

**MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT**

**DATE: MONDAY, APRIL 19, 2021
VIA TELECONFERENCE CALL
TIME: 6:30 p.m.**

THERE ARE NO PUBLIC HEARINGS TONIGHT

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN JAMIE SLUTZ**
- 3. PLEDGE OF ALLEGIANCE**
- 4. READING OF THE JOURNAL**
- 5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**
- 6. NEW AND MISCELLANEOUS BUSINESS**
- 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 77 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Greatness Cafe to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc., at the property located at 121 Lincoln Way E., Massillon, Ohio.

ORDINANCE NO. 78 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

ORDINANCE NO. 79 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial District.

ORDINANCE NO. 80 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE granting a waterline utility easement on property that is owned by the City of Massillon, Ohio, and is used as part of The Legends of Massillon Golf Course, to Aqua Ohio, Inc., and declaring an emergency.

ORDINANCE NO. 81 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Massillon Fire Department, for the year ending December 31, 2021, and declaring an emergency.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for an Economic Transfer (Trex) of a Liquor License from Magoo Properties, LLC, DBA The Shoppes at Wagram Center located at 12990-98 National Road S.W., Etna Twp., Pataskala, OH 43062 to Ventura Communications, Inc., located at 45 – 1st St. N.W., Massillon, OH 44647. Permit Classes are D1 and D2 and is located in Ward 2.

10. BILLS, ACCOUNTS AND CLAIMS

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report	-	March 2021
Auditor's Report	-	March 2021

12. REPORTS OF COMMITTEES

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCES AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTION

ORDINANCE NO. 69 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Kimberly & Company Salon and Boutique to provide an economic development "inducement grant" to fund expansion costs including build-out, equipment, etc. at the property located at 921 Lincoln Way E Massillon Ohio

ORDINANCE NO. 70 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Chloe's Diner to provide an economic development "inducement grant" to fund start-up costs including build-out, equipment, etc., at the property located at 112 – 1st St. N.E., Massillon, Ohio.

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

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: APRIL 19, 2021

CLERK: DIANE ROLLAND

**MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT**

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 77 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Greatness Cafe to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc., at the property located at 121 Lincoln Way E., Massillon, Ohio.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Greatness Cafe desires to renovate the property located at 121 Lincoln Way E., Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist Greatness Cafe with an economic development “inducement grant”, for the purpose to assist the business owner with start-up costs including build-out, equipment, etc.

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

Section 1:

This Council hereby authorizes and directs the Mayor to enter into an agreement with Greatness Cafe by providing an economic development “inducement grant”, in a total amount not to exceed Nine Thousand Dollars (\$9,000.00) for the purpose of assisting the business owner with start-up costs including build-out, equipment, etc., at the property located at 121 Lincoln Way E., Massillon, Ohio.

DATE: APRIL 19, 2021

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 78 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereunder referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereunder referred to as the "Regulations") is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Fiscal Year 2021 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of CDBG program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

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

Section 1:

This Council hereby finds and determines that the Consolidated Plan and Annual Action Plan properly and adequately identifies the City's housing and community development needs and objectives; and that the programs and activities to be undertaken by the City with CDBG funds as provided for under the Act for the 2021 Program Year have been designed so as to give maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, so as to achieve the national objectives of the CDBG program which are to develop viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for low and moderate income persons; and for these reasons, this Council approves said Plan.

Section 2:

That the Mayor, being the chief executive officer of the City of Massillon, is hereby designated as the authorized representative of the City, to act in connection with the City's application for CDBG funds, and to provide such additional information, as well as to execute and file such additional documentation or certifications as may be required by the Secretary or by other responsible agencies in connection with the application.

Section 3:

That this Council hereby finds and determines that the City in preparing its application for CDBG funds, has complied with the applicable requirements of the Act and Regulations, and that this Council hereby approves the Annual Action Plan and authorizes the Mayor to execute and file the application, together with all related documentation, with the Secretary.

Section 4:

That this Council hereby directs that the City of Massillon is carrying out its CDBG funded activities, continue to comply with applicable requirements of the Act and Regulations and with other applicable laws including civil rights, equal opportunity and fair housing, citizens participation, real property acquisition and relocation, environmental protection, fair labor standards, and the requirement of giving maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, and this Council authorizes the Mayor to execute and file with the Secretary certifications in such form as the Secretary may prescribe, which will provide assurances concerning these foregoing matters, and concerning other matters as may be required by the Secretary in connection with carrying out the City's CDBG program.

DATE: APRIL 19, 2021

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 79 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial District.

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

Section 1:

The public necessity, convenience, general welfare, and good zoning practices require that the Zoning Map of the City of Massillon, Ohio, established in Section 1151.02 of the Codified Ordinances of the City of Massillon, Ohio, and subsequently amended, be amended to rezone the property described below in Section 2 from B-3 General Business District to I-1 Light Industrial District; provided, however, that the conditions outlined below in Section 3 must be met before the rezoning may go into effect. If said conditions are not met, as required, the rezoning shall not go into effect and shall be considered denied and rejected by Council. The rezoning was recommended by the City of Massillon Planning Commission after a public hearing held on March 10, 2021. All required notices and public hearings have been given and held according to law.

