

**North Canton City Council Notice
Committee of the Whole Agenda
Monday, May 16, 2016 – 7:00 p.m.**

North Canton City Council will meet as a Committee of the Whole **Monday, May 16, 2016, 7:00 p.m. Council Meeting** in Council chambers at North Canton City Hall.

Items to be discussed.

1. Community and Economic Development Committee

Chairperson: Marcia Kiesling
Vice Chairperson: Mark Cerreta
Doug Foltz
Dominic Fonte
Dan Griffith
Daniel Peters
Stephanie Werren

Continuing discussion of tabled Ordinance No. 32 – 2016, the Community Reinvestment Area boundaries.

2. Ordinance, Rules and Claims Committee

Chairperson: Stephanie Werren
Vice Chairperson Doug Foltz
Mark Cerreta
Dominic Fonte
Dan Griffith
Marcia Kiesling
Daniel Peters

A resolution designating the Dogwood tree as the City's tree.

3. Park and Recreation Committee

Chairperson: Doug Foltz
Vice Chairperson: Stephanie Werren
Mark Cerreta
Dominic Fonte
Dan Griffith
Marcia Kiesling
Daniel Peters

Discussion of the dog park and community gardens near the Little League fields.

4. Street and Alley Committee

Chairperson: Dominic Fonte
Vice Chairperson: Daniel Peters
Mark Cerreta
Doug Foltz
Dan Griffith
Marcia Kiesling
Stephanie Werren

- (a) An ordinance approving, confirming, and accepting a perpetual public fire hydrant and waterline easement for the real property known as part of Parcel No. 9208743, and being part of Out Lot No. 200, by and between the City of North Canton, and Ohio charter municipal corporation ("City"), Grantee, and Jan D Walther Irrevocable Trust, Grantor, and declaring the same to be an emergency.
- (b) An ordinance authorizing the vacation of a portion of Orchard Street NE and Witwer Street NE, located within the corporate limits of the City of North Canton.
- (c) Discussion of solar speed signs.

Mary Beth Bailey
Clerk of Council

North Canton City Council
Street and Alley Committee

Ordinance No. - 2016

An ordinance approving, confirming, and accepting a perpetual public fire hydrant and waterline easement for the real property known as part of Parcel No. 9208743, and being part of Out Lot No. 200, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Jan D Walther Irrevocable Trust, Grantor, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That a perpetual public fire hydrant and waterline easement for the real property known as Parcel No. 9208743, by and between the City, Grantee, and Jan D Walther Irrevocable Trust, Grantor, be, and the same is hereby approved, confirmed and accepted.
- Section 2. That the easement is more fully described in documents attached hereto, which are incorporated herein as if fully rewritten herein.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely completion hydrant and waterlines to be installed, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

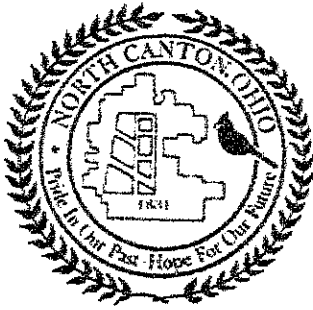
Passed in Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council



City of NORTH CANTON, OHIO

145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587

RECEIVED

MAY 05 2016

ADMINISTRATION
NORTH CANTON, OHIO

LEGISLATION REQUEST

May 3, 2016

To: **Daniel Jeff Peters, President**
City Council

Subject: **Public Utility Easement**

Requested By: *J. B. ...*
City Engineer

Date: 5/4/16

Approved By: *[Signature]*
Director of Administration

Date: 5/5/16

Requesting legislation accepting one (1) Perpetual Public Fire Hydrant and Water Line Easement on part of Parcel No. 92-08743. (See Attached)

EMERGENCY REQUESTED: Yes X No

RECEIVED

MAY 05 2016

COUNCIL OFFICE
NORTH CANTON, OHIO

**PERPETUAL PUBLIC FIRE HYDRANT
And WATER LINE EASEMENT
Parcel No.: 9208743**

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Jan D. Walther Irrevocable Trust, GRANTOR, does hereby give and grant unto THE CITY OF NORTH CANTON, an Ohio municipal corporation, GRANTEE, a perpetual easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will a potable water main; and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain water mains, connections, pipes and appurtenances in accordance with the ordinances, rules, and regulates of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from such utility and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

SEE ATTACHED EXHIBIT "A"

It is agreed by and between Grantor and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the utility and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantor, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantor, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantor to place driveways, parking areas, or walkways in said easement. Grantor shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantor may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantor shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.

