

A G E N D A
MASSILLON PLANNING COMMISSION
OCTOBER 13, 2004 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of September 8, 2004.*
2. *Petitions and Requests*

Rezoning Request – 3534 17th St SW

Location: Lot No. 14898, located at 3534 17th Street SW
Zone Change From: R-3 One Family Residential
Zone Change To: RM-1 Multiple Family Residential
Applicant: Donald Hendricks
Proposed Use: Convert existing dwelling into a tri-plex

Rezoning Request – 325 3rd Street SE

Location: Lot No. 14742, located on the northwest corner of 3rd Street SE and South Avenue SE.
Zone Change From: O-1 Office
Zone Change To: RM-1 Multiple Family Residential
Applicant: Growing Minds Inc., John Keister

Street Vacation Request – Oberlin Road SW and 6th Street SW

Location: Oberlin Road SW, a 60-foot wide right-of-way running east/west between 9th Street SW and CSX Railroad; and 6th Street SW, a 50-foot wide right-of-way running north/south between Finefrock Road SW and Oberlin Avenue SW.

The request is to vacate that part of Oberlin Road from the Northwest corner of OL 582, easterly approximately 1480 feet to the southwest corner of Lot 10367; and to vacate that part of 6th Street SW from SR 241/Finefrock Road southerly approximately 288 feet to Oberlin Road SW.

A sanitary sewer easement will be required on the vacated property as a condition of this street vacation.

Applicant: Bonks Properties/NFM Industries

Final Plat – Woodland Creek Condominiums

Location and Description: Outlots 916 through 921, located on the East side of Highlander Street NW, North of Bonnie Brae. The request is to plat 6 new lots with frontage on Highlander, and combine the remaining 17 acres into one lot. The property is zoned R-2 Single Family Residential and R-T Two-Family Residential

Applicant: TriDoc Development, Inc.

Final Plat – Wittenberg Commons

Location and Description: Part of Outlot 766, located on the West side of Richville Drive SE, North of Nave Road. The request is to plat 15 new lots and two new streets on the 7.96 acre tract of land.

The property is zoned RM-1 Multiple Family Residential

Applicant: P.R.M.D.C./Fred Tobin

Lot Split / Replat – Crest Circle NW

Location and Description: Lots 15165, 15166, 15167, 15168, 15169, located on the west side of Crest Circle NW. The request is to split lot 15168 into two parcels and combine it with the adjacent lots.

The property is zoned R-2 Single Family Residential

Applicant: David Hofacre / Darnell Family Trust

Access Easement – Duncan Street SW

Location and Description: Out Lot 432, located on the South side of Walnut Road SW, East of Duncan Street. The request is to grant an access easement to the Boys and Girls Club to allow them to construct a driveway turn-around and sidewalk in the right of way area of the Walnut Road/Duncan Street intersection.

The property is zoned R-1 Single Family Residential

Applicant: Boys and Girls Club of Massillon

Alley Vacation Plat – Cherry Road NW

Location and Description: A 15' public alley located south of Cherry Road NW, east of State Route 21. The request is to vacate the entire alley from Cherry Road to 1st Street NW, approximately 474 feet.

Applicant: City of Massillon

Street Vacation Plat – Tommy Henrich Drive NW

Location and Description: A 60' public Street located North of Lincoln Way West, east of State Route 21. The request is to vacate that portion from Weirich Road, west approximately 319 feet.

Applicant: City of Massillon

Street Vacation Plat – 1st Street NW

Location and Description: A 50' public Street located North of Lincoln Way West, east of State Route 21. The request is to vacate that portion from Cherry Road NW, south approximately 606 feet.

Applicant: City of Massillon

Lot Split – Tommy Henrich Drive NW

Location and Description: Part of Out Lot 11, located on the East side of Tommy Henrich Drive NW. The request is to split a 0.17 Acre parcel from Out Lot 11, to transfer to the adjoining property.

The property is zoned B-3 General Business

Applicant: City of Massillon

Replat – Tommy Henrich Drive / 1st Street NW

Location and Description: Parts of Out Lots 1, 11; Lots 3-9, 12883, and various vacated streets located on the North side of Tommy Henrich Drive NW. The request is to combine these numerous parcels into 1 lot totaling approximately 9.25 acres.

The property is zoned B-3 General Business

Applicant: City of Massillon

3. Other Business

The Massillon Planning Commission met in regular session on September 8, 2004, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Rev. David Dodson, Chairman
James Johnson, Vice Chairman
Mayor Francis H. Cicchinelli, Jr.
Susan Gordon
Vincent Pedro
Todd Locke
Sheila Lloyd

Staff

Aane Aaby
Marilyn Frazier
Steve Hamit
Jason Haines

The first item was the minutes of the July 14, 2004, meeting. Mrs. Gordon moved for approval, seconded by Mayor Cicchinelli, motion carried unanimously.

The next item before the Commission was a rezoning request presented by Mr. Aaby.

Rezoning Request – OJIM, Inc.

Location: Part of Out Lot 288, a 1.5 acre parcel located on the east side of the industrial facility located at 1212 Oberlin Road SW.

Zone Change From: R-1 One Family Residential

Zone Change To: I-1 Light Industrial

Applicant: OJIM, Inc.

Proposed Use: Expansion of existing business

The applicants, OJIM, Inc., is a manufacturing company with a facility on this property. The plan is to build an expansion. This rezoning is necessary for the expansion. Mayor Cicchinelli moved for approval, seconded by Mr. Johnson, motion carried unanimously.

The next item was a rezoning request also presented by Mr. Aaby.

Rezoning Request – 325 Third Street SE

Location: Lot No. 14742, located on the northwest corner of Third Street SE and South Avenue SE.

Zone Change From: 0-1 Office

Zone Change To: RM-1 Multiple Family Residential

Applicant: Growing Minds, Inc., John Keister

Proposed Use: Children's Residential Center

This is the site of the former Lincoln Elementary School, and The United Way of Western Stark County. With the recent consolidation of The United Ways, it is being marketed for sale. The area consists of churches, social service facilities, office uses, and residential uses. The description of the proposed use indicates a children's residential center. Mr. Keister, Executive Director and founder, was present. He said he operates a non-profit agency serving children. This location would serve as the main office and residential site. He presently has one facility in Canton and one on Woodland Avenue SE. Theresa Emmerling, Curriculum Director for the Massillon City Board of Education, was present and requested the item be tabled until the Board could review the proposed use. Carl Gorkas of 205 South Avenue SE, was present and requested information on security. Mayor Cicchinelli moved that the item be tabled indefinitely to allow time for a meeting to be held with the school system and neighbors. Mr. Locke seconded the motion which carried unanimously.

