

A G E N D A
MASSILLON PLANNING COMMISSION
November 10, 2004 4:00 P.M.
Mayor Cicchinelli's Office

1. *Approval of the Minutes for the Commission Meeting of October 13, 2004.*
2. *Petitions and Requests*

Preliminary Plat – Stephenson Allotment

Location and Description: Lots 11798 through 11803, 12410-12411, and part of Out Lots 298 & 302, located West of 16th Street SE North of Forest Avenue SE.
The request is to replat the existing properties into 31 new residential and lots, including the additional right-of-way for 15th Street SE and Marion Avenue SE
The property is Zoned R-1 Single Family and R-T Two-Family Residential.

Variance Request: Section 1107.02, c, Scale 1"=50' instead of 1"=100'

Applicant: Massillon Homes, LLC

Easement Plat – Lincoln Way West

Location and Description: Out Lots 115 and 127, and Lot 9758, located on the North and South sides of Lincoln Way West, just west of the 12th Street NW intersection. The proposal is to obtain sewer and construction easements from 4 adjoining property owners in preparation for the Lincoln Way West Rehabilitation project. Said owners are as follows:

<i>Louis C. Hupp,</i>	<i>1218 Lincoln Way West, Massillon</i>
<i>Michael J. Knobb,</i>	<i>11735 Lochwood Street SW, Massillon</i>
<i>F & M Properties</i>	<i>P.O. Box 724, Massillon</i>
<i>Charles & Charlotte Rohn</i>	<i>1244 Lincoln Way West, Massillon</i>

Applicant: City of Massillon

3. *Other Business*

The Massillon Planning Commission met in regular session on October 13, 2004, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Chairman Rev. David Dodson
Vice Chairman James Johnson
Mayor Francis H. Cicchinelli, Jr.
Ben Bradley
Todd Locke
Sheila Lloyd

Staff

Aane Aaby
Marilyn Frazier
Steve Hamit
Jason Haines

The first item of business was the minutes for the Commission meeting of September 8, 2004. Mr. Johnson moved for approval, seconded by Mr. Locke, motion unanimously carried.

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

Rezoning Request – 3534 17th Street 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

This property is located in an area mostly comprised of A-1 Agricultural Zoning, with some I-1 Industrial Zoning and residential. All of the adjoining property is owned by the Hendricks' family, who wishes to convert the existing structure into a three-unit residential building. Mr. Hendricks was present and briefly commented on the request. Mayor Cicchinelli moved for approval, seconded by Mr. Bradley, motion unanimously carried.

The next item was also a rezoning request 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: O-1 Office
Zone Change To: RM-1 Multiple Family Residential
Applicant: Growing Minds Inc., John Keister

This item was reviewed at last month's meeting, but was tabled to allow the applicant the opportunity to meeting with school officials and neighbors. Mr. Aaby reported that he had spoken with Ms. Emmerling, of Massillon City Schools, who reported that they had met with Mr. Keister. This property, which was rezoned to O-1 Office in 1991, is located in an area of a mixture of multiple family, single family, office, business, and industrial zoning. The school issues are related to parking, a garage facility, and access to utilities. The school and applicant have met and are under consideration. Mr. Keister was present and reported the meeting went well. He explained that the difference between a group home and children's residential treatment facility is mainly the number of children. Ten(10) or more children must reside in a residential treatment center.

Mr. Bradley asked about ages of children, the reply was 12 to 17. Mayor Cicchinelli asked if the children were from Massillon or other areas and how they are housed in respect to gender. Mr. Keister responded that the children come from Massillon and other areas of the State. He also commented that there will be supervision at all times.

Carolyn Gorkas, 205 South Avenue SE, commented that she didn't receive a notice about a meeting of neighbors, however her questions were answered tonight. Ron Pribich, who serves on the Massillon Board of Education, was asked about the Board's discussion of the situation. He replied that the Board only talked about the fact that access to property and the electrical power box is needed by the school.