6. That this grant shall be binding upon the Grantor and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.
7. That Grantor covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantor further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
8. That this easement is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this Perpetual Public Fire Hydrant and Water Line Easement this 2nd day of May, 2016.

GRANTOR(S):

Jan D. Walther Irrevocable Trust

By: Jan D. Walther, Trustee

Jan D. Walther, Trustee
(Signed Name)

NOTARY:

STATE OF OHIO)
) SS:
COUNTY OF Stark)

Before me, a Notary Public in and for said County, personally appeared Jan D. Walther, Trustee for the Jan D. Walther Irrevocable Trust who acknowledged that they did sign the foregoing instrument and that it is their free act and deed.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 2nd Day of May, 2016.

Jill Fitch
Notary Public



Jill Fitch
Notary Public, State of Ohio
My Commission Expires 11-19-2017

This instrument prepared by: City of North Canton
145 North Main Street
North Canton, OH 4720

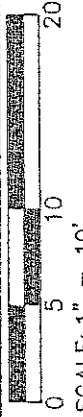
PROP. PUBLIC FIRE HYDRANT & WATERLINE EASE.
LOCATED IN THE CITY OF NORTH CANTON



COOPER & ASSOCIATES, LLP
ENGINEERS AND SURVEYORS
1355 MARKET AVE. NORTH
CANTON, OHIO 44714

PHONE: (330) 452-5731

SCALE: 1" = 10'
DRAWN BY: JMG
CHECKED BY: JEG

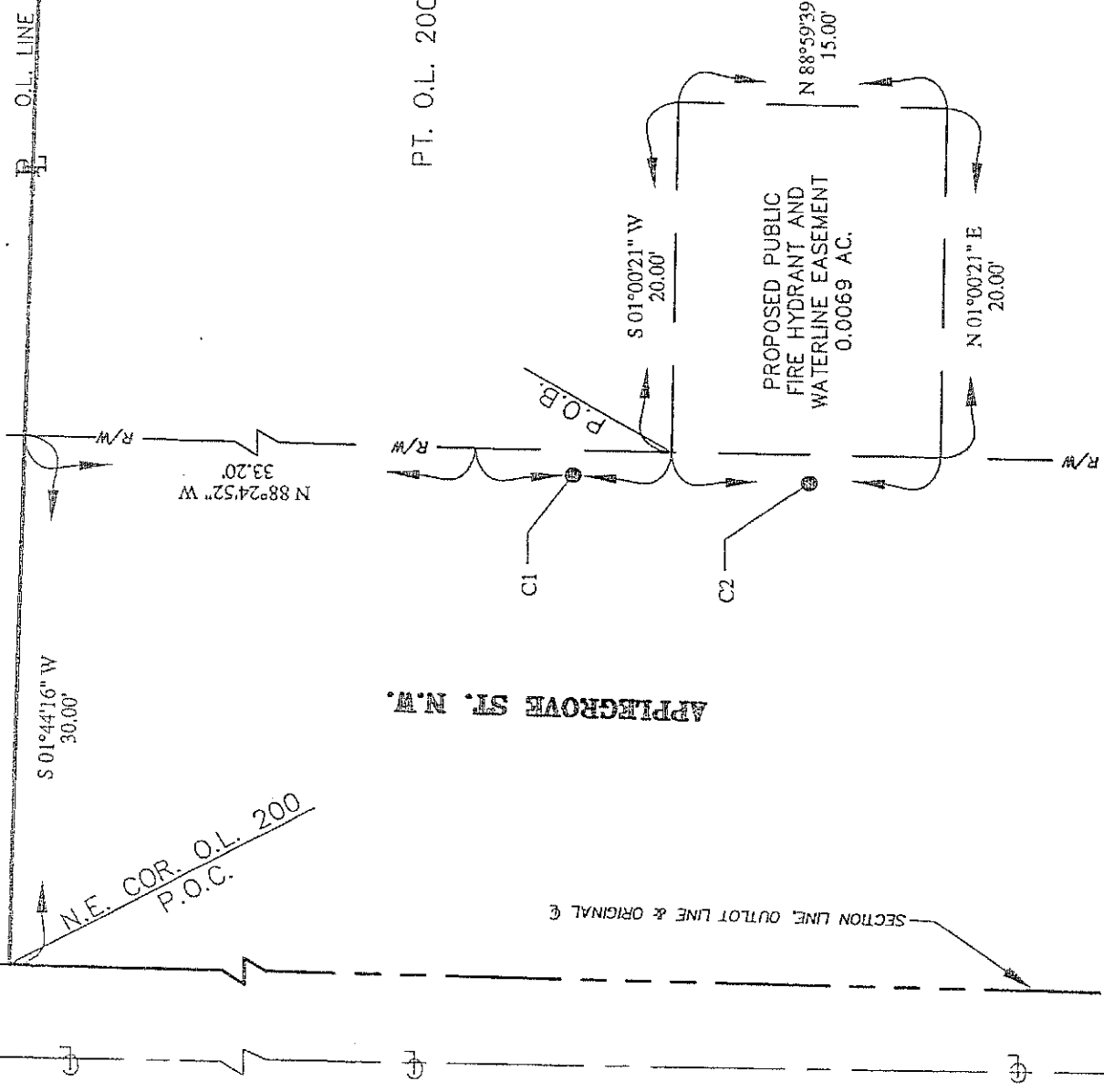


PN 9208743
WALTHER, JAN D. TRUSTEE/
JAN D WALTHER IRREVOCABLE TRUST
R.I. NO. 2012/12280059701
4.99 AC

PT. O.L. 200

APPLINGROVE ST. N.W.

PROPOSED PUBLIC
FIRE HYDRANT AND
WATERLINE EASEMENT
0.0069 AC.



CURVE 'C1' DATA:

L = 10.90'
R = 22883.31
Δ = 00°01'38"
T = 5.45'
Ch = 10.90'
ChBrg = N88°57'42"W

CURVE 'C2' DATA:

L = 15.00'
R = 22883.31
Δ = 00°02'15"
T = 7.50'
Ch = 15.00'
ChBrg = S88°59'39"E

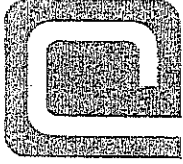
N.E. COR. O.L. 200
P.O.C.

S 01°44'16" W
30.00'

N 88°24'52" W
33.20'

SECTION LINE, OUTLOT LINE & ORIGINAL

O.L. LINE