Section 2:

The property to be rezoned from B-3 General Business District to I-1 Light Industrial District is 6.971 acres of an 11.73-acre parcel. Said parcel is commonly known as Parcel No. 10001311 (Part Outlot 330 and Part Outlot 417), and is located at 2600 Lincoln Way East, Massillon, Ohio 44646. A map and a legal description of the property to be rezoned are attached to this ordinance as Exhibit "A" and Exhibit "B" respectively.

Section 3:

A Declaration of Covenants, Conditions, and Use Restrictions encumbering the property to be rezoned, a copy of which is attached to this ordinance as Exhibit "C," must be properly executed and recorded with the Stark County Recorder by the property owner named therein within seventy-five (75) days of the effective date of this ordinance.

Section 4:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President, to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 5:

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2021.

ATTEST: _____
DIANE ROLLAND, CLERK OF COUNCIL CLAUDETTE O. ISTNICK, PRESIDENT

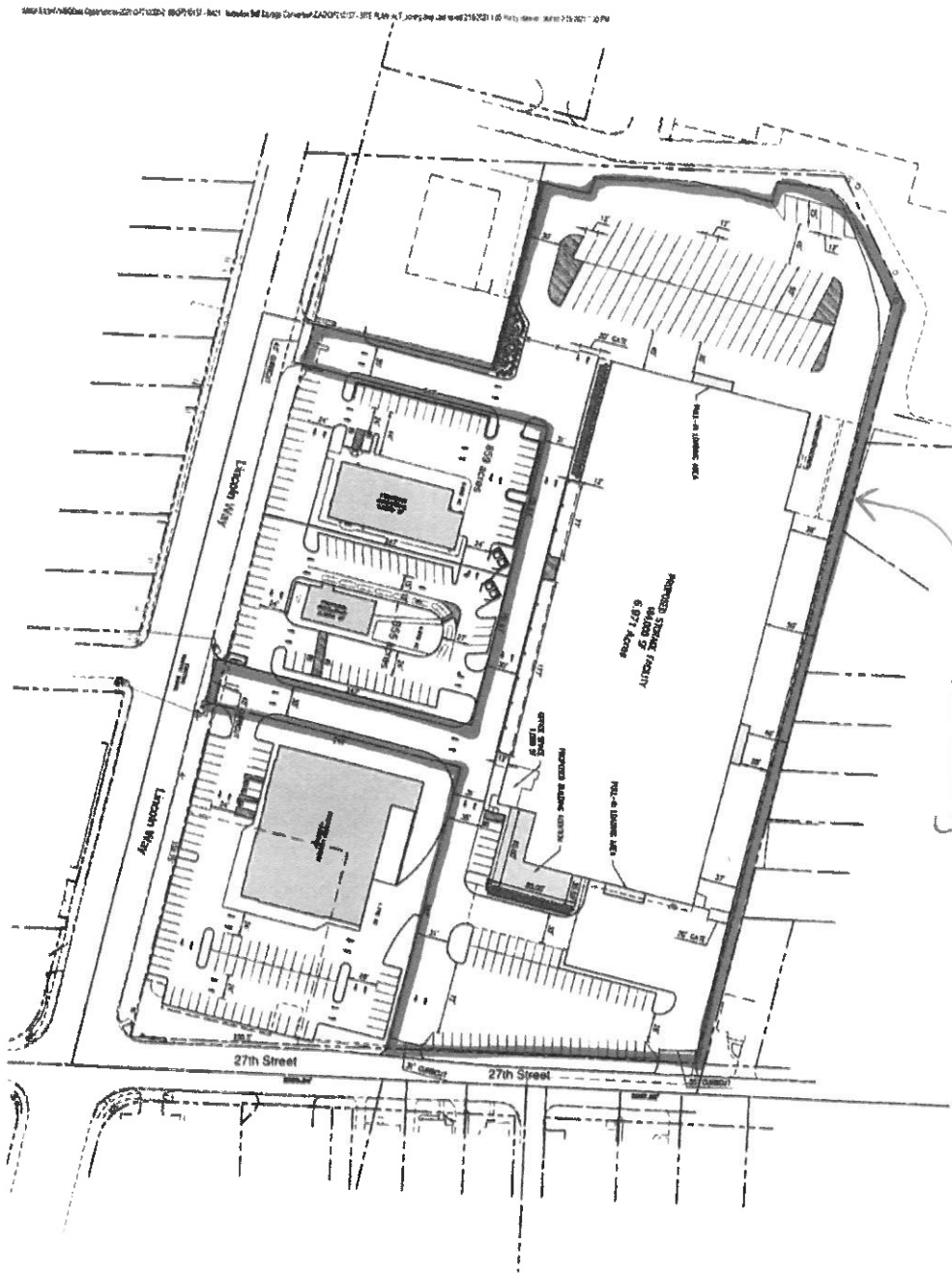
APPROVED: _____
KATHY CATAZARO-PERRY, MAYOR