Mayor Cicchinelli then commented that Mr. Keister was asked to meet with residents in the area. Since he didn't follow through with that, and since this would be spot zoning, he moved for denial of the request. A roll call vote was taken, which resulted in a 5 – 0, unanimously carried motion for denial.

The next item was a street vacation request presented by Mr. Haines.

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

Bonk Properties/NFM Industries, owns the property on both sides of the street. Ron Pribich was present and commented that both companies have the same owner. The reason for the request is security purposes. There have been several break-ins recently. This action will allow the relocation of the security gates. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

The next item was a final plat presented by Mr. Haines.

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.

Earlier this year the preliminary plat was approved. Dave Daugherty of TriDoc Development was present and commented that originally they were going to build duplexes, but changed to condominiums. Mayor Cicchinelli asked if they would be building this year. Mr. Daugherty responded, "hopefully before winter." Mr. Locke then moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

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

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

This final plat is for the development of 28 units. The request includes the dedication of the sanitary sewer easement. Fred Tobin was present and added that the 14 two-family buildings will provide 28 condominium units. This is the last development for University Village. Mr. Locke moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

The next item was a lot split presented by Mr. Haines.

Lot Split/Re-plat – 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

This split will make the remaining lots larger. David Hofacre was present and commented that one of the houses is being sold and this will create more space between the houses. Mr. Locke moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

The next item was an access easement presented by Mr. Haines.

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

This right-of-way easement will be helpful in the Boys and Girls Club's planned addition. Attorney Thomas Ferrero was present and commented that the property appears to belong to the Club, although it doesn't. The easement would create a more safe and secure situation grouped together. Mr. Johnson moved for approval, seconded by Mr. Bradley, motion unanimously carried.

The next five items, presented by Mr. Hamit, were an alley vacation plat, two street vacation plats, a lot split and a re-plat. All pertained to Lincoln Center Phase 3.

Alley Vacation Plat – Cherry Road NW

Location and Description: A 15-foot 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-foot 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-foot 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

Re-Plat – 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 one (1) lot totaling approximately 9.25 acres.

This property is zoned B-3 General Business

Applicant: City of Massillon

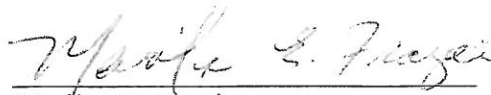
The actions are needed for the future development of the site of the movie theater complex.

Thomas Ross, of 1721 Tenth Street NE, was present and commented that he didn't feel 1st Street should be closed because 2,500 to 3,000 cars a day utilize it. He also commented on the issue of water retention. Attorney Ferrero expressed concern on behalf of Amvets. Mayor Cicchinelli stated that this action is needed in order to proceed with the project. The Alley Vacation Plat – Cherry Road NW, the Street Vacation Plat – Tommy Henrich Drive NW, and Street Vacation Plat – 1st Street NW, were moved for approval by Mayor Cicchinelli, seconded by Mr. Locke, and motion unanimously carried.

Mr. Johnson moved for approval of the Lot Split – Tommy Henrich Drive NW, seconded by Mayor Cicchinelli, motion unanimously carried. Mr. Bradley moved to approve the Re-Plat – Tommy Henrich Drive/1st Street NW, seconded by Mr. Locke, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 8:50 P.M.