1359 Market
Avenue North
Canton, Ohio 44714

Bryan J. Ashman P.E.
Jerald E. Geib P.S.

Cooper & Associates, LLP / ENGINEERS & SURVEYORS
Phone 330-452-5731 Fax: 330-452-9110 www.Cooperllp.com

October 29, 2015

EXHIBIT 'A'

**DESCRIPTION OF A 0.0069 ACRE
FIRE HYDRANT & WATERLINE EASEMENT**

PART OF PARCEL NO. 92-08743

Known as and being part of Out Lot 200 (Parcel #92-08743), a 4.99 acre tract of land, as situated in part of the City of North Canton, Stark County, Ohio and presently owned by Jan D. Walther, Trustee/Jan D. Walther Irrevocable Trust and recorded in Stark County Records Instrument Number 2012/12280059701 and being more particularly bounded and described as follows.

Beginning for the same, at a point on the original centerline of Applegrove Street NW, a public roadway of variable widths, at the northeast corner of said Out Lot 200. Thence $S01^{\circ}44'16''W$, along a portion of the east line of said Out Lot 200, a distance of 30.00 feet to a point on the south right-of-way line of said Applegrove Street NW.

1. Thence $N88^{\circ}24'52''W$, along a portion of the south line of said Applegrove Street NW, a distance of 33.20 feet, to a point of curvature;
2. Thence continuing along a portion of said right-of-way line, on an arc of a curve to the right, in a westerly direction with said curve having a central angle of $00^{\circ}01'38''$, a radius of 22,883.31 feet, a tangent distance of 5.45 feet and an arc length of 10.90 feet, a distance of 10.90 feet, to a point and being the **true place of beginning** for the Hydrant & Waterline Easement herein to be described (last stated curved course has a chord bearing and distance of $N88^{\circ}57'42''W - 10.90$ feet);
3. Thence $S01^{\circ}00'21''W$, along a portion of the east line of the proposed Hydrant & Waterline Easement, a distance of 20.00 feet to a point;
4. Thence $N88^{\circ}59'39''W$, along the south line of the proposed Hydrant & Waterline Easement, a distance of 15.00 feet to a point;

