

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 98 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the annexation of certain contiguous territory owned by the City of Massillon, appointing Robert Sanderson as an Agent for the City as Petitioner, defining those City services to be provided to the Territory and directing the City Director of Law and the City Engineer to prosecute the proceedings necessary to effectuate such annexation and declaring the same to be an emergency.

WHEREAS, heretofore, for the purpose of promoting the recreational and economic development of the City of Massillon and the State of Ohio, the City of Massillon purchased certain territory situated in Stark County and contiguous to the boundaries of the City of Massillon; and

WHEREAS, the development of the territory for economic and recreational purposes can be accomplished only upon the annexation of said territory to the City of Massillon; and

WHEREAS, Ohio Revised Code Sections 709.14, 709.15 and 709.16(B) provide for an expedited annexation proceeding in those instances where the territory sought to be annexed is contiguous to the City boundaries and is located entirely within the same county as the municipal corporation; and

WHEREAS, Ohio Revised Code Section 709.16(B) provides:

“(B) If the only territory to be annexed is contiguous territory owned by the municipal corporation seeking annexation and if such territory is located entirely within the same county as the municipal corporation seeking annexation, upon receipt of the petition required by section 709.15 of the Revised code, the Board of County commissioners shall, by resolution, approve the annexation and make such adjustments of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the Board determines to be proper. The annexation shall be complete upon the entry pursuant to the board’s resolution, of an order upon the journal of the board authorizing such annexation.”;

and,

WHEREAS, Ohio Revised Code Section 709.14 requires as a condition to such annexation that the legislative authority adopt an ordinance authorizing the annexation to be made and directing the Director of Law or someone to be named in the ordinance to prosecute the proceedings necessary to effectuate the annexation; and

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon have found, considered and determined that the need to annex said territory to the City of Massillon in sufficient time for said territory to be economically developed constitutes an emergency requiring immediate action;

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

Section 1:

Robert Sanderson is hereby appointed Agent for the City as Petitioner and is directed to forthwith submit to the Stark County Board of County Commissioners a petition, on behalf of the City of Massillon, for the annexation of the contiguous territory hereinafter described, together with an accurate description of the territory (the "Territory") and an accurate map or plat thereof. Robert Sanderson, with the assistance of John D. Ferrero, Jr., Director of Law, or such attorney-at-law as Mr. Ferrero shall designate, shall also prosecute the proceedings necessary to effectuate the annexation, including any action including prosecution of an injunction, mandamus, appeal, or other appropriate action in a Court of Competent Jurisdiction. The Territory to be annexed is described on Exhibit A which is made a part hereof and incorporated herein by reference.

Section 2:

The City of Massillon will extend to the Territory, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, including, but not limited to, the services of the Municipal fire Department, services of the Municipal Service Department, services of the engineering Department, services of the Building Department, services of the Safety Department, services of the Street Department, services of the Planning Department, services of the health Department, services of the Sewer Department and services of the city of Massillon Administration.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the more efficient operation of the City of Massillon, Ohio, and necessary for the reason that an expedited annexation is required to enable said territory to be economically developed. This Ordinance, having received the affirmative vote of at least two-thirds of the elected members of Council, shall take effect and be in force immediately upon its journalization and approval by the Mayor.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2001

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DENNIS D. HARWIG, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

**PETITION  
BY CITIZENS FOR THE SIPPO VALLEY TRAIL, SECTION B  
ANNEXATION TO THE CITY OF MASSILLON, OHIO**

TO THE COMMISSIONERS OF STARK COUNTY, STATE OF OHIO:

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, Stark County, Ohio.

Situated in the township of Tuscarawas, County of Stark, and State of Ohio, and known as and being part of Sections 4,5,6,7, and 8, Township 12, (Tuscarawas), Range 10, and more fully bounded and described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 4, Tuscarawas Township; said point also being on the centerline of Manchester Ave. (State Route 93) and being the true place of beginning;

Thence S 02°47'00" W, along said centerline and section line, a distance of 66.00 feet to a point; said point also being the Northeast corner of a tract of land currently or formerly owned by William and Nancy Rohr;

Thence along said Rohr tract, on a bearing of N89°25'00" W a distance of 2691.93 feet to a point, said point being on the west line of said Quarter Section and the centerline of Ben Fulton Ave.;

Thence along the North line of a tract of land currently or formerly owned by Mark and Rebecca Princehorn, on a bearing of N 89°25'00" W a distance of 2673.00 feet to a point, said point lying on the West line of Section 4, Tuscarawas Township;

Thence continuing along the North line of a tract of land currently or formerly owned by William and Vicki Rohr on a bearing of N 89°25'00" W a distance of 1329.79 feet to a point;