Show search results for **4306148**



Area of Proposed
Re Zoning



2600 LINCOLN WAY E - MASSILLON, OHIO - PRELIMINARY SITE PLAN



LEGEND

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SITE DATA

PROJECT: 2600 LINCOLN WAY E, MASSILLON, OHIO

DATE: 10/15/2011

DESIGNED BY: MARNIK SMITH

DRAWN BY: MARNIK SMITH

CHECKED BY: MARNIK SMITH

APPROVED BY: MARNIK SMITH

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Lincoln Way

27th Street

April 1, 2021

DESCRIPTION OF A 6.971 ACRES PARCEL

Situated in the State of Ohio, County of Stark, City of Massillon, being part of Out Lot 330 and part of Out Lot 417, and being part of the land now or formerly owned by Daniel G. Kamin Massillon LLC (Instrument No. 200702080007023), and being more particularly described as follows:

Beginning at a 4" brass disc in monument box assembly found at the Southwest corner of the Northwest quarter of Section 10 Perry Township, and being on the centerline of 27th St. N.E. (60 foot public right-of-way) and also on the Massillon City Corporation Line and the True Place of Beginning of the herein described parcel;

1. Thence S 01°44'17" W, along said Centerline and Corporation Line, a distance of 135.55 feet to a mag nail set;
2. Thence N 77°11'58" W, along a new division line, a distance of 310.98 feet (and passing over a cotton gin spike set at 30.57 feet) to a cotton gin spike set
3. Thence S 15°07'55" W, along a new division line, a distance of 300.99 feet (and passing over a mag nail set at 250.97 feet) to a cotton gin spike set;
4. Thence N 76°20'42" W, along the centerline of Lincoln Way East (S.R. 172 Variable Width), a distance of 30.00 feet to a point;
5. Thence N 15°07'55" E, along a new division line, a distance of 300.54 feet to a point;
6. Thence N 77°11'58" W, along a new division line, a distance of 342.00 feet to a point;
7. Thence S 15°07'55" W, along a new division line, a distance of 295.44 feet to a point;

April 1, 2021

Description of a 6.971 Acre Parcel

Page 2

8. Thence N 76°20'42" W, along the centerline of said Lincoln Way East, a distance of 12.24 feet to a point;
9. Thence N 13°29'42" E, along lands now or formerly owned by O'Reilly Auto Enterprises LLC (Instrument No. 201405050015933), a distance of 229.37 feet (passing over a drill hole marked with a chiseled "X" found in concrete at 50.00 feet) to a cotton gin spike found,
10. Thence N 76°30'14" W, along the north line of said O'Reilly lands, a distance of 210.68 feet to a 5/8" steel rod with Bayer and Becker cap found;
11. Thence N 01°38'53" E, along the east line of lands now or formerly owned by PWREI Massillon LLC and BRAG Massillon LLC (Instrument No. 201508270034071), a distance of 292.46 feet to a 1/2" steel rod found;
12. Thence N 64°58'14" E, along the east line said PWREI lands, a distance of 137.30 feet to a 1/2" steel rod with Cooper cap found;
13. Thence S 76°21'14" E, along the south line of Lincoln Manor Allotment (Plat Book 31, Page 51) which is also the Corporation Line for the City of Massillon a distance 805.68 feet (passing over a 3/4" pipe found at a distance of 775.52 feet) to a point,
14. Thence S 01°48'47" W, along said Massillon City Corporation line and the west line of the Northwest Quarter of Section 10 of said Perry Township, a distance of 166.17 feet to a 4" steel disc in monument box assembly found and the True Place of Beginning.

April 1, 2021

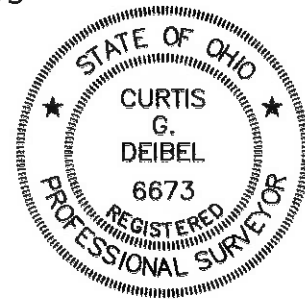
Description of a 6.971 Acre Parcel

Page 3

The above described parcel contains 6.971 acres, of which 0.693 acres are within Out Lot 330, 6.278 acres are within Out Lot 417, 0.070 acres are within the right-of-way of Lincoln Way East, and 0.208 acres are within right-of-way of 27th St. N.E., as surveyed by Curtis G. Deibel, P.S. #6673, in January 2020.

Bearings are based on the Stark County Geodetic Reference System.

Curtis G. Deibel, P.S. #6673



**DECLARATION
OF
COVENANTS, CONDITIONS AND USE RESTRICTIONS
FOR
[FORMER K-MART PLAZA REDEVELOPMENT]
STARK COUNTY, OHIO**

**DECLARATION OF
COVENANTS, CONDITIONS, AND USE RESTRICTIONS
FOR [FORMER K-MART PLAZA REDEVELOPMENT]**

This DECLARATION OF COVENANTS, CONDITIONS, AND USE RESTRICTIONS (the "Declaration") is made as of _____, 2021 by *PROJECT NEWCO*, an Ohio limited liability company, (the "Developer").