5. Thence $N01^{\circ}00'21''E$, along the west line of the proposed Hydrant & Waterline Easement, a distance of 20.00 feet, to a point on the said south right-of-way line of Applegrove Street NW;
6. Thence along a portion of said right-of-way line, on an arc of a curve to the left, in an easterly direction with said curve having a central angle of $00^{\circ}02'15''$, a radius of 22,883.31 feet, a tangent distance of 7.50 feet and an arc length of 15.00 feet, a distance of 15.00 feet to a point and being the **true place of beginning** for the Hydrant & Waterline Easement herein described (last stated curved course has a chord bearing and distance of $S88^{\circ}59'39''E - 15.00$ feet);

The above defined Hydrant & Waterline Easement contains 0.0069 acre of land more or less (300 SF).

As determined by Jerold E. Geib, PS #6725 of Cooper & Associates, LLP in November of 2015.

Subject to any and all easements, reservations, or restrictions that may be of record pertaining to the above described tract of land.

Statement of Reason for Exemption From Real Property Conveyance Fee

DTE 100EX
Rev. 1/14

Ohio Revised Code section 319.202 and 319.54(G)(3)

FOR COUNTY AUDITOR'S USE ONLY

			Date	Co. no.	Number
Instr.	Tax. district no.	Tax list	Land	Bldg.	Total 0.00

DTE code number _____ Split/new plat _____ Remarks _____

Property located in _____ taxing district

Name on tax duplicate _____ Tax duplicate year _____

Acct. or permanent parcel no. _____ Map book _____ Page _____

Description _____

The Following Must Be Completed by Grantee or His/Her Representative

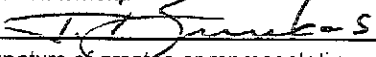
Type or print all information. See instructions on reverse.

1. Grantor's name Jan D. Walther Irrevocable Trust Phone _____
2. Grantee's name City of North Canton Phone (330) 499-3465
Grantee's address 145 North Main Street, North Canton, Ohio 44720
3. Address of property iParcel #9208743 (Pt. O.L. 200 in the City of North Canton, Stark Co., Ohio)
4. Tax billing address _____

5. No conveyance fees shall be charged because the real property is transferred:
- _____ a) to or from the United States, this state or any instrumentality, agency or political subdivision of the United States or this state.
 - _____ b) solely in order to provide or release security for a debt or obligation.
 - _____ c) to confirm or correct a deed previously executed and recorded.
 - _____ d) to evidence a gift, in any form, between husband and wife, or parent and child, or the spouse of either.
 - _____ e) on sale for delinquent taxes or assessments.
 - _____ f) pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order.
 - _____ g) pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation.
 - _____ h) by a subsidiary corporation to its parent corporation for no consideration, nominal consideration or in sole consideration of the cancellation or surrender of the subsidiary's stock.
 - _____ i) by lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever.
 - _____ j) when the value of the real property or interest in real property conveyed does not exceed \$100.
 - _____ k) of an occupied residential property being transferred to the builder of a new residence when the former residence is traded as part of the consideration for the new residence.
 - _____ l) to a grantee other than a dealer in real property, solely for the purpose of and as a step in, its prompt sale to others.
 - _____ m) to or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate and the transaction is not a gift.
 - _____ n) to an heir or devisee, between spouses or to a surviving spouse, from a person to himself and others, to a surviving tenant, or on the death of a registered owner.
 - _____ o) to a trustee acting on behalf of minor children of the deceased.
 - p) of an easement or right-of-way when the value of the interest conveyed does not exceed \$1,000.
 - _____ q) of property sold to a surviving spouse pursuant to Ohio Revised Code section (R.C.) 2106.16.
 - _____ r) to or from an organization exempt from federal income under Internal Revenue Code section 501(c)(3), provided such transfer is without consideration and is in furtherance of the charitable or public purpose of such organization.
 - _____ s) among the heirs at law or devisees, including a surviving spouse of a common decedent, when no consideration in money is paid or to be paid for the real property.
 - _____ t) to a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust.
 - _____ u) to the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets.
 - _____ v) to the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or pursuant to trust provisions that became irrevocable at the death of the grantor.
 - _____ w) to a corporation for incorporation into a sports facility constructed pursuant to R.C. section 307.696[307.69.6].
 - _____ x) between persons pursuant to R.C. section 5302.18.
 - _____ y) from a county land reutilization corporation organized under R.C. section 1724 to a third party.