Mr. Aaby asked about the school system's concerns. It was determined the Commission be provided information about any meeting held with neighbors and/or the school system.

The next item presented by Mr. Haines was a re-plat.

Re-Plat – 17th Street S.W.

Location and Description: Lots 13975 and 13976, located on the west side of 17th Street SW, south of Finefrock Road/241 and north of Pigeon Run Avenue. The request is to combine both lots together to create one lot approximately 120' X 200'. The property is zoned R-1 Single Family Residential
Applicant: Brad Barton and Peggy Richardson

This property consists of two lots, one with a house and the other is vacant. The owners wish to construct a garage on the vacant lot. Building Department regulations require that the two lots be re-platted into one since a garage can't be the only building on a residential lot. Brad Barton was present. Mrs. Gordon moved for approval, seconded by Mr. Locke, motion carried unanimously.

The next item was also a re-plat presented by Mr. Haines.

Re-Plat – 13th Street SE

Location and Description: Lots 2257 and Part of 2254, located on the east side of 13th Street SE, south of Walnut Road, SE. The request is to split these lots into three new parcels, each approximately ½ acre in size. The property is zoned R-1 Single Family Residential.
Applicant: Tri-County Community Partnership

These two(2) lots are large enough to split into three(3) building lots, which would meet all building and zoning requirements. Gayle Gamble, of Tri-County Community Partnership, was present and stated that they wish to build three homes on the site. Mr. Johnson asked about the other part of lot 2254. It was noted that it belongs to the Massillon Board of Education. Mayor Cicchinelli then moved for approval, seconded by Mr. Pedro, motion unanimously carried.

The next item was a lot split/re-plat presented by Mr. Haines.

Lot Split/Re-Plat

Location and Description: Out Lot 933, located on the north side of Hankins Road NE, just west of Valerie Avenue. The request is to split two large building tracts, approximately 7.5 acres and 1.25 acres, from the original lot. The property is zoned R-3 Single Family Residential.
Applicant: Providence Development/Robin Warstler

This property, which is east of Wales Road NE, is in the area of Abby Glen Condominiums, Grace Community Church, and a funeral home. The owner plans to build two homes on this site. Robin Warstler was present and commented he has a customer who wishes to build at this location. There was a brief discussion about the possibility of the property owner having horses on this property. It was noted that there is no prohibition of horses. Mayor Cicchinelli mentioned that the property could be rezoned to Agricultural Zoning if necessary. Mrs. Gordon then moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

The next item was an alley vacation presented by Mr. Haines.

Alley Vacation Plat – Goose Avenue NW

Location and Description: a 15-foot public alley running north/south between Goose Avenue NW and Warwick Avenue NW. The request is to vacate that part of the alley running south from Goose Avenue approximately 130 feet.

Applicant: Bobby L. Bradley

The alley lies north of Cherry Road NE and east of State Route 21. There is a utility pole on the alley which prohibits access for traffic. Attorney James Snively was present representing Mr. Bradley. After a brief discussion, Mr. Locke moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

The next item was a sketch plan for Forest View Allotment presented by Mr. Haines.

Sketch Plan – Forest View Allotment

Location and Description: Out Lots 951 and 952, located on the south side of Forest Avenue SE, between Greentree Place and 16th Street SE. The purpose of this sketch plan is to discuss new street and lot layout. The property is zoned R-1 Single Family Residential

Applicant: Quality Care Construction, Inc.

This is a proposed allotment including a road and cul-de-sac. This is the initial step in developing this subdivision. The next step will be a preliminary plat followed by a final plat.

Kirk Braithwaite, proposed developer, and Neil Stevens, of Quality Care Inc., were present and commented that they intend to build single family homes. Mayor Cicchinelli asked if more information could be provided. The homes are to be built in 2005 and sell for approximately \$120,000 to \$130,000, including the lot. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

The final item under other business was a re-plat presented by Mr. Haines.

Re-Plat – Connecticut Avenue SE

Location and Description: Lots 4476 and 4477, located on the north side of Connecticut Avenue SE, west of 27th Street SE. The request is to combine these two parcels into one new lot. This property is zoned R-1 Single Family

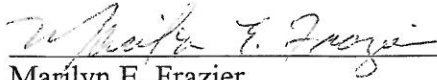
Applicant: John and Dona Mitchell

This item was tabled at the July 14, 2004, meeting due to lack of representation.

A house is on one lot, the other is vacant. The owner wishes to build a garage on the vacant lot. It is necessary to re-plat the two lots into one. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 8:15 P.M.

Respectfully submitted,


Marilyn E. Frazier
Housing Director

Approval:

MEF/ky

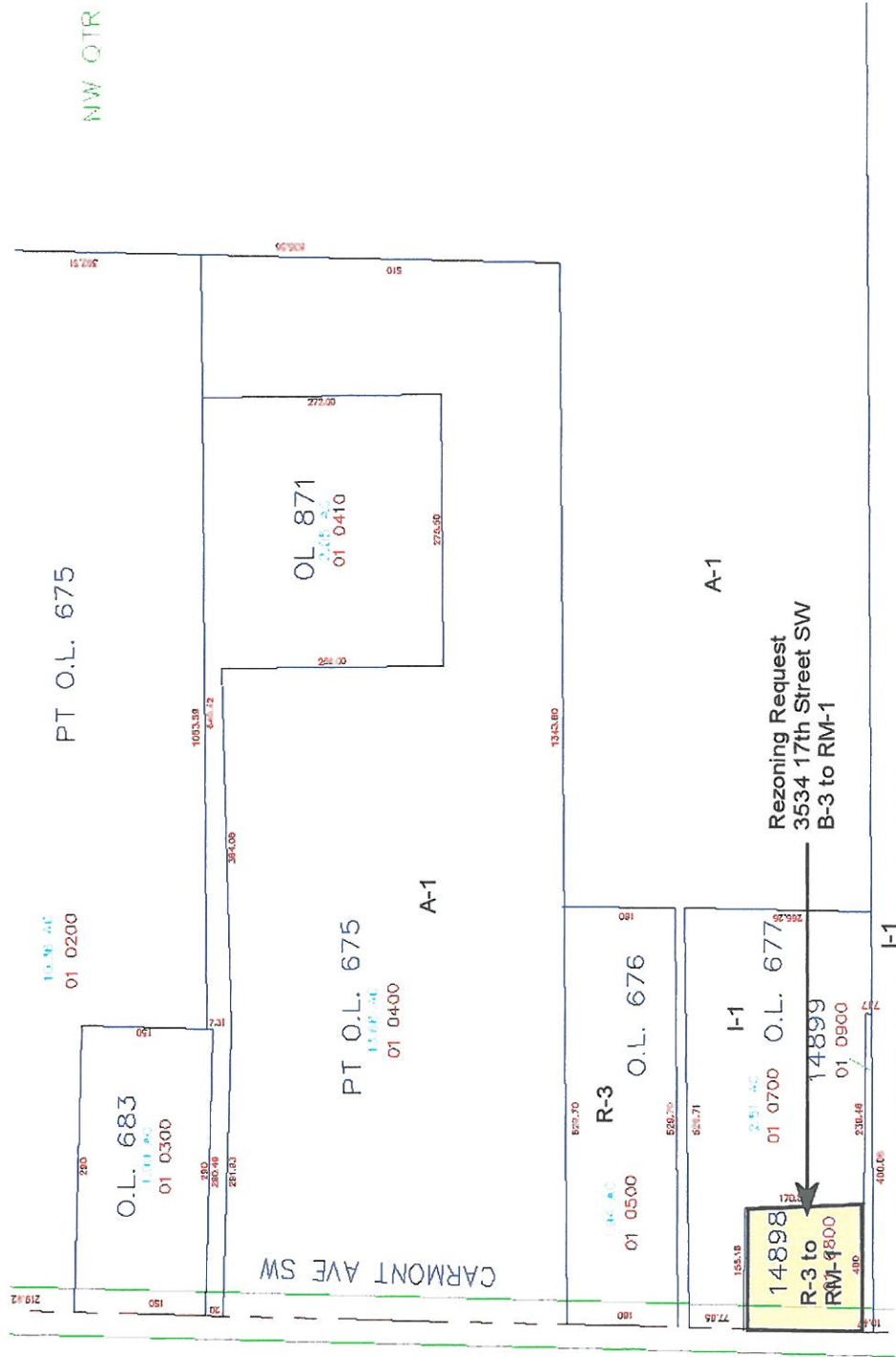
Location: Lot No. 14898, located at 3534 17th Street SW