WHEREAS, Developer is the owner of certain real property located in the City of Massillon, County of Stark and State of Ohio, and situated at the intersection of East Lincoln Way and 27th Street NE, containing 6.971 acres, and being more particularly described on the "Development Plan" as set forth in "Exhibit A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Developer intends to develop the Property as a low-intensity Class A, climate controlled self-storage facility featuring secured limited access with interior loading capabilities, together with access controlled outdoor boat and recreational vehicle storage (the "Limited Use"); and

WHEREAS, it is advantageous for the integrated and harmonious operation of the Property and adjacent properties, that Developer make this Declaration, which sets forth certain rights, obligations, duties and responsibilities in connection with the development, use and operation of the Property.

NOW, THEREFORE, Developer hereby declares and covenants that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved, subject to the following covenants, conditions, easements and restrictions.

1. **Development Plan.** Developer shall develop the Property substantially in accordance with the Development Plan prepared by the Mannick Smith Group dated _____, 2021, on file with the City of Massillon in Petition for Zone Change/Case No. _____.

2. **Use Restriction.** The Property may be used only for the Limited Use as permitted by the City of Massillon Planning and Zoning Code within an I-1 Light Industrial District. Such use must be compliant with (i) the provisions of this Declaration, as amended from time to time; (ii) applicable federal, state, and local laws and ordinances; and (iii) any restrictions, requirements and/or conditions in all other documents or instruments of record affecting the Property. Notwithstanding anything to the contrary, in the I-1 Light Industrial Zoning District for the City of Massillon, the Limited Use shall be the only I-1 District Use

permitted at the Property.

3. **Change in Use.** If, at any time, Developer wants to change the use associated with the Property, it may do so provided: (i) the new use meets the requirements of the City of Massillon Zoning Code, and (ii) Developer receives written approval of the same from the City of Massillon. In the event that there is a change in use in accordance with this Declaration, this Declaration shall be amended and restated to reflect the new, approved use.

4. **Landscape Buffer and Tree Conservation.** Developer, its successors, grantees and assigns and each and every owner of any title derived immediately or remotely from Developer, shall maintain as many of the existing trees with a trunk diameter greater than two inches (2") and the existing landscape buffer on a ten (10) foot wide strip along portions of the north property line of the Property adjacent to existing residential homes as shown in the Development Plan, and shall construct and maintain a privacy/security fence along the portions of the north property line of the Property adjacent to existing residential homes as shown in the Development Plan. The fence shall be constructed of _____ material, no less than six (6) to _____ feet in height.

5. **Duration.** This Declaration and the rights, obligations and restrictions created hereby shall be perpetual to the extent permitted by law. If and to the extent that any of the covenants or other provisions of this Declaration would otherwise be unlawful or void for violation of (a) the rule against perpetuities, (b) the rule restricting restraints on alienation or (c) any other applicable statute or common law rule analogous thereto or otherwise imposing limitations upon the time for which such covenants or other provisions may be valid, then the covenant or provision in question shall continue and endure only until the expiration of a period of twenty-one (21) years after the death of the last to survive of the class of persons consisting of all of the lawful descendants of Joseph R. Biden, Jr., President of the United States living as of the date of this Declaration.

6. **Running with the Land.** The covenants, conditions and use restriction herein established for the benefit of the Property (and any portion thereof) shall run with, and be appurtenant to, title to the Property (and any portion thereof) and shall bind and inure to the benefit of Developer or any successors-in-title to the Property (and any portion thereof).

7. **Binding Effect.** The covenants, conditions, and use restriction made in this Declaration are made not only for the benefit of the Developer but shall constitute an equitable servitude on the Property. Any transferee of the Property shall automatically be deemed, by acceptance of the title, to have assumed all obligations of this Declaration relating thereto to the extent of its interest in the Property and to have agreed with the Developer and the City of Massillon to execute any and all instruments and to do any and all things reasonably required to carry out the intention of this Declaration, and the transferor shall upon the completion of such

transfer be relieved of all further liability under this Declaration except liability with respect to matters that may have arisen during its period of ownership of the portion of the Property so conveyed.

8. **Mortgage Subordination.** Any mortgage affecting any portion of the Property shall at all times be subject and subordinate to the terms of this Declaration, except to the extent expressly otherwise provided herein, and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure or trustee's sale shall acquire title subject to all of the terms and provisions of this Declaration.

9. **Recording and Modification.** This Declaration shall be recorded by and may be amended, modified or terminated at any time by an amendment or new declaration in writing, executed and acknowledged by the Developer, or its respective successors or assigns; provided, however, no such amendment, modification or termination may result in any material adverse impact on any party who is benefited by this Declaration, unless such party executes such amendment, modification or termination. The obligations of Developer hereunder can be modified only by an agreement by and between the City of Massillon, Ohio and Developer, or its successors and assigns.