6. Has the grantor indicated that this property is entitled to receive the senior citizen, disabled person or surviving spouse homestead exemption for the preceding or current year? Yes No If yes, complete form DTE 101.
7. Has the grantor indicated that this property is qualified for current agricultural use valuation for the preceding or current tax year? Yes No If yes, complete form DTE 102.
8. Application for owner-occupancy (2.5% on qualified levies) reduction. (Notice: Failure to complete this application prohibits the owner from receiving this reduction until another proper and timely application is filed.) Will this property be grantee's principal residence by Jan. 1 of next year? Yes No If yes, is the property a multi-unit dwelling? Yes No

I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief it is a true, correct and complete statement.

Signature of grantee or representative  Date 5/3/16

North Canton City Council
Street and Alley Committee

Ordinance No. - 2016

An ordinance authorizing the vacation of a portion of Orchard Street NE and Witwer Street NE, located within the corporate limits of the City of North Canton.

WHEREAS, the parcel owners, pursuant to Ohio Revised Code 713.02, initiated said vacation of a portion of Orchard Street NE and Witwer Street NE; and

WHEREAS, North Canton City Council, upon public hearing, is satisfied that there is a good cause for such vacation, that the portion vacated is no longer needed by North Canton, and that the vacation will not be detrimental to the general interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That said portions of Orchard Street NE and Witwer Street NE, from Witwer Street NE to Hower Street NE; and a portion of Witwer Street NE from North Main Street to Orchard Street NE, located within the corporate limits of the City of North Canton, be, and the same are hereby vacated.
- Section 2. That the vacation plat is on file in the Engineer's Office, who shall record the vacation at the Stark County Recorder's Office upon the effective date of this ordinance.
- Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2016

David Held, Mayor

Signed: _____, 2016

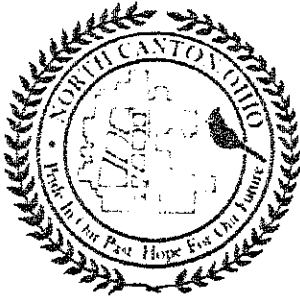
ATTEST:

Mary Beth Bailey, Clerk of Council

RECEIVED

APR 08 2016

ADMINISTRATION
NORTH CANTON, OHIO



City of NORTH CANTON, OHIO

145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587
(330) 499-3465

PLANNING COMMISSION

TO: / All Council Members
Mary Beth Bailey
Applicant

Re: **Planning Commission Actions** – Meeting of Wednesday, April 6, 2016

Members Present: Tom Serra (Vice Chair acting as Chairman), Jerry Geib, Peter Volas, Gary Fry,
Members Absent: J. Dennis Flechtner
Also in Attendance: Michael Grimes, Eric Bowles, Tim Fox

- Minutes of the December 9, 2015 meeting were submitted and **TABLED** for further review.

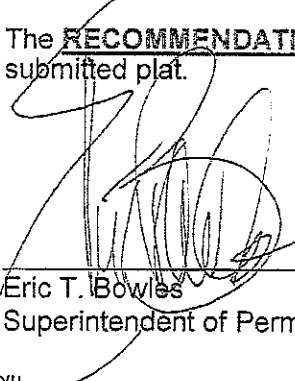
The remainder of the agenda followed:

- The agenda was amended to include nominating a member of the Planning Commission to serve on the CRA Housing Council for a 3 year term. Mr. Flechtner was nominated and seconded and has agreed to serve on the CRA Housing Council for that term.

PC 601-16VA Application for vacation of a portion of Orchard Ave NE and Witwer St NE
Submitted by Maple Street Commerce, LLC

VOTE: 4-Yes, 0-No

The **RECOMMENDATION** to City Council from Planning Commission is **to vacate** as represented on submitted plat.


Eric T. Bowles
Superintendent of Permits/Economic Development

RECEIVED

APR 08 2016

COUNCIL OFFICE
NORTH CANTON, OHIO

North Canton City Council
Ordinance, Rules and Claims Committee

Resolution No. – 2016

A resolution designating the Dogwood tree as the City's tree.

WHEREAS, based on feedback from the public, the City of North Canton desires to designate the Dogwood tree as the City's tree.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That due to the feedback from the public, this City Council has decided to adopt the Dogwood tree as the City's tree.
- Section 2. That, accordingly, the Dogwood tree shall be designated as the City's tree.
- Section 3. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.
- Section 4. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2016

David Held, Mayor

SIGNED: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council