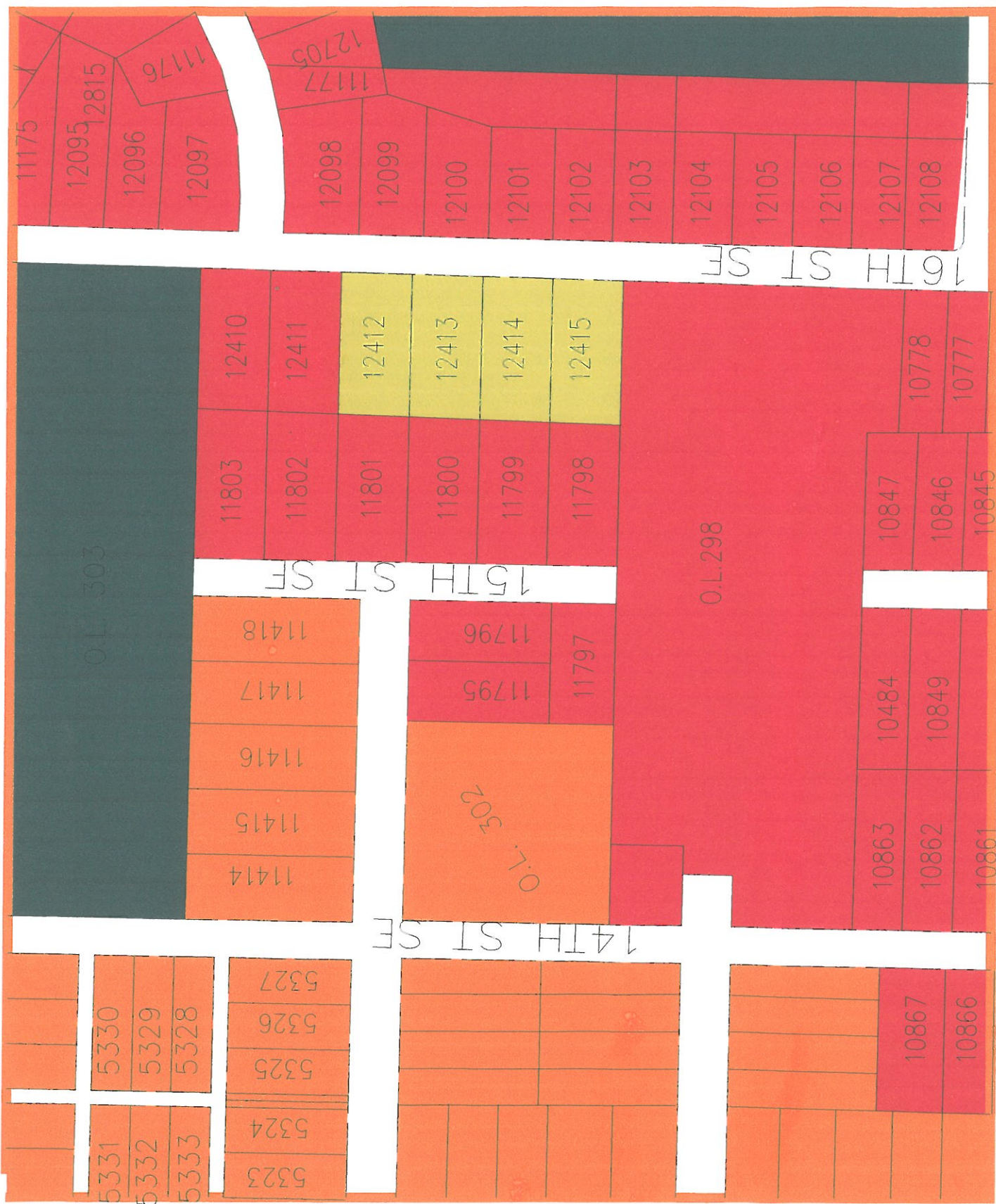
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marilyn E. Frazier", written over a horizontal line.

Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky



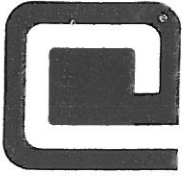
Preliminary Plat-Stephenson Allotment

Location and Description: Lots 11798 through 11803, 12410-12411, and Part of Out Lot 298 and 302, located on the West side of 16th Street SE, north of Marion Avenue. The request is to plat 31 new lots with frontage on 14th, 15th and 16th Streets, Marion Ave. SE, and Woodland Ave. SE, including dedication of portions of 15th Street SE, Marion Avenue SE, and Woodland Avenue SE

The property is zoned R-1 Single Family Residential and R-T Two-Family Residential

Applicant: Massillon Homes, LLC.