10. **Enforcement.** If Developer, its successors, grantees and assigns and each and every owner of any title derived immediately or remotely from Developer, or any person bound hereby shall violate or attempt to violate any of the covenants, restrictions, or requirements set forth herein, it shall be lawful for the City of Massillon, Ohio to prosecute any proceeding at law or in equity against the entity, person or persons violating or attempting to violate any such covenant; restriction or obligation contained herein, and to require specific performance.

11. **Notices.** Any notice, report or demand required, permitted or desired to be given under this Declaration shall be in writing and shall be deemed to have been sufficiently given or served for all purposes if it is delivered (i) by a nationally recognized overnight courier prepaid by the sender or, (ii) mailed by registered or certified mail, return receipt requested, postage prepaid; to the Developer, at the owner's address of record, or at such other address as Developer may from time to time designate, with a copy to Thomas W. Winkhart, Esq. 825 South Main Street, North Canton, Ohio 44720. Each such notice shall be effective upon being so delivered. Rejection or refusal to accept delivery or an inability to deliver because of change of address of which no notice was given shall all be deemed to be receipt of the notice or statement sent and the date of the rejection, refusal or inability to deliver shall be deemed to be the date notice was given.

12. **Non-terminable Declaration.** No breach of the provisions of this Declaration shall entitle Developer or other party to cancel, rescind or otherwise terminate this

Declaration, but such limitation shall not affect, in any manner, any other rights or remedies which any party may have hereunder by reason of any breach of the provisions of this Declaration. No breach of the provisions of this Declaration shall defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value covering any part of the Property, and any buildings and improvements thereon, if any.

13. **Applicable Law.** This Declaration shall be construed in accordance with the laws of the State of Ohio without regard to conflict of laws provisions.

IN WITNESS WHEREOF, the Developer has caused this instrument to be executed on the date and year first above written.

a(n) _____

By: _____
Print: _____
Title: _____

STATE OF _____, _____ COUNTY, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above-named [COMPANY NAME], a(n) _____, by _____, its _____, who acknowledged that he/she did sign the foregoing instrument, and that the same is his/her free act and deed and the free act and deed of said company.

Notary Public

This Instrument Prepared by:
Thomas W. Winkhart, Esq.
Kelsey M. Sullivan, Esq.
Winkhart & Minor, Attorneys at Law
825 South Main Street
North Canton, Ohio 44720
Phone: 330.433.6700

EXHIBIT A

LEGAL DESCRIPTION

[To be inserted]

DATE: APRIL 19, 2021

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 80 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE granting a waterline utility easement on property that is owned by the City of Massillon, Ohio, and is used as part of The Legends of Massillon Golf Course, to Aqua Ohio, Inc., 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 finds it necessary to grant a waterline utility easement on property that is owned by the City of Massillon, Ohio, and is used as part of The Legends of Massillon Golf Course, to Aqua Ohio, Inc. A copy of the waterline utility easement is attached hereto as Exhibit "A". The Massillon City Planning Commission approved the easement plat at its March 10, 2021, meeting.

Section 2:

The Council of the City of Massillon, Ohio, hereby grants the waterline utility easement referenced above in Section 1 to Aqua Ohio, Inc.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon; the emergency being to allow Aqua Ohio, Inc., to proceed with and complete construction prior to the busy months at the golf course. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members of 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: APRIL 19, 2021

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 81 – 2021

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the City of Massillon Fire Department, for the year ending December 31, 2021, 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 1100 General Fund, for the year ending December 31, 2021, the following:

\$ 8,848.80 to an account entitled "Supplies/Materials" – 1100.325.5.2410

Section 2:

This appropriation is to return funds previously expended for the purchase of a CPR Assist device through FEMA Grant EMW-2019-FG-10555 to the Fire Department "Supplies/Materials" account.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon; the emergency being to allow for the purchase of supplies necessary for the continuous operations of the City of Massillon Fire Department. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