Thence along a curve to the left through a central angle of 42°17'16" an arc distance of 2794.91 feet a chord bearing of S 69°28'38" W a chord distance of 2731.90 feet to a point, said point lying on the west line of a tract of land currently or formerly owned by Brian and Julie Burrow;

Thence along said Burrow property the following courses:

S 48°20'00" W a distance of 115.83 feet to a point;

S 41°40'00" E a distance of 17.00 feet to a point;

Along a curve to the left through a central angle of  $11^{\circ}00'57''$  an arc distance of 1098.69 feet a chord bearing of  $S 42^{\circ}03'04'' W$  a chord distance of 1097.00 feet to a point,

Thence  $S 37^{\circ}08'43'' W$ , along the west line of a tract of land currently or formerly owned by Lester and Cynthia King, and passing over the South line of Section 5, a distance of 1066.89 feet to a point; said point lying on the west line of the Northwest Quarter Section 8 and the East line of Section 7, Tuscarawas Township;

Thence along the westerly line of a tract of land currently or formerly owned by Albert J. Ruegg the following courses:

$S 35^{\circ}49'37'' W$  a distance of 1085.21 feet to a point;

Along a curve to the right through a central angle of  $22^{\circ}01'29''$  an arc distance of 1120.51 feet a chord bearing of  $S 48^{\circ}28'26'' W$  a chord distance of 1113.62 feet to a point;

Along a curve to the left through a central angle of  $34^{\circ}45'25''$  an arc distance of 374.45 feet a chord bearing of  $S 22^{\circ}23'19'' W$  a chord distance of 368.74 feet to a point;

Along a curve to the left through a central angle of  $87^{\circ}06'41''$  an arc distance of 762.73 feet a chord bearing of  $S 38^{\circ}32'44'' E$  a chord distance of 691.36 feet to a point on the South line of the North half of Section 7;

Thence along said section line, on a bearing of  $S 89^{\circ}25'00'' E$  a distance of 1037.64 feet to a point on the East line of section 7, said point also being the Southwest corner of the Northwest Quarter Section 8;

Thence continuing along the South line of said section on a bearing of  $S 89^{\circ}25'00'' E$  a distance of 1787.89 feet to a point, said point lying on the South line of a tract of land currently or formerly owned by Albert J. Ruegg;

Thence along the West line of a tract of land currently or formerly owned by Kim and Carrie Kreiger the following courses:

A curve to the right through a central angle of  $88^{\circ}09'31''$  an arc distance of 913.48 feet a chord bearing of  $S 42^{\circ}24'50'' E$  a chord distance of 826.00 feet to a point ;

$S 02^{\circ}47'00'' W$  a distance of 108.10 feet to a point;

Thence along a curve to the left through a central angle of  $60^{\circ}55'41''$  an arc distance of 588.79 feet a chord bearing of  $S 28^{\circ}47'55'' E$  a chord distance of 561.43 feet to a point; said point lying on the East line of the Southwest Quarter Section 8, said East line also being the centerline of Alabama Avenue;

Thence along said centerline on a bearing of  $S 02^{\circ}01'46'' W$  a distance of 45.90 feet to a point; said point being in the right of way of Lincoln Street (State Route 172);

Thence  $N 57^{\circ}18'37'' W$  a distance of 10.77 feet to a point;

Thence along the east line of a parcel of land currently or formerly owned by Wain and Norma Neuenschwander the following courses:

A curve to the right through a central angle of  $62^{\circ}01'00''$  an arc distance of 642.60 feet a chord bearing of  $N 29^{\circ}28'12'' W$  a chord distance of 613.28 feet to a point;

$N 02^{\circ}47'00'' E$  a distance of 108.10 feet to a point;

A curve to the left through a central angle of  $88^{\circ}24'10''$  an arc distance of 854.29 feet a chord bearing of  $N 42^{\circ}32'10'' W$  a chord distance of 772.04 feet to a point;

Thence  $N 89^{\circ}25'00'' W$  a distance of 1785.67 feet to a point, said point lying on the West line of the Southwest Quarter Section 8 and also being the Northeast corner of a tract of land currently or formerly owned by Walter and Alice Harrold;

Thence continuing along said Harrold tract, on a bearing of  $N 89^{\circ}25'00'' W$  a distance of 1040.42 feet to a point;

Thence along a curve to the right through a central angle of  $87^{\circ}00'30''$  an arc distance of 823.88 feet a chord bearing of  $N 38^{\circ}33'47'' W$  a chord distance of 746.73 feet to a point;

Thence along a tract of land currently or formerly owned by Timothy Blosser the following courses:

A curve to the right through a central angle of  $26^{\circ}54'32''$  an arc distance of 308.69 feet a chord bearing of  $N 18^{\circ}27'53'' E$  a chord distance of 305.86 feet to a point;

A curve to the left through a central angle of  $00^{\circ}56'37''$  an arc distance of 48.01 feet a chord bearing of  $S 61^{\circ}50'37'' W$  a chord distance of 48.01 feet to a point;

