

# FRANK CONNER REALTY, INC.

## COMMERCIAL SPECIALIST

2049 - 27th Street

Cuyahoga Falls, Ohio 44223

April 11, 1984

City of Massillon  
Mr. Anne Abby  
100 City Hall Street  
Massillon, Oh 44646

Re: 1230 Lincolnway East

Dear Mr. Abby:

Please refer to the site plan review meeting held on April 3, 1984 for the development of a Rax restaurant on the subject property. One item discussed was the driveway easement in the northwest corner of the property.

I have researched the records back to December 30, 1930 for city lot #9559 also known as 134 Wales Road, and I can find no record of an easement concerning this property. None of the seven property transfers from 1930 to May 30, 1974 mentioned an easement. Enclosed for your review is a copy of the Deed from Miller et al. to Eva D. Hansen.

I have discussed this information with Mr. Al Dessecker (832-9102), the manager of Hansen's property and have asked him to send me a copy of the driveway easement, if there is an existing document. To date, no correspondence has been recieved from any party.

The title company indicated the ten foot driveway easement encumbers city lot #9557 and #9558, both owned by Food Franchises Inc. If you have any questions, please give me a call. Thank you.

Sincerely,

  
Frank E. Conner

FEC:ac

Encl.

cc: Mr. Deke De Klyn  
Mr. Al Dessecker

**Know All Men by These Presents**

**That** MARGARET ANN MILLER aka. MARGARET A. MILLER, A Widow and not remarried and  
SUETTA ALINE WERNER AND JEROME N. WERNER, Husband and Wife,

of

County, Ohio,

in consideration of ONE and no/hundredths Dollars (\$1.00) -----

to ourselves in hand paid by EVA D. HANSEN, a Widow and not remarried,

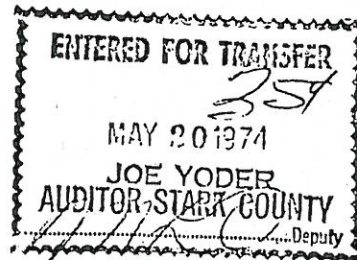
whose address is 1220 Stuart, N.W., Massillon, Ohio 44646

do hereby Grant, Bargain Sell and Convey

to the said EVA D. HANSEN

her heirs

and assigns forever, the following described Real Estate,<sup>(1)</sup> Situated in the City of Massillon,  
County of Stark and State of Ohio and known as and being Lot Number 9559 in said  
City of Massillon, Ohio.



and all the Estate, Right, Title and Interest of the said grantors in and to said premises; To have and  
to hold the same, with all the privileges and appurtenances thereunto belonging, to said grantee, her

heirs and assigns forever. And the said grantors

do hereby Covenant and Warranty that the title so conveyed is Clear, Free and Unin-  
cumbered, and that they will Defend the same against all lawful claims of all persons whomsoever.

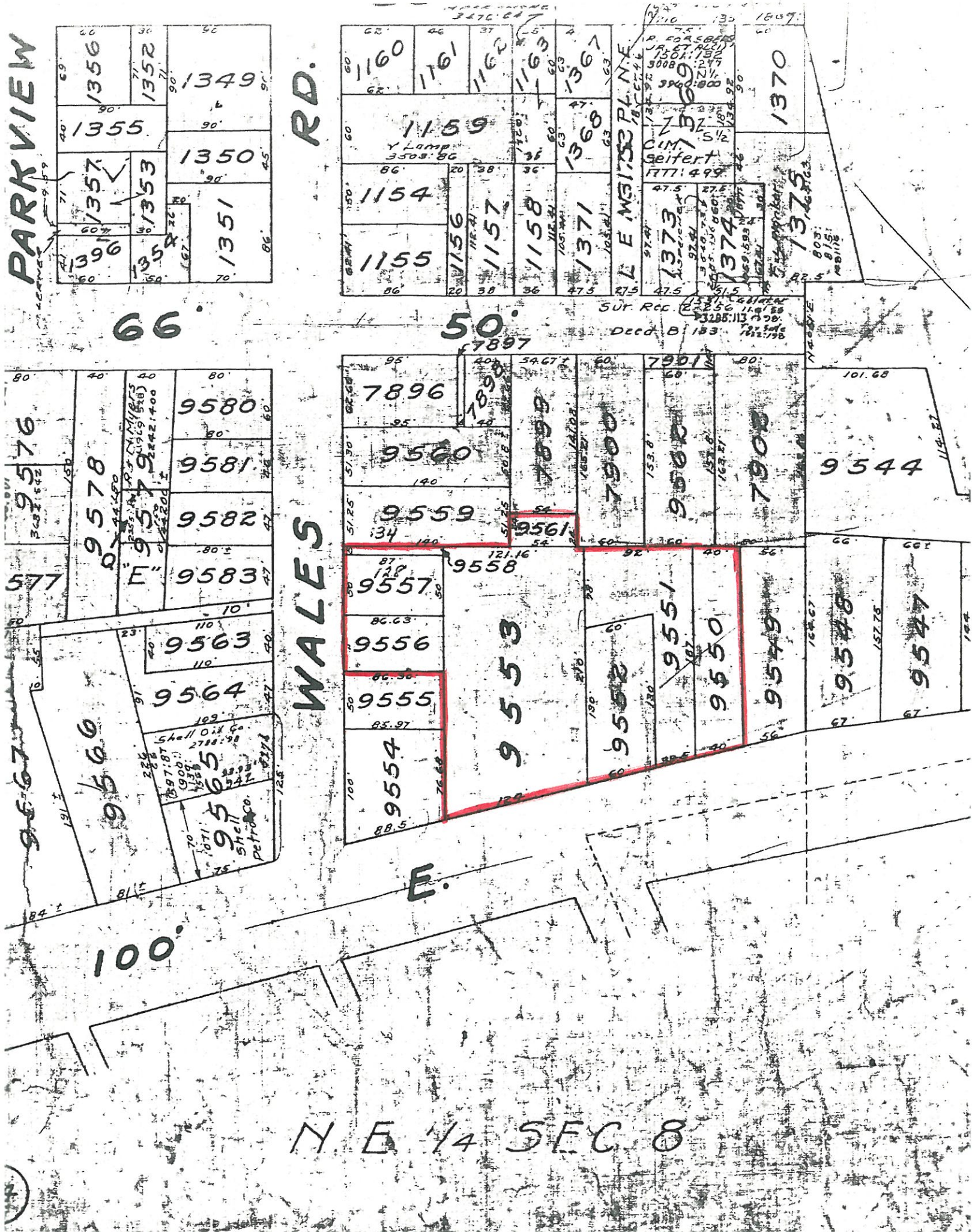
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# WALE\$