City of Massillon

Statement of Cash Position with MTD Totals

From: 1/1/2021 to 4/30/2021
Funds: 1100 to 3112

Include Inactive Accounts: No
Page Break on Fund: No

Fund	Description	Beginning Balance	Net Revenue MTD	Net Revenue YTD	Net Expenses MTD	Net Expenses YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
1100	GENERAL FUND	\$8,182,717.97	\$812,980.23	\$7,028,968.68	\$1,572,152.22	\$9,057,445.79	\$8,154,140.88	\$3,895,345.53	\$2,258,795.33
1201	STREET	\$1,720,986.80	\$82,100.38	\$1,208,871.73	\$103,276.42	\$1,102,836.38	\$1,825,022.15	\$309,418.23	\$1,515,603.92
1202	CONSTRUCTION M & R	\$213,851.95	\$45,669.68	\$81,585.52	\$3,174.00	\$44,515.89	\$250,921.58	\$66,002.98	\$184,918.62
1203	CDBG	\$8.55	\$23,009.54	\$228,971.17	\$28,928.90	\$228,562.36	\$315.36	\$556,331.24	(\$556,015.88)
1204	MASSILLON MUNI CT	\$269,084.34	\$14,421.63	\$44,121.22	\$22,000.00	\$26,601.06	\$286,614.50	\$30,398.94	\$256,215.56
1205	SAFETY FORCES IMP	\$47,238.23	\$1,867.00	\$4,192.50	\$0.00	\$0.00	\$51,430.73	\$10,000.00	\$41,430.73
1206	MUNI MOTOR VEH TAX	\$218,892.08	\$24,226.45	\$76,803.12	\$52,843.90	\$60,773.84	\$234,921.54	\$83,943.11	\$150,978.43
1208	PARKING FUND	\$22,939.94	\$0.00	\$1,240.00	\$0.00	\$0.00	\$24,179.84	\$1,000.00	\$23,179.84
1209	POLICE PENSION	\$0.00	\$0.00	\$292,040.00	\$47,188.15	\$228,682.05	\$63,377.95	\$0.00	\$63,377.95
1210	FIRE PENSION FUND	\$0.00	\$0.00	\$442,040.00	\$69,788.46	\$362,187.88	\$79,872.32	\$0.00	\$79,872.32
1211	BUDGET	\$420,000.00	\$0.00	\$30,000.00	\$0.00	\$0.00	\$450,000.00	\$0.00	\$450,000.00
1212	STABILIZATION								
1212	SUMMER CONCERT	\$59,249.81	\$0.00	\$17,000.00	\$0.00	\$731.00	\$75,518.81	\$53,518.81	\$22,000.00
1213	LINCOLN WAY	\$456,607.16	\$0.00	\$0.00	\$0.00	\$0.00	\$456,607.16	\$398,064.00	\$58,543.16
1214	STREETSCAPE								
1214	SPECIAL FUND	\$31,951.88	\$0.00	\$502.00	\$0.00	\$0.00	\$32,453.88	\$0.00	\$32,453.88
1215	LAW ENFORCEMENT FUND	\$64,142.85	\$0.00	\$7,815.60	\$0.00	\$0.00	\$71,958.45	\$8,000.00	\$63,958.45
1216	FEDERAL LAW ENFORCEMENT	\$24,769.25	\$0.00	\$0.00	\$0.00	\$0.00	\$24,769.25	\$0.00	\$24,769.25
1217	LOCAL CORONAVIRUS RELIEF FUND	\$43,517.37	\$0.00	\$0.00	\$0.00	\$43,517.37	\$0.00	\$0.00	\$0.00
1218	FEDERAL GRANTS	\$1,050.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,050.00	\$0.00	\$1,050.00
1219	WIC PROGRAM FUND	\$27,518.34	\$0.00	\$34,551.25	\$10,839.87	\$44,093.75	\$17,985.84	\$6,593.04	\$11,392.80
1220	FORECLOSURE PROPERTY ADMINISTR	\$73,782.18	\$0.00	\$4,000.00	\$989.00	\$25,552.67	\$52,229.51	\$29,047.08	\$23,182.43
1222	WASTE MANG. GRANT	\$35,065.08	\$9,594.50	\$26,831.50	\$0.00	\$30,805.00	\$31,191.58	\$9,340.00	\$21,851.58
1223	INDIGENT DRIVER INTERLOCK & AL	\$326,532.36	\$3,220.00	\$16,574.58	\$0.00	\$248.92	\$342,858.02	\$4,769.04	\$338,088.98
1225	INDIGENT DRIVERS ALCOHOL TREAT	\$28,179.17	\$6,812.54	\$17,119.80	\$0.00	\$22,500.00	\$22,798.97	\$2,500.00	\$20,298.97
1226	ENFORCEMENT AND EDUCATION FUND	\$51,658.71	\$471.00	\$1,583.94	\$0.00	\$0.00	\$53,242.65	\$0.00	\$53,242.65
1227	FORFEITED FUND	\$45,076.99	\$0.00	\$3,300.00	\$0.00	\$0.00	\$48,376.99	\$2,000.00	\$46,376.99
1228	LAW DEPARTMENT - COMMUNITY PAR	\$3,122.63	\$0.00	\$0.00	\$0.00	\$3,122.63	\$0.00	\$0.00	\$0.00
1229	HOME FUND	\$29,367.55	\$0.00	\$12,720.00	\$0.00	\$12,720.00	\$29,367.55	\$113,780.00	(\$84,412.45)
1230	FED GRANT COPS	\$2,477.93	\$0.00	\$0.00	\$0.00	\$0.00	\$2,477.93	\$0.00	\$2,477.93
1232	CLERK OF CTS COMPUTING FUND	\$197,383.60	\$6,397.30	\$35,462.81	\$9,596.29	\$29,764.52	\$203,081.89	\$40,341.37	\$162,740.52