Zone Change From: R-3 One Family Residential

Zone Change To: RM-1 Multiple Family Residential

Applicant: Donald Hendricks

Proposed Use: Convert existing dwelling into a tri-plex

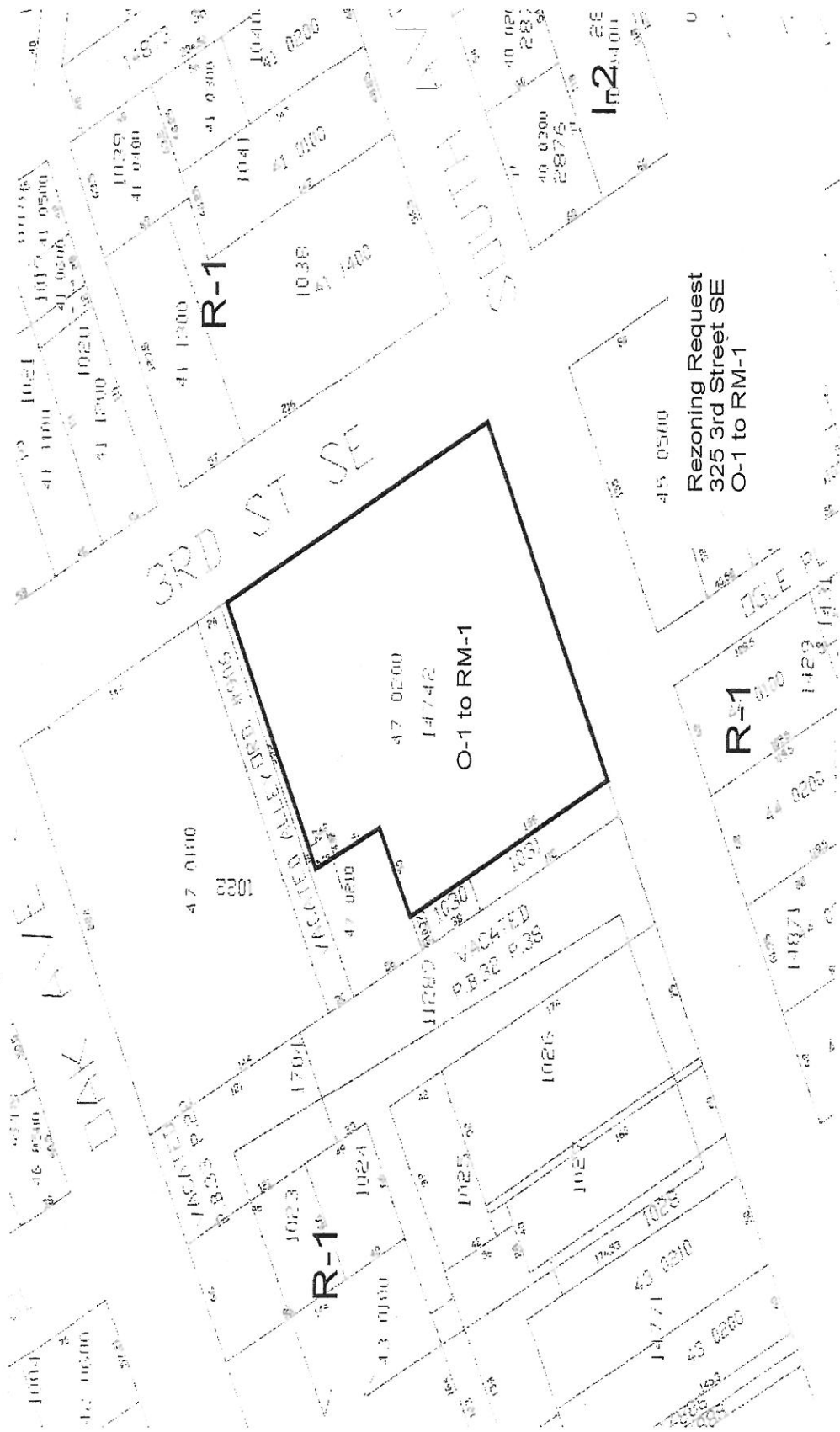


Rezoning Request – 325 3rd Street SE

Location: Lot No. 14742, located on the northwest corner of 3rd Street SE and South Avenue SE.

Zone Change To: RM-1 Multiple Family Residential

Proposed Use: Children's Residential Center



DETAILED DESCRIPTION OF MY CASE

This appeal process is to apply for a variance of changing O-1 zoned property to RM-1 zoning. The variance I am requesting is to be zoned RM-1. The address of this residence is 325 – 3rd street south east, Massillon, Ohio 44646. This area is currently zoned O-1, Office.