E.

N. E. 1/4 SEC 8







# THE FOLLOWING TO BE COMPLETED BY APPLICANT

1. Name of Sponsor of Development RAX RESTAURANTS (FOOD FRANCHISE INC)  
Address MANFIELD OHIO Phone 216 4941007
2. Name of Site Planner WOLFGANG DOERSCHLAG ARCHITECT  
Address 850 MICHIGAN AVE COLUMBUS, OH Phone 614 2210840
3. Location of Development 1230 LINCOLN WAY EAST
4. Description of Development: ☒ New ☐ Addition
5. Name of Development (if any) RAX RESTAURANT
6. The following data must be included on all site plans submitted for review and processing.

Office Use	
Yes	No

- a. Description of site (metes and bounds description or lot numbers).
- b. Topography at two foot contour intervals for entire site and area within one hundred feet of the site.
- c. Area of site (in square feet or acres).
- d. Date, northpoint and scale (scale shall not be less than 1" = 50' if subject property is less than 3 acres, and 1" = 100' if more than three acres).
- e. Dimensions on all property lines, setbacks, etc.
- f. The location of all existing structures and proposed structures on subject property.
- g. The location of all existing structures within 100' of the subject property.
- h. The location of all existing and proposed drives, parking areas, number of parking spaces, greenbelt screening and walls.
- i. The location and right-of-way widths of all abutting streets and alleys.
- j. Loading and unloading areas.
- k. Type and location of any outside storage.

The Site Plan Review Committee met Tuesday, April 3, 1984, at 10:30 A.M., in the Mayor's Conference Room.

Members present: Mayor Demmer, Safety-Service Director Willoughby, City Engineer Wagoner, Building Inspector Lash, and Assistant Planning Director Aaby.

The purpose of the meeting was to review the site plan for the construction of a new building to house Rax Restaurant, to be located at 1230 Lincoln Way East. The project developer is Food Franchise, Inc. of Mansfield, Ohio.

The following items were discussed during the plan review:

1. Mr. Wagoner pointed out that the fence screening the off-street parking area from the residential land to the rear does not extend all the way across the north side of the site, but instead runs only from the north-east corner westerly about halfway to where the trash receptacles are located. Fred Olivieri, representing Rax Restaurants, responded that the western half of the site is proposed for future development and that the fence will be extended at that time.
2. Mr. Wagoner asked about the status of the five foot easement along the north property line. A question had arisen about the rights of the adjacent property owner to the north to utilize this easement. Mr. Olivieri said he would check into this matter.
3. Mr. Aaby pointed out that Lot No. 9561, a small 54' x 24' lot at the north end of the site, is zoned R-1 Single Family Residential. The site plan indicates that this area will be used for storage of the restaurant trash receptacles. Because this lot is zoned for single family use, it cannot be used for any accessory business use, including trash storage. In order to utilize this lot for this project, the developers will have to have it rezoned. Rezoning, however, will not prevent building construction to proceed.
4. Mr. Wagoner stated that left turn lanes for eastbound traffic along Lincoln Way East may be a problem for the restaurant. Mr. Olivieri responded that of the two access drives off Lincoln Way, the one west of Pine Street will be "exit only". The drive east of Pine shall be the entrance driveway, and this should help limit congestion caused by left turns into the restaurant.
5. Mr. Wagoner stated that there should be no drainage problem as there is a storm sewer in the area. Mr. Lash stated that recent changes in the State Plumbing Code may require changes to the plumbing plans for the restaurant.
6. Mr. Olivieri stated that although the western portion of the site will be developed at a future date, the access drive off Wales Road will still be asphalt paved.

Mayor Demmer made a motion to approve the site plan and proceed with construction of the building, with the understanding that the developer will apply for rezoning of the small lot. Seconded by Director Willoughby, the motion carried.

There being no further business to come before the Committee, the meeting adjourned at 11:10 A.M.

Date: April 3, 1987

Clerk: Rane Labz

Approved: Scott F. Hoagman