Statement of Cash Position with MTD Totals

From: 1/1/2021 to 4/30/2021

Fund	Description	Beginning Balance	Net Revenue MTD	Net Revenue YTD	Net Expenses MTD	Net Expenses YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
1233	MUNICIPAL CT. COMPUTING FUND	\$63,287.70	\$11,846.74	\$20,067.59	\$555.10	\$11,654.37	\$71,700.92	\$10,431.63	\$61,269.29
1234	PARKS AND RECREATION FUND	\$1,508,972.70	\$99,917.98	\$892,915.84	\$164,342.76	\$887,286.97	\$1,514,601.57	\$756,290.34	\$758,311.23
1235	COMMUNITY HEALTH SERVICES FUND	\$95,487.19	\$4,399.00	\$515,472.16	\$41,266.42	\$226,799.94	\$384,139.41	\$65,800.91	\$318,338.50
1236	LAW DEPT SALARY FUND	\$0.00	\$0.00	\$25,000.00	\$0.00	\$25,000.00	\$0.00	\$0.00	\$0.00
1237	ECONOMIC DEVELOPMENT FUND	\$838.25	\$0.00	\$60,000.00	\$0.00	\$0.00	\$60,838.25	\$0.00	\$60,838.25
1238	PROBATION SERVICES FUND	\$569,859.38	\$20,875.81	\$51,174.59	\$3,627.95	\$13,427.92	\$607,606.03	\$10,274.31	\$597,331.72
1239	MANDATORY DRUG FINE FUND	\$26,980.82	\$1,013.00	\$1,833.28	\$0.00	\$0.00	\$28,793.90	\$0.00	\$28,793.90
1240	VETERANS MEMORIAL PARK FUND	\$104,286.83	\$1,805.00	\$7,965.00	\$0.00	\$0.00	\$112,251.63	\$21,000.00	\$91,251.63
1241	ENTERPRISE ZONE MONITORING	\$6,223.77	\$0.00	\$1,000.00	\$0.00	\$0.00	\$7,223.77	\$0.00	\$7,223.77
1242	ADR FUND	\$273,549.30	\$11,499.11	\$43,892.98	\$6,089.55	\$26,460.60	\$290,981.68	\$10,451.09	\$280,530.59
1243	OHIO PEACE OFFICERS TRAINING F	\$36,980.00	\$0.00	\$0.00	\$0.00	\$0.00	\$36,980.00	\$0.00	\$36,980.00
1303	BOND RET. LINC. CENT.	\$0.00	\$187,681.26	\$197,881.26	\$0.00	\$0.00	\$197,681.26	\$0.00	\$197,681.26
1304	BOND RET. SENIOR HOUS	\$386,575.60	\$0.00	\$69,224.40	\$0.00	\$0.00	\$455,800.00	\$0.00	\$455,800.00
1305	BOND RETIREMENT - WWT	\$2,243,209.93	\$27,930.03	\$1,509,834.85	\$0.00	\$0.00	\$3,753,044.78	\$0.00	\$3,753,044.78
1306	BOND RET. PARK AND REC	\$757,282.23	\$48,117.24	\$392,577.38	\$0.00	\$0.00	\$1,149,859.61	\$0.00	\$1,149,859.61
1340	TAX INCREMENT FUND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1342	OPWC LOAN PAYMENTS	\$0.00	\$128,443.04	\$128,443.04	\$0.00	\$0.00	\$128,443.04	\$0.00	\$128,443.04
1351	SHAW/CASTLEWEST	\$56.90	\$0.00	\$0.00	\$0.00	\$56.90	\$0.00	\$0.00	\$0.00
1401	INCOME TAX - CAP. IMP. FUND	\$709,417.17	\$40,898.31	\$329,559.90	\$5,855.50	\$355,354.37	\$683,622.70	\$509,001.21	\$174,621.49
1406	W.W.T. - C.I.	\$2,575,095.13	\$5,778.65	\$103,187.70	\$0.00	\$287,594.14	\$2,390,688.69	\$555,571.48	\$1,835,117.23
1409	MUNICIPAL ROAD FUND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1410	FIRST NORTH TIF	\$66,999.73	\$0.00	\$0.00	\$0.00	\$0.00	\$66,999.73	\$49,988.00	\$17,011.73
1413	STARK GLASS TIF	\$28,484.05	\$0.00	\$0.00	\$0.00	\$0.00	\$28,484.05	\$0.00	\$28,484.05
1414	COLLECTION SYSTEM IMPROVEMENT	\$1,123,412.19	\$8,815.52	\$96,871.44	\$30,105.36	\$117,726.54	\$1,102,557.09	\$511,402.35	\$591,154.74
1419	MARKETPLACE INFRASTRUCTURE	\$1,266,693.77	\$0.00	\$35,302.50	\$321,551.37	\$361,426.37	\$940,569.90	\$34,607.90	\$905,962.00
1420	PROJECT GRANTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1421	WWT PLANT UPGRADE	\$0.00	\$0.00	\$54,986.25	\$0.00	\$54,986.25	\$0.00	\$0.00	\$0.00
1422	SHEARER'S FOODS INFRASTRUCTURE	\$89,117.01	\$0.00	\$0.00	\$0.00	\$0.00	\$89,117.01	\$0.00	\$89,117.01
1423	SOUTH MASSILLON TRAINING FUND	\$6,592.46	\$0.00	\$0.00	\$5,592.46	\$5,592.46	\$0.00	\$0.00	\$0.00