This property would be occupied by Growing Minds, Inc. Growing Minds, Inc. is a private non-profit social service agency for children and their families. Growing Minds, Inc. is currently Licensed by the Ohio Department of Jobs and Family Services. Growing Minds, Inc. mission is to provide services to children and their families in the least intrusive manner according to their needs. Growing Minds, Inc. focuses not only on the children's and families best interest but the communities best interest as well as the immediate and long term needs of the children and their families. Growing Minds, Inc. also focuses on addressing individuals needs as well as empowering individuals to make healthy permanent changes in both their choices and lifestyles to help them become more self-sufficient. Growing Minds currently operates two other similar programs located in the Stark County area. All program rules and regulations are created in accordance with The Ohio Revised Code Chapter 5101:2-5 Administrative Rules for Agencies and Chapter 5101:2-9 Administrative Rules for Children's Residential Centers. This program would be a children's residential center. This Children's Residential Center will consist of a multi-disciplinary staff of experienced and licensed professionals, which will offer an array of therapeutic services. The Children Residential Center will be supervised 24hours a day, seven days a week, by trained professional staff members. Referrals for this Children's Residential Center will come from such agencies as Department of Human Services, Children's Services Boards, etc.. This Children's Residential Center is a therapeutic program which is treatment oriented and designed to meet the children's needs as well as the needs of their families. This

Children's Residential Center will not only provide a better overall learning environment but also provides programs that help children and their families in making meaningful permanent changes in their way of living, to become more self sufficient.

This zoning change is necessary for the preservation and enjoyment of substantial property rights, and will not be detrimental to the public welfare, nor to the property of other persons located in the general vicinity thereof by the following ways:

1. Growing Minds, Inc. focuses not only on the children's and families best interest but the communities best interest as well as the immediate and long term needs of the children and their families, within the area.
2. Services are provided to help children and families strive for a better way of living, in the local area.
3. This Children's Residential Center focuses on addressing individuals needs as well as empowering individuals to make healthy permanent changes in both their choices and lifestyles to help them become more self-sufficient.
4. This agency adds to the communities current list of resources in helping children and families reach a better quality of life.
5. United Way currently owns property. United Way operated out of this building for several years. Growing Minds, Inc. Children Residential Center will provide some similar programs.

ADDITIONAL INFORMATION REQUESTED

This request was previously discussed at the prior planning meeting at which time it was recommended that this issue be tabled at a later date due to not enough information provided to council members as well as the Massillon Board of Education concerns that needed to be addressed.

On 9-24-04 a meeting was at Pupil Services to address the concerns of the Massillon Board of Education. This meeting was held at 9:00a.m. in the Superintendent Office. The two concerns included:

1. This property that is being purchased has a parking lot located behind of the building. This is the area that the bus garage used to service their buses. Their concerns were if we would continue to allow them to service their buses if we did purchase the building.
2. All of Pupil Service electrical components is warehouse in this building that is to be purchased. They explained it would cost about \$150,000.00 to have these units taken out and placed into their own building and was not cost effective. Their concern was if we would allow them to continue to warehouse their electrical units in this building, once purchased.

These were the only two concerns by the Massillon Board of Education, there were no concerns regarding the Children's Residential Center and made comment they were looking forward to working with our agency once located in this new space. We agreed that we would allow the bus garage to utilize the parking area in return Pupil Services would allow us to rows of parking in their parking lot. We also agreed that we would allow the electrical units to be warehoused in the building purchased, which they would not have to be removed. There are actually to separate

electrical units for Pupil Services and the old United Way building that will have no effect on one another.

ADDITIONAL INFORMATION:

A Children's Residential Center is set up like a group home. The only difference between a Children's Residential Center and a group home is determined by Ohio Department of Job and Family Services as the number of residents. Ohio Department of Job and Family Services defines a group home as having 10 residents or less, and a Children's Residential Center as 10 or more residents. This Children's Residential Center will provide room and board to adolescent male juveniles. This Children's Residential Center would also provide personal care, therapeutic services, and supervision in a family setting for twenty residents who could have some type of developmental disability. Developmental Disabilities are displayed as significant differences between expected level of development for age and current level of functioning. Children with developmental disabilities are those who have delay in one or more of the following areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development. This program provides an environment for youth with some behavior and emotional problems, or have been neglected or abused to identify and address. Typically, these children have an existing DSM IV diagnosis as well as a multiple placement history. The goal is to stabilize children within a therapeutic environment, with an emphasis on group, individual, and family counseling. Our main client is the children. Though these children are working on a case plan and sometimes includes reunification with a significant other when deemed appropriate, that is where the work with the families are involved, the help reunification with the parents or others deemed appropriate by their guardian. If the case plan doesn't identify

reunification with the parents then we work towards helping them become self-sufficient or placed in a foster care program.

Some of the admission criteria for this Children's Residential Center involve:

1. male juveniles
2. amenable to treatment
3. emotionally disabled
4. low functioning
5. victims of abuse
6. substance abuse
7. boundary issues

Upon entrance to the Children's Residential Center a bio-psychosocial assessment will be completed to evaluate the clients needs and Treatment Service Plan Goals. This agency will provide some therapeutic programs that include:

1. group Therapy
2. individual therapy
3. family therapy
4. drug and alcohol treatment
5. social skills
6. independent living skills/ transitional skills
7. anger management skills
8. communication skills
9. coping skills
10. self esteem

11. stress management

12. time management

13. values clarification

14. leisure activities

15. relationships

16. responsibility

17. self control

- Youth are able to attend regular public school when appropriate, if not appropriate they will be educated through home instruction.

This CRC not only provides a better overall learning environment but also provides programs that help adolescence in making meaningful permanent changes in their way of living.

Street Vacaton Request – Oberlin Road SW and 6th Street SW

Location: Oberlin Road SW, a 60-foot wide right-of-way running east/west between 9th Street SW and CSX Railroad; and 6th Street SW, a 50-foot wide right-of-way running north/south between

Finefrock Road SW and Oberlin Avenue SW.

The request is to vacate that part of Oberlin Road from the Northwest corner of OL 582, easterly approximately 1480 feet to the southwest corner of Lot 10367; and to vacate that part of 6th Street SW from SR 241/Finefrock Road southerly approximately 288 feet to Oberlin Road SW.

A sanitary sewer easement will be required on the vacated property as a condition of this street vacation.

Applicant: Bonks Properties/NFM Industries



Final Plat – Woodland Creek Condominiums

Location and Description: Outlots 916 through 921, located on the East side of Highlander Street NW, North of Bonnie Brae. The request is to plat 6 new lots with frontage on Highlander, and combine the remaining 17 acres into one lot.