$N 00^{\circ}05'21'' E$  a distance of 19.20 feet to a point;

A curve to the right through a central angle of  $08^{\circ}38'11''$  an arc distance of 436.81 feet a chord bearing of  $S 66^{\circ}27'27'' W$  a chord distance of 436.40 feet to a point;

$S 69^{\circ}27'07'' W$  a distance of 88.41 feet to a point; said point lying on the west line of Section 7 and also being the centerline of Deerfield Avenue, and the Stark/Wayne County line;

Thence along said centerline  $N 00^{\circ}44'17'' E$  a distance of 70.56 feet to a point, said point being the Southwest corner of a tract of land currently or formerly owned by Ira and Evelyn Forrer;

Thence along said Forrer tract and a tract currently or formerly owned by Seth and Darla Everhart the following courses:

$N 69^{\circ}27'07'' E$  a distance of 63.58 feet to a point;

A curve to the left through a central angle of  $47^{\circ}40'00''$  an arc distance of 2356.00 feet a chord bearing of  $N 46^{\circ}57'00'' E$  a chord distance of 2288.64 feet to a point;

Thence along the east line of two tracts of land currently or formerly owned by Canton Baptist Temple the following courses:

$N 23^{\circ}07'00'' E$  a distance of 160.77 feet to a point;

A curve to the right through a central angle of  $12^{\circ}27'35''$  an arc distance of 630.19 feet a chord bearing of  $N 29^{\circ}20'47'' E$  a chord distance of 628.95 feet to a point (passing over the North line of Section 7); said point lying on the East line of Section 6;

Thence along said Section line  $N 03^{\circ}12'55'' E$  a distance of 31.54 feet to a point;

Thence along a tract of land currently or formerly owned by Elwood and Wilda Horst the following courses:

A curve to the right through a central angle of  $12^{\circ}14'31''$  an arc distance of 622.81 feet a chord bearing of  $N 42^{\circ}12'45'' E$  a chord distance of 621.62 feet to a point;

$N 48^{\circ}20'00'' E$  a distance of 458.00 feet to a point;

$S 41^{\circ}40'00'' E$  a distance of 17.00 feet to a point;

$N 48^{\circ}20'00'' E$  a distance of 817.50 feet to a point;

A curve to the right through a central angle of 22°16'41" an arc distance of 1498.08 feet a chord bearing of N 59°28'20" E a chord distance of 1488.66 feet to a point, said point lying on the East line of the Southwest Quarter Section 5, and also being the centerline of Alabama Avenue;

Thence along said centerline N 02°46'00" E a distance of 231.78 feet to a point, said point being the Northwest corner of the Southeast Quarter of Section 5 and the south line of a tract of land currently or formerly owned by Mutchler Farms Ltd.;

Thence along the North line of said Southeast Quarter Section, on a bearing of S 89°25'00" E a distance of 1312.66 feet to a point;

Thence along said Quarter Section line, on a bearing of S 89°25'00" E a distance of 1332.28 feet to a point, said point lying on the East line of Section 5, and the North line of the Southwest Quarter Section 4;

Thence along said Quarter Section Line on a bearing of S 89°25'00" E a distance of 2673.00 feet to a point on the centerline of Ben Fulton Avenue, said point also being the Northwest corner of the Southeast Quarter Section 4;

Thence along the North line of said Quarter Section on a bearing of S 89°25'00" E a distance of 2691.93 to a point; said point being the Northeast corner of the Southeast Quarter Section 4 and being the true place of beginning.

This description contains former railroad property deeded to the City of Massillon from the Wheeling and Lake Erie Railroad by Imaging Record Number 1995055122 of the Stark County Records.

The parcel herein described contains 38.2692 calculated acres, more or less, of which:

- 4.0757 acres lie in Southeast Section 4,
- 4.0470 acres lie in Southwest Section 4,
- 6.3436 acres lie in Southeast Section 5,
- 10.8075 acres lie in Southwest Section 5,
- 0.5371 acres lie in South half Section 6,
- 7.9377 acres lie in North half Section 7,
- 1.0311 acres lie in South half Section 7,
- 0.3115 acres lie in Northwest Section 8,
- 3.1780 acres lie in Southwest Section 8,

and all being in Tuscarawas Township, Stark County, Ohio.

Robert Sanderson, 13277 Fern Ave. N.W., Hartville, Ohio, is hereby appointed agent for the undersigned petitioners as required RC 709.02 with full power and authority hereby granted to said agent to amend, alter, change, withdraw, refile, substitute, and to take any



action necessary for obtaining the granting of this petition. Said amendment, compromise, increase or deletion, or other things for granting this petition shall be made in the petition, description, and/or plat by said agent without further expressed consent of the petitioners.

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