Statement of Cash Position with MTD Totals

From: 1/1/2021 to 4/30/2021

Fund	Description	Beginning Balance	Net Revenue MTD	Net Revenue YTD	Net Expenses MTD	Net Expenses YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
1424	FRESHMARK INFRASTRUCTURE	\$118,781.14	\$0.00	\$0.00	\$0.00	\$0.00	\$118,781.14	\$85,108.00	\$33,673.14
1425	LINCOLN CENTER III	\$28,265.37	\$0.00	\$0.00	\$0.00	\$0.00	\$28,265.37	\$0.00	\$28,265.37
1426	CASE FARMS INFRASTRUCTURE	\$1,256.69	\$0.00	\$0.00	\$0.00	\$0.00	\$1,256.69	\$0.00	\$1,256.69
1427	MASSILLON AREA CREDIT UNION IN	\$14,134.72	\$0.00	\$0.00	\$0.00	\$0.00	\$14,134.72	\$0.00	\$14,134.72
1428	FAIRCREST PROPERTIES	\$27,576.97	\$0.00	\$0.00	\$0.00	\$0.00	\$27,576.97	\$0.00	\$27,576.97
1429	INFRASRU								
1429	INN AT UNIVERSITY VILLAGE INFR	\$48,749.09	\$0.00	\$0.00	\$0.00	\$0.00	\$48,749.09	\$0.00	\$48,749.09
1430	MENARDS INC. INFRASTRUCTURE	\$29,166.71	\$0.00	\$0.00	\$0.00	\$0.00	\$29,166.71	\$0.00	\$29,166.71
1431	BAKER HUGHES INFRASTRUCTURE	\$49,621.23	\$0.00	\$0.00	\$0.00	\$0.00	\$49,621.23	\$0.00	\$49,621.23
1432	WENDYS TIF	\$21,413.59	\$0.00	\$0.00	\$0.00	\$0.00	\$21,413.59	\$15,968.00	\$5,445.59
1433	PARK AND REC. CI FUND	\$386,956.31	\$9,674.94	\$77,902.94	\$0.00	\$3,750.00	\$461,109.25	\$0.00	\$461,109.25
1435	P&R RECREATION CENTER PROJECT	\$354.43	\$0.00	\$0.00	\$0.00	\$0.00	\$354.43	\$0.00	\$354.43
2101	WASTEWATER TREATMENT FUND	\$7,096,754.27	\$59,237.57	\$1,641,090.83	\$259,245.23	\$1,850,743.01	\$6,887,102.09	\$3,178,225.16	\$3,708,876.93
2105	STORMWATER UTILITY FUND	\$392,284.17	\$2,088.98	\$70,902.91	\$31,261.90	\$183,147.34	\$280,019.74	\$287,856.40	(\$7,836.66)
2202	INSURANCE FUND	\$232,260.44	\$2,484.26	\$11,549.67	\$2,466.66	\$11,620.04	\$232,190.07	\$4,933.32	\$227,256.75
3104	VACANT FORECLOSURE DEPOSIT	\$433,707.94	\$0.00	\$36,000.00	\$8,325.00	\$25,111.10	\$444,596.84	\$72,000.00	\$372,596.84
3105	STATE PATROL TRANSFER FUND	\$0.00	\$5,105.89	\$13,768.23	\$0.00	\$4,331.18	\$9,437.05	\$0.00	\$9,437.05
3106	MASSILLON BICENTENNIAL FUND	\$6,987.94	\$0.00	\$0.86	\$0.00	\$0.00	\$6,988.80	\$0.00	\$6,988.80
3107	FIRE DAMAGE STRUCTURE FUND	\$80,441.82	\$0.00	\$28,304.27	\$28,304.27	\$28,304.27	\$80,441.82	\$21,695.73	\$58,746.09
3108	UNCLAIMED MONEY	\$85,704.31	\$8,766.34	\$8,766.34	\$0.00	(\$4,064.41)	\$98,535.06	\$0.00	\$98,535.06
3109	TIF SERVICE PAYMENT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3110	MASSILLON MUSEUM	\$0.00	\$0.00	\$211,720.00	\$0.00	\$211,720.00	\$0.00	\$0.00	\$0.00
3112	DONATION FUND	\$5,572.74	\$0.00	\$0.00	\$0.00	\$0.00	\$5,572.74	\$0.00	\$5,572.74
Grand Total:		\$33,595,472.17	\$1,728,148.90	\$16,251,181.63	\$2,829,244.84	\$16,012,630.07	\$33,834,023.73	\$11,820,999.16	\$22,013,024.57