersection of the easterly right-of-way of Arronwood Avenue, N.E. and including the entire width of Hills and Dales Road, N.W.

### Wales Avenue, N.E.

Beginning at the point of intersection of the southerly right-of-way of Providence Road, N.E. and Wales Avenue, N.E. and extending northeast and north approximately 2,645 feet to a point of termination being the City of Massillon corporation limit and including the entire width of Wales Avenue, N.E.

### Providence Road, N.E.

Beginning at the point of intersection of the westerly right-of-way of Wales Avenue, N.E. and Providence Road, N.E. and extending northwest approximately 990 feet to a point of intersection of the southerly right-of-way of Lennox Avenue, N.E. and including the entire width of Providence Road, N.E.

### Burd Avenue, N.E.

Beginning at the point of intersection of the westerly right-of-way of Wales Avenue, N.E. and Burd Avenue, N.E. and extending west approximately 1,370 feet to a point of intersection of the easterly right-of-way of Stockton Road, N.E. and including the width of Burd Avenue, N.E.

**Greenridge Road, N.E.**

Beginning at the point of intersection of the southerly right-of-way of Bramblewood Circle, N.E. and Greenridge Road, N.E. and extending south-southwest approximately 470 feet to a point of intersection of the northerly right-of-way of Oakbluff Circle N.E. and Mossglen Circle, N.E. and including the entire width of Gleenridge Road, N.E.

Parcel Numbers 0680397, 0680211, 0680212 and 0680213

And containing 15.76 acres of land, more or less.