1359 MARKET
AVENUE NORTH
CANTON, OHIO
44714

BRYAN J. ASHMAN
JEROLD E. GEIB

COOPER & ASSOCIATES, LLP / ENGINEERS & SURVEYORS

PHONE: (330) 452-5731

FAX: (330) 452-9110

November 1, 2004

Massillon Engineering Department
Municipal Government Annex; 151 Lincoln Way East
Massillon, Ohio 44646

Att: Aane Aaby

Ref: Preliminary Plat of Stephenson Allotment

Dear Aane:

On behalf of our client Massillon Homes, LLC - owner we are requesting a variance from Section 1107.07 (c) of the City of Massillon Planning Regulations. The regulations and the justification for the variances are as follows:

1107.02 (c) Preliminary Plat Drawings. The preliminary plat shall be prepared on sheets 24" x 36" sheet size. A preliminary plat containing less than six acres shall be submitted at a scale of one inch equals fifty feet; all other at a scale of one inch equals one hundred feet.

We believe because the Stephenson Allotment is 7.3 acres in size and just slightly larger than the 6.00 acre regulation size, we feel to obtain clarity and clearness in detail areas of the subject allotment the increase in scale size is warranted.

We will appreciate any assistance that you can provide in obtaining approval of this request. If additional information is required or you have any questions, please contact our office.

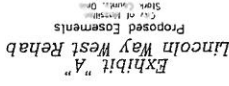
Sincerely,
Cooper & Associates, LLP

Martin L. Meckel

cc:

Location and Description: *Out Lots 115 and 127, and Lot 9785, located on the North and South sides of Lincoln Way West, just west of the 12th Street NW intersection. The proposal is to obtain sewer and construction easements from 4 adjoining property owners in preparation for the Lincoln Way West Rehabilitation project.*

Applicant: City of Massillon



EASEMENT

DRAFT

Louis C. Hupp, of Massillon, Stark County, Ohio, Grantor, whose tax mailing address is 1218 Lincoln Way West Massillon, Ohio 44647, for valuable consideration paid and the agreements set forth below, grants to the City of Massillon, an Ohio Municipal Corporation, of Stark County, Ohio, Grantee, whose tax mailing address is 151 Lincoln Way East, Massillon, Ohio 44646, an easement for the construction and maintenance of a drainage culvert and slope easement, and all other appurtenances (collectively "facilities"), and the right to add to, operate, maintain, repair, replace or remove any facilities through the real property of Grantor as indicated by the hatched and crosshatched areas on Exhibit "A" attached hereto. Grantor further grants to Grantee a Temporary Construction Easement through the real property defined on Exhibit "A". The Temporary Construction Easement is outside the above noted easements. This area is to be improved as shown on Exhibit "B" attached hereto. 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 same 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 completion of the construction of the facilities, restore any damaged areas to the condition existing prior to the occurrence of the damage.

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

Additionally, this grant is conditioned upon Grantees maintaining the easement right-of-way at its own expense; however, nothing herein shall be construed as requiring Grantees to maintain or assume any responsibility for the Grantor's use of its property.

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

Signed in the presence of:

By: _____
Louis C. Hupp

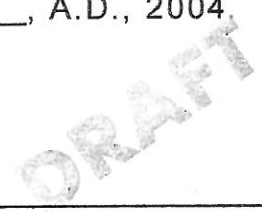
City of Massillon, Ohio
an Ohio Municipal Corporation

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

STATE OF OHIO
STARK COUNTY

Before me, a Notary Public in and for said County and State, appeared **Louis C. Hupp**, to me personally known who, being by me sworn, did say that he is respectively the Owners of the real-estate, known as 1218 Lincoln Way West Massillon, Ohio, that said instrument was signed on his and her behalf by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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



Notary Public

STATE OF OHIO
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 the City of Massillon, Ohio, a Ohio Municipal Corporation named herein and which executed the within instrument; that said instrument was signed on behalf of said municipal corporation by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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

