

DATE: APRIL 5, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL

CITY OF MASSILLON, OHIO

GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Poets Glen Area Annexation, upon annexation, and declaring an emergency.

WHEREAS, certain property owners have filed a petition requesting the Poets Glen Area be annexed to the City of Massillon, Ohio, pursuant to the Ohio Revised Code Section 709.02, and

WHEREAS, Ohio Revised Code Section 709.03(D) requires that upon receiving notice, the Municipal Legislative Authority, shall by Ordinance or Resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation, and

WHEREAS, this Ordinance is intended to comply with the requirements of the Ohio Revised Code section 709.03(D), and

WHEREAS, it is required by Section 709.033 (A) (6) of the Ohio Revised Code, that no street or highway will be segmented by municipal/township boundary line as to create a maintenance problem, and if a street or highway is divided, the municipality agrees to assume all maintenance of such street or highway as part of the annexation.

WHEREAS, the legislative authority of the City of Massillon, Ohio, is supportive of the annexation proposal, and

WHEREAS, the Stark County Commissioners have scheduled a public hearing to be held at the Tuscarawas Township Hall, 956 Manchester Avenue SW, North Lawrence, Ohio, on Thursday, June 10, 2010 at 7:00 p.m.

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

Section 1:

The City will construct approximately 825 feet of sanitary sewer and approximately 1850 feet of water main to the proposed area. Also the City will provide to the proposed area, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, including but not limited to the services of the Municipal Police Department, Municipal Fire Department, Municipal Service Department, Engineering Department, Building Department, Street Department, Safety Department, Planning Department, Health Department, Sewer Department and the services of the City of Massillon Administration within approximately one year of the annexation. Also the City will maintain the following roadways for the proposed area to be annexed: Full width sections of Bison Avenue NW (TR 344, 27th Street NW), Wooster Road NW, aka Wooster Street NW or CR 341 and Beaumont Avenue NW (TR 344) along the frontage of the subject area to be annexed as shown on the Poets Glen annexation map.

Section 2:

Sanitary sewer is not available to the proposed area and the City of Massillon, Ohio, will extend to the proposed area, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, Ohio, including, but not limited, to the services of the Municipal Police Department, Massillon Fire Departments, services of the Engineering Department, services of the Building Department, services of the Street Department, services of the Safety Department, services of the Planning Department, services of the Health Department, services of the Sewer Department, and the services of the City of Massillon Administration within approximately one year of the annexation. The City of Massillon will also maintain the full width of the pavement along the sections of Bison Avenue NW (TR 344, 27th Street NW), Beaumont Avenue NW (TR 344) and Wooster Road NW, aka Wooster Street NW or CR 341 along the frontage of the subject area to be annexed.

Section 3:

Sanitary Sewer and all services referenced in Sections 1 and 2 above will also be provided to the subdivisions identified as Poets Glen Estates No. 1, future streets in said subdivision currently identified as Clyde Avenue NW, Whitman Circle NW, and Nash Circle NW have not yet been constructed, but upon acceptance and dedication in the future, full width of such streets will be maintained by the city.

Section 4:

This Ordinance is hereby declared to be an emergency measure for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to indicate what services the City of Massillon will provide to the area upon annexation prior to the Stark County Commissioners hearing June 10, 2010 at the Tuscarawas Township Hall, 956 Manchester Avenue SW, North Lawrence, 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

APPROVED

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED

FRANCIS H. CICCHINELLI, JR., MAYOR

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