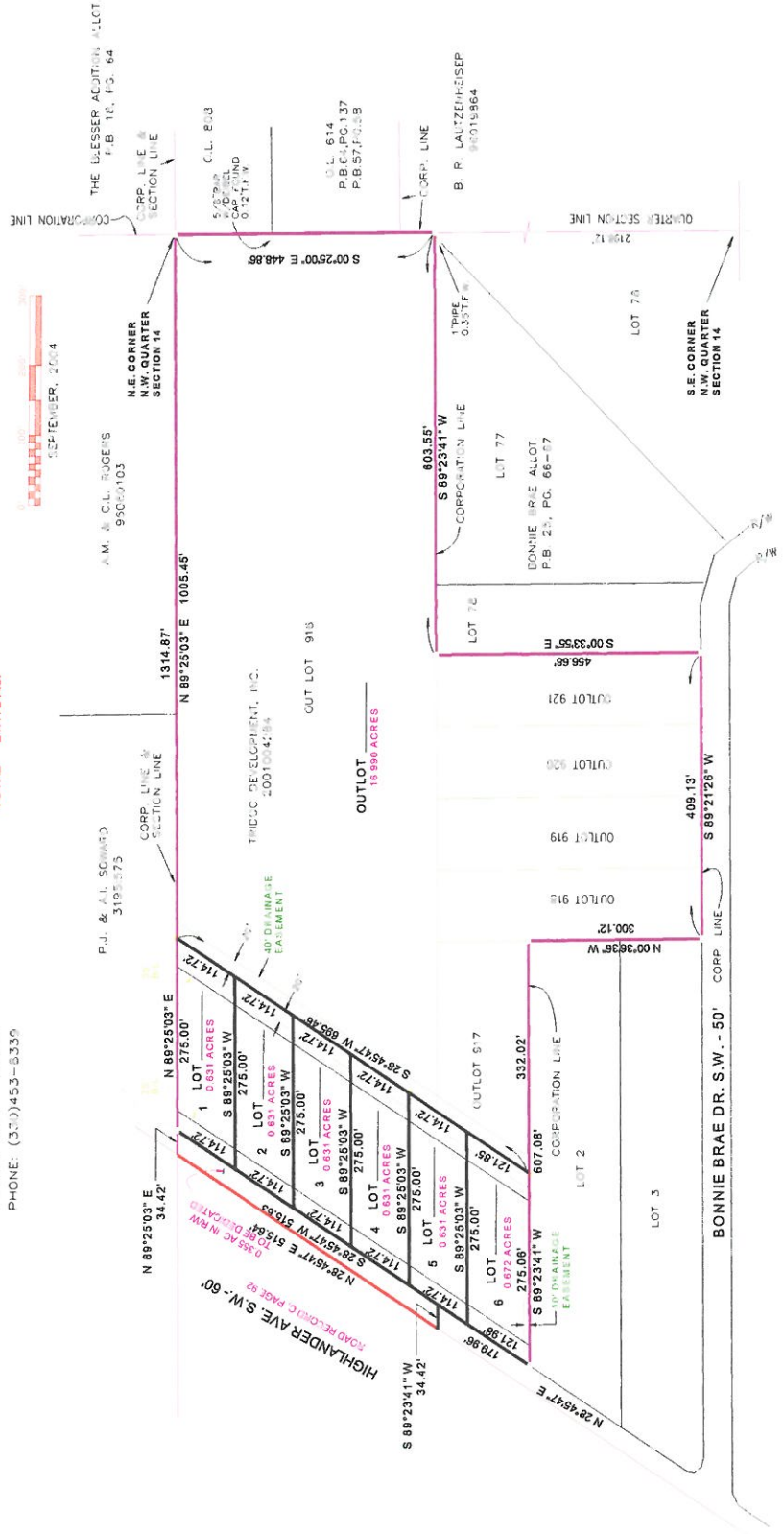
The property is zoned R-2 Single Family Residential and R-T Two-Family Residential
Applicant: TriDoc Development, Inc.

WOODLAND CREEK CONDOS

REPLAT OF OUTLOTS 916, 917, 918,
919, 920 & 921 IN THE CITY OF MASSILLON,
STARK COUNTY, OHIO

BUCKEYE SURVEYING SERVICES, INC.
2223 FULTON DR. N.W.
CANTON, OHIO 44705
PHONE: (330)453-8339

ACREAGE SUMMARY
LOTS 20.817 AC.
STREETS 0.355 AC. TO BE DEDICATED
TOTAL 21.172 AC.