Notary Public

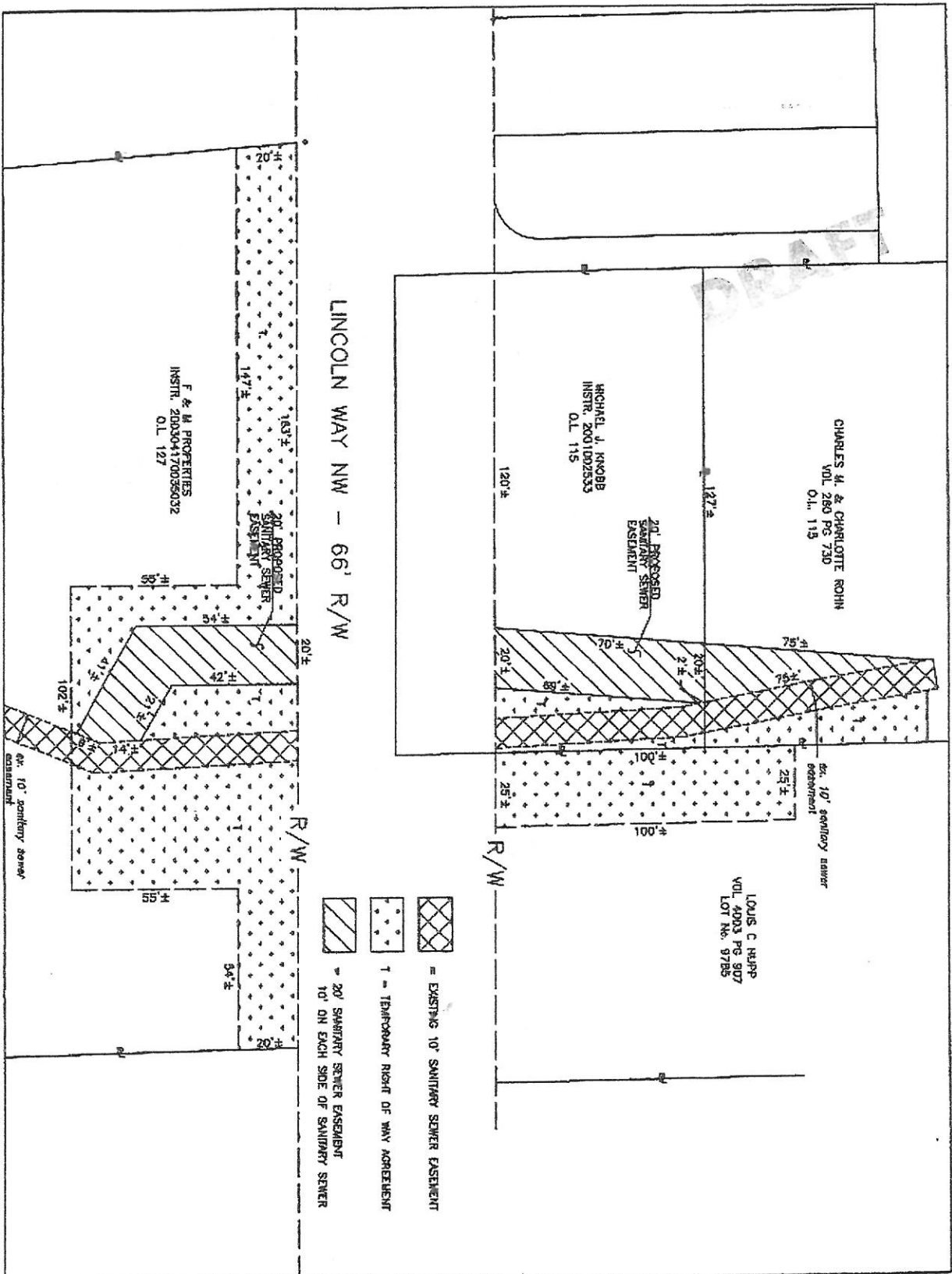


Exhibit "A"
Lincoln Way West Rehab
Proposed Easements
City of Mansfield
Stark County, Ohio