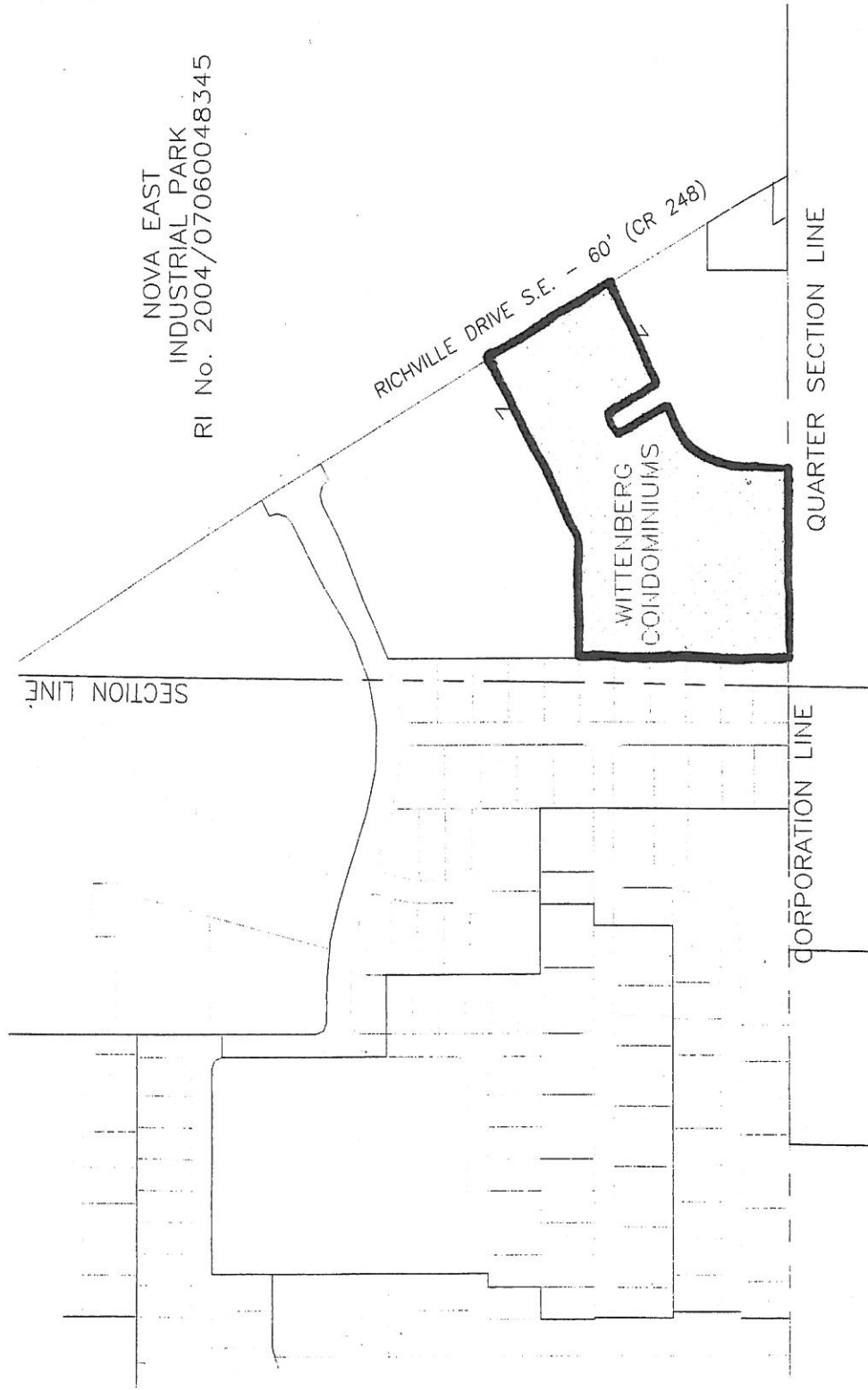


Final Plat – Wittenberg Commons

Location and Description: Part of Outlot 766, located on the West side of Richville Drive SE, North of Nave Road. The request is to plat 15 new lots and two new streets on the 7.96 acre tract of land.

The property is zoned RM-1 Multiple Family Residential

Applicant: P.R.M.D.C./Fred Tobin



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Applicant: P.R.M.D.C./Fred Tobin

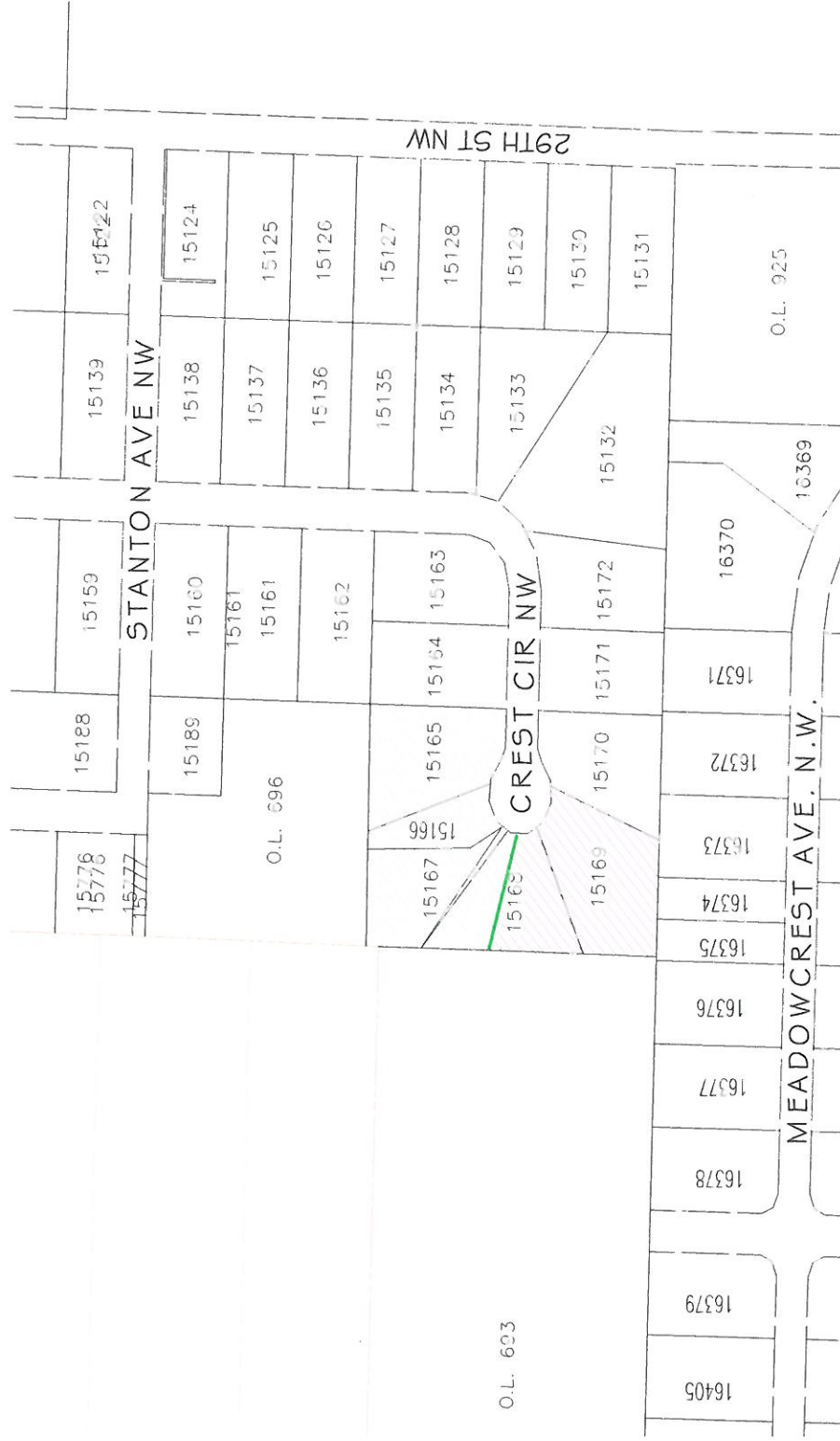


Lot Split / Replat – Crest Circle NW

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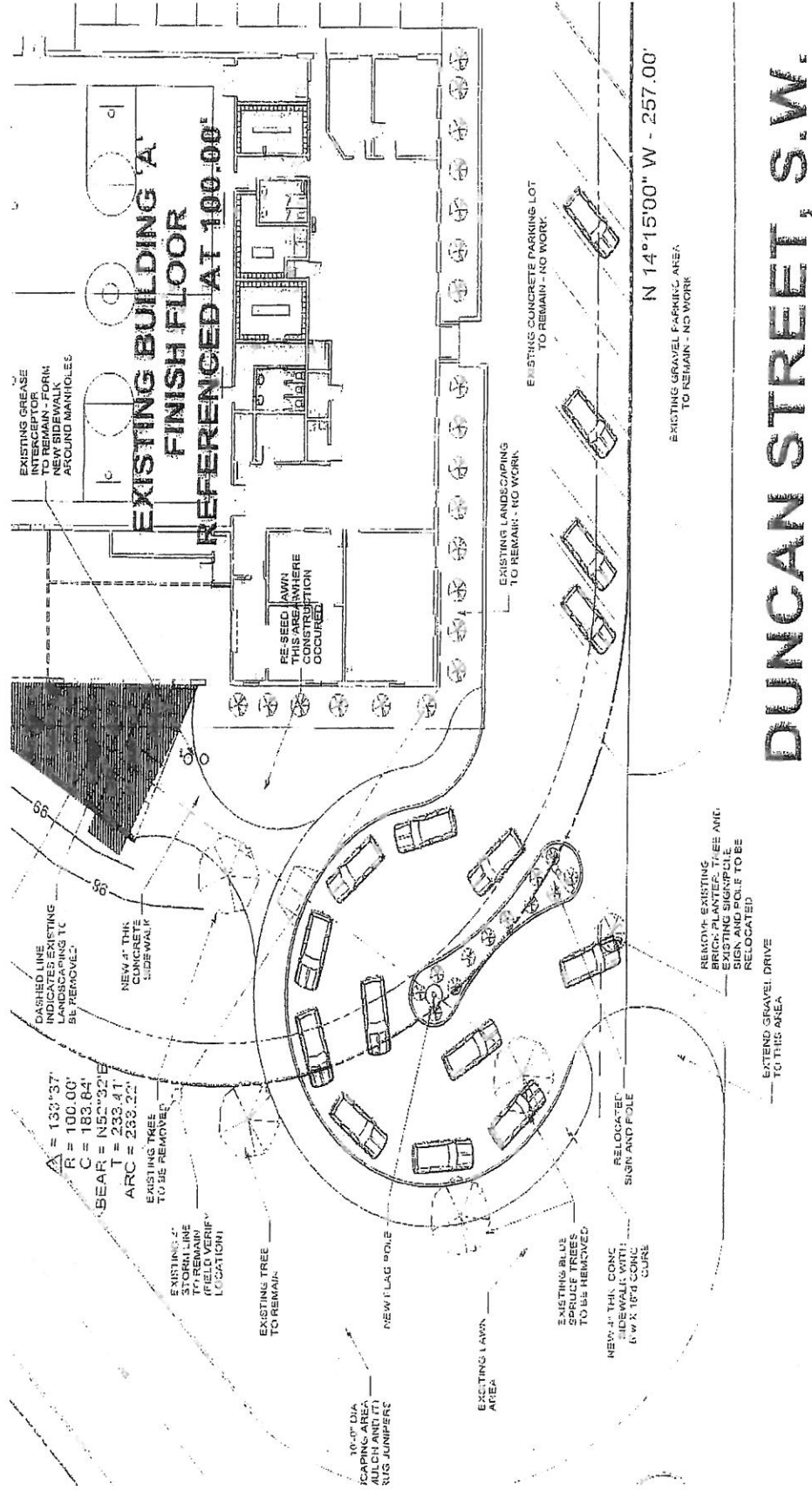


Access Easement – Duncan Street SW

Location and Description: Out Lot 432, located on the South side of Walnut Road SW, East of Duncan Street. The request is to grant an access easement to the Boys and Girls Club to allow them to construct a driveway turn-around and sidewalk in the right of way area of the Walnut Road/Duncan Street intersection.

The property is zoned R-1 Single Family Residential

Applicant: Boys and Girls Club of Massillon



DUNCAN STREET, S.W.

SPRUCE AVE., S.W.

DRAFT

EASEMENT AND INDEMNITY AGREEMENT

City of Massillon, Grantor, an Ohio Municipal Corporation, of Stark County, Ohio, for valuable consideration paid and the agreements set forth below, grants to **Boys and Girls Club of Massillon, Ohio**, Grantee, whose tax mailing address is 730 Duncan Street SW, Massillon, Stark County, Ohio, an easement for the construction of and maintenance of a driveway and turnaround for pedestrian and other traffic, together with the right to construct an asphalt and/or concrete surface, and all other appurtenances (collectively "facilities"), and the right to add to, operate, maintain, repair, replace or remove any facilities through the following described real property of Grantor: See Exhibit "A" attached hereto. Grantor further grants Grantee a Temporary Construction Easement through the real property defined as approximately ten (10) outside the area to be improved as defined on the above referenced attachment. Upon completion of the construction of the facilities, the area designated as the Temporary Construction Easement shall revert to Grantor and the right of Grantee to use said area for construction shall cease.

Grantee shall construct the facilities and maintain it in good repair at its own expense. If any damage to Grantor's property is caused by Grantee's exercise of its rights under this easement, Grantee, at its expense, shall, within thirty (30) days of the completion of construction of the facilities, restore any disturbed areas to the condition existing prior to the occurrence of the damage. To secure Grantee's obligations to repair any damage to Grantor's property caused by reason of Grantee's exercise of its rights under this easement, including damage in areas designated as the

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temporary construction easement, Grantee agrees to require the contractor installing the Improvements to provide Grantee with a \$25,000.00 performance bond to insure satisfactory completion of the work performed in the area encumbered by this easement grant and any of Grantor's property adjacent the area encumbered by this easement grant. The Grantee further agrees to withhold the final \$10,000.00 payment owed to the contractor installing the Improvements until such time that City of Massillon agrees, in writing, that all areas of City of Massillon's adjacent property disturbed by the construction of the Improvements have been returned and restored to the condition that existed prior to the installation of the Improvements. The property that Grantee or its contractor is required to restore to its original condition is the property owned by Grantor immediately adjacent to the property conveyed by this easement grant. If the Grantor and Grantee cannot agree upon whether the adjacent property of City of Massillon has been properly restored to its condition prior to the construction of the Improvements, the dispute shall be submitted to final and binding arbitration in accordance with Local Rule 16 of the Stark County Court of Common Pleas Alternative Dispute Resolution Program. In the event that the matter is submitted to arbitration, the losing party shall be responsible for all costs of both Grantor and Grantee in prosecuting the matter through arbitration.

Should the property encumbered by said easement ever cease to be used as shown on the attached this easement grant shall terminate and Grantor may repossess and terminate the easement.

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This grant of easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors and assigns.

In further consideration of said easement grant, Grantee, its successors and assigns, will, at all times, indemnify and save Grantor harmless from and against any and all suits, claims, demands, costs, damages, counsel fees, charges, liabilities and expenses whatsoever, which Grantor shall or may at any time sustain or incur or become liable for by reason or in consequence of the prosecution of any claim whatsoever by any person for any damage or injury sustained or alleged to be sustained by said person by reason of his use or misuse of the Improvements and real property contained in this easement grant. Grantee further agrees that Grantee will, on demand, provide to Grantor funds sufficient to pay all claims, demands, costs, charges, counsel fees and expenses for which Grantor shall be liable, and which it shall have paid or been called on to pay, or be immediately liable to pay, as a result of the use or misuse of the Improvements, by any person, within the confines of the real property contained in this easement. Grantee further promises and agrees at its own cost and expense to defend Grantor from and against any action, suit or proceeding that may be brought against Grantor resulting from the use or misuse of the Improvements, by any person, within the confines of the real property contained in this easement.