DATE	10/21/04
BY	[Signature]
FOR	STARK COUNTY
PROJECT	STARK COUNTY
DATE	10/21/04
BY	[Signature]
FOR	STARK COUNTY
PROJECT	STARK COUNTY

DATE	10/21/04
BY	[Signature]
FOR	STARK COUNTY
PROJECT	STARK COUNTY
DATE	10/21/04
BY	[Signature]
FOR	STARK COUNTY
PROJECT	STARK COUNTY

EASEMENT

Michael J. Knobb, of Massillon, Stark County, Ohio, Grantor, whose tax mailing address is 11735 Lochwood Street SW Massillon, Ohio 44647, for valuable consideration paid and the agreements set forth below, grants to the City of Massillon, an Ohio Municipal Corporation, of Stark County, Ohio, Grantee, whose tax mailing address is 151 Lincoln Way East, Massillon, Ohio 44646, an easement for the construction and maintenance of a sanitary sewer, drainage culvert and slope easement, and all other appurtenances (collectively "facilities"), and the right to add to, operate, maintain, repair, replace or remove any facilities through the real property of Grantor as indicated by the hatched and crosshatched areas on Exhibit "A" attached hereto. Grantor further grants to Grantee a Temporary Construction Easement through the real property defined on Exhibit "A". The Temporary Construction Easement is outside the above noted easements. This area is to be improved as shown on Exhibit "B" attached hereto. 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 same 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 completion of the construction of

the facilities, restore any damaged areas to the condition existing prior to the occurrence of the damage.

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

Additionally, this grant is conditioned upon Grantees maintaining the easement right-of-way at its own expense; however, nothing herein shall be construed as requiring Grantees to maintain or assume any responsibility for the Grantor's use of its property.

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

Signed in the presence of:

By: _____
Michael J. Knobb

City of Massillon, Ohio
an Ohio Municipal Corporation

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

STATE OF OHIO
STARK COUNTY

DRAFT

Before me, a Notary Public in and for said County and State, appeared **Michael J. Knobb**, to me personally known who, being by me sworn, did say that he is respectively the Owner of the real-estate, known as 1240 Lincoln Way West Massillon, Ohio, that said instrument was signed on his and her behalf by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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

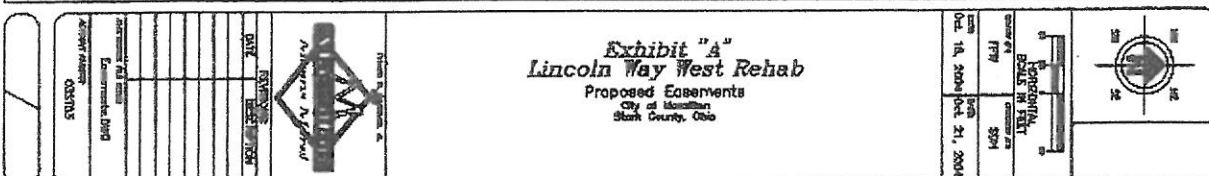
Notary Public

STATE OF OHIO
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 the City of Massillon, Ohio, a Ohio Municipal Corporation named herein and which executed the within instrument; that said instrument was signed on behalf of said municipal corporation by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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

Notary Public



EASEMENT

DRAFT

F & M Properties, an Ohio Partnership, of Massillon, Stark County, Ohio, Grantor, whose tax mailing address is P.O. Box 724 Massillon, Ohio 44648, Ohio, for valuable consideration paid and the agreements set forth below, grants to the City of Massillon, an Ohio Municipal Corporation, of Stark County, Ohio, Grantee, whose tax mailing address is 151 Lincoln Way East, Massillon, Ohio 44646, an easement for the construction and maintenance of a sanitary sewer, drainage culvert and slope easement, and all other appurtenances (collectively "facilities"), and the right to add to, operate, maintain, repair, replace or remove any facilities through the real property of Grantor as indicated by the hatched and crosshatched areas on Exhibit "A" attached hereto. Grantor further grants to Grantee a Temporary Construction Easement through the real property defined on Exhibit "A". The Temporary Construction Easement is outside the above noted easements. This area is to be improved as shown on Exhibit "B" attached hereto. 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 same 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 completion of the construction of

the facilities, restore any damaged areas to the condition existing prior to the occurrence of the damage.