Said easement shall be only for recreational and emergency purposes incidental to Grantee's use of the otherwise noncontiguous tracts of land owned by the Grantees. Further, said easements are non-exclusive, without limiting the foregoing, it is specifically agreed and acknowledged by the parties said easements shall not interfere with the Grantor's use of its property.

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Additionally, this grant is conditioned upon Grantees maintaining the easements right-of-way at their own expense; however, nothing herein shall be construed as requiring Grantees to maintain or take any sort of responsibility for the Grantor's use of its property. Further, any additional improvement or structural changes Grantees may require for the actual use of the multipurpose trail upon the easements shall be conditioned upon prior written approval by Grantor, which approval will not be unreasonably withheld.

The parties have signed this instrument in duplicate on the _____ day of _____, 2004.

Signed in the presence of:

City of Massillon, LLC,
an Ohio Municipal Corporation

By: _____
Alan W. Climer,
Director of Public Service and Safety

Boys and Girls Club of Massillon, Ohio

Vince Pedro, Executive Director

DRAFT

STATE OF OHIO
SS:
STARK COUNTY

Before me, a Notary Public in and for said County and State, appeared **Alan W. Climer** to me personally known who, being by me sworn, did say that he is respectively the Director of Public Service and Safety of **City of Massillon**, the company named in and which executed the within instrument; that said instrument was signed on behalf of said company by authority of its members; and that said instrument is his free act and deed individually and the free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Massillon, Ohio, this ____ day of _____, A.D., 2004.

Notary Public

DRAFT

STATE OF OHIO
SS:
STARK COUNTY

Before me, a Notary Public in and for said County and State, appeared **Vince Pedro**, to me personally known who, being by me sworn, did say that he is respectively the Executive Director of the **Boys and Girls Club of Massillon, Ohio**, that said instrument was signed on behalf of said Boys and Girls Club of Massillon; and that said instrument is his free act and deed individually and the free act and deed of the Boys and Girls Club of Massillon, Ohio.

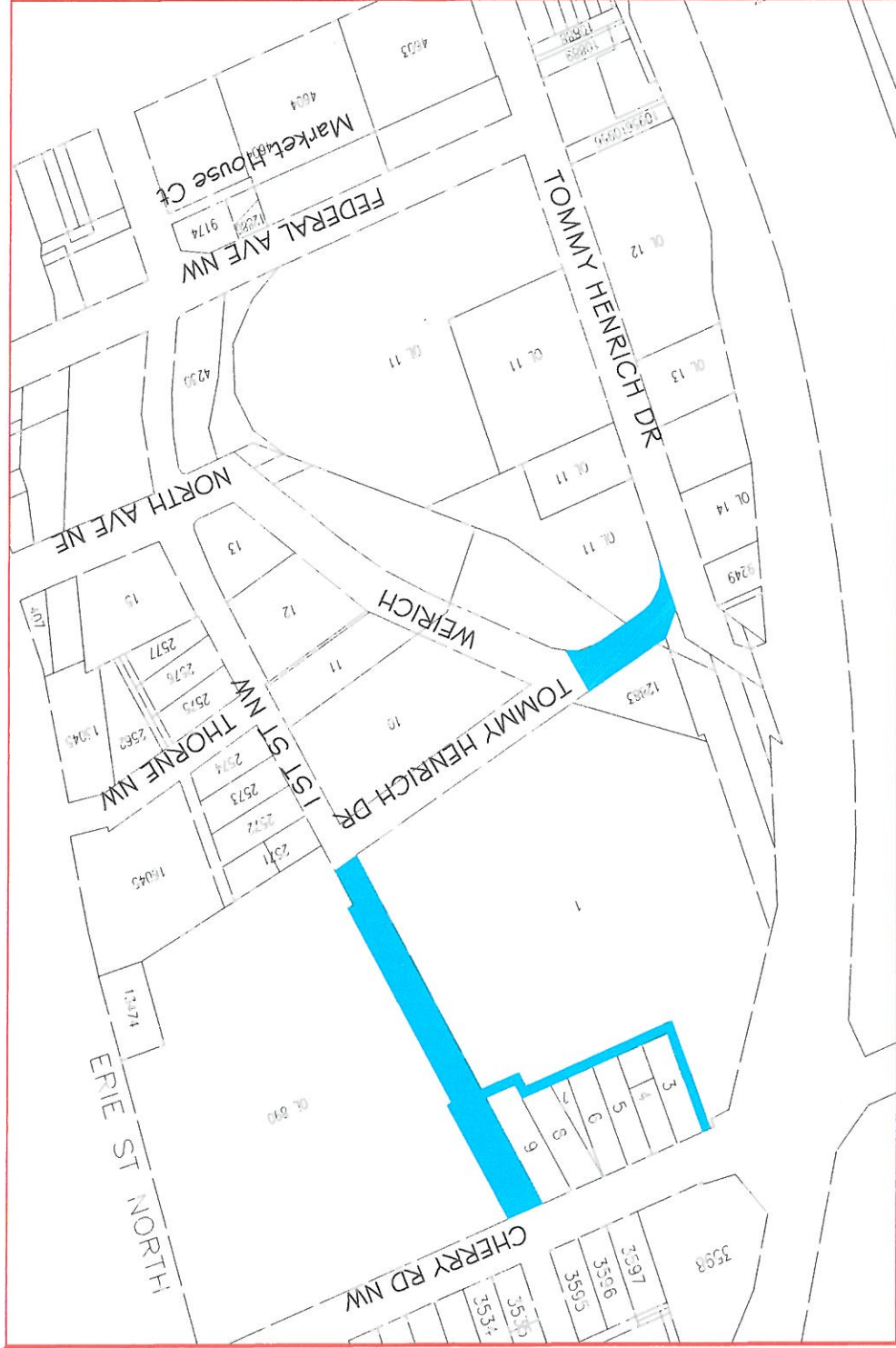
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Massillon, Ohio, this _____ day of _____, A.D., 2004.

Notary Public

Alley Vacation Plat – Cherry Road NW
Street Vacation Plat – Tommy Heinrich Drive NW
Street Vacation Plat – 1st Street NW

Agenda Items 8, 9, and 10

Applicant: City of Massillon



Applicant: City of Massillon