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

Additionally, this grant is conditioned upon Grantees maintaining the easement right-of-way at its own expense; however, nothing herein shall be construed as requiring Grantees to maintain or assume any responsibility for the Grantor's use of its property.

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

Signed in the presence of:

F & M Properties
an Ohio Limited Partnership

By: _____
Mildred I. Kowell,
General Partner

City of Massillon, Ohio
an Ohio Municipal Corporation

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

STARK COUNTY

Before me, a Notary Public in and for said County and State, appeared **Mildred I. Kowell**, to me personally known who, being by me sworn, did say that he is respectively the General Partner of F & M Properties, an Ohio Limited Partnership, of Massillon, Ohio, that said instrument was signed on behalf of said corporation by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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

Notary Public

STATE OF OHIO
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 the City of Massillon, Ohio, a Ohio Municipal Corporation named herein and which executed the within instrument; that said instrument was signed on behalf of said municipal corporation by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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

Notary Public

[illegible]

CHARLES M. & CHARLOTTE ROHN
VOL 280 PG 730
Q.L. 113

MICHAEL J. KROBB
INSTR. 2001002533
O.L. 115

LOUIS C MURPHY
VOL 4003 PG 907
LOT No. 9785

LINCOLN WAY NW - 66' R/W

F & M PROPERTIES
INSTR. 200304170035031
O.L 127

	= EXISTING 10' SANITARY SEWER EASEMENT
	Y = TEMPORARY RIGHT OF WAY AGREEMENT
	= 20' SANITARY SEWER EASEMENT 10' ON EACH SIDE OF SANITARY SEWER

[illegible]

EASEMENT

Charles M. and Charlotte Rohn, of Massillon, Stark County, Ohio, Grantor, whose tax mailing address is 1244 Lincoln Way West Massillon, Ohio 44647, for valuable consideration paid and the agreements set forth below, grants to the City of Massillon, an Ohio Municipal Corporation, of Stark County, Ohio, Grantee, whose tax mailing address is 151 Lincoln Way East, Massillon, Ohio 44646, an easement for the construction and maintenance of a sanitary sewer, drainage culvert and slope easement, and all other appurtenances (collectively "facilities"), and the right to add to, operate, maintain, repair, replace or remove any facilities through the real property of Grantor as indicated by the hatched and crosshatched areas on Exhibit "A" attached hereto. Grantor further grants to Grantee a Temporary Construction Easement through the real property defined on Exhibit "A". The Temporary Construction Easement is outside the above noted easements. This area is to be improved as shown on Exhibit "B" attached hereto. 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 same 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 completion of the construction of

the facilities, restore any damaged areas to the condition existing prior to the occurrence of the damage.

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

Additionally, this grant is conditioned upon Grantees maintaining the easement right-of-way at its own expense; however, nothing herein shall be construed as requiring Grantees to maintain or assume any responsibility for the Grantor's use of its property.

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

Signed in the presence of:

By: _____
Charles M. Rohn

By: _____
Charlotte Rohn

City of Massillon, Ohio
an Ohio Municipal Corporation

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

STATE OF OHIO
STARK COUNTY

DRAFT

Before me, a Notary Public in and for said County and State, appeared **Charles M. Rohn and Charlotte Rohn**, to me personally known who, being by me sworn, did say that he is respectively the Owners of the real-estate, known as 1244 Lincoln Way West Massillon, Ohio, that said instrument was signed on his and her behalf by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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

Notary Public

STATE OF OHIO
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 the City of Massillon, Ohio, a Ohio Municipal Corporation named herein and which executed the within instrument; that said instrument was signed on behalf of said municipal corporation by authority of its council; and that said instrument is his free act and deed individually and the free act and deed of said municipal corporation.

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

Notary Public

