

**North Canton City Council Notice  
Committee of the Whole Agenda  
Monday, October 3, 2016**

North Canton City Council will meet as a Committee of the Whole **Monday, October 3, 2016 at 7:00 p.m.** in Council chamber at North Canton City Hall.

Presentation by the North Canton Jaycees, Colin Riley – President, Stephanie Sweaney – 70<sup>th</sup> Anniversary Chairwoman. The month of October marks the 70<sup>th</sup> anniversary of the North Canton Jaycees.

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 Ordinance No. 52 – 2016 and Ordinance No. - 2016, the Community Reinvestment Area.

An ordinance revoking the designating of all City of North Canton Community Reinvestment Areas (“CRA”), terminating the City’s CRA program for new residential, commercial, and industrial tax exemption applications for new structures, rehabilitation, and remodeling, as may be permitted under Ohio law, specifically Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70, thereby repealing all local legislative provisions inconsistent herewith, as may be described in North Canton Ordinances 22-99, 106-00, 71-04, 107-09, and 5-10, and declaring the same to be an emergency.

2. 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 culvert and drainage easement known as Parcel No. 5609242, and being part of Open Space “C”, by and between the City of North Canton, an Ohio charter municipal corporation (“City”), Grantee, and The Sanctuary Owners Association, Inc., Grantor, and declaring the same to be an emergency.

(b) An ordinance approving, confirming and accepting a perpetual culvert and drainage easement known as Parcel No. 1007844, and being part of Out Lot 401, by and between the City of North Canton, an Ohio charter municipal corporation (“City”), Grantee, and McKinley-Applegrove LTD., Grantor, and declaring the same to be an emergency.

- (c) An ordinance amending North Canton Codified Ordinance 911.01(b), Criteria for Name Change, in order to minimize pedestrian and traffic confusion and to optimize safety and the efficiency of traffic flow, and the declaring the same to be an emergency.

3. Water, Sewer and Rubbish Committee

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

An ordinance authorizing the Mayor of the City of North Canton to enter into an Agreement of Cooperation with the City of Canton for the purpose of permitting Canton to locate a monitoring water well on the property known as the Oster Property owned by the City of North Canton, and declaring the same to be an emergency.

4. Finance and Property Committee

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

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Plain Township in the amount of \$4,540.03 for annexation property tax reparations due through tax year 2015.

5. Adjourn.

North Canton City Council  
Community and Economic Development Committee

Ordinance No. - 2016

An ordinance revoking the designation of all City of North Canton Community Reinvestment Areas ("CRA"), terminating the City's CRA program for new residential, commercial, and industrial tax exemption applications for new structures, rehabilitation, and remodeling, as may be permitted under Ohio law, specifically Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70, thereby repealing all local legislative provisions inconsistent herewith, as may be described in North Canton Ordinances 22-99, 106-00, 71-04, 107-09, and 10-5, and declaring the same to be an emergency.

WHEREAS, at the behest of North Canton's Board of Education, see Exhibit A attached hereto and incorporated herein, and those residents in accordance therewith, this Council declares the City's CRA program no longer constitutes a public purpose for which new applications for real property exemptions may be granted. Council enacted the CRA program to provide incentives for residential, commercial, and industrial new construction, remodeling, and rehabilitation with the expectation that the program would increase economic stability by maintaining real property values and generating new employment opportunities. However, in its current statutory form, the CRA program, albeit temporarily, significantly reduces potential tax benefits that may accrue to the City school system's benefit, and therefore, no longer constitutes a public purpose for which real property exemptions may be granted; and

WHEREAS, in accordance with Ohio law, provided the applicants continue to comply with the terms, conditions, and obligations of their applications, and agreements, this ordinance shall not diminish real property tax exemptions previously granted under the CRA program; and

WHEREAS, pursuant to past CRA legislation, residential applicants shall have up to six months from construction, rehabilitation, or remodeling completion to file a tax exemption application with the Housing Officer, therefore, the Housing Officer shall continue to receive residential applications for a period of six months from the date this ordinance becomes law. The Housing Officer shall deny, however, residential CRA applications filed more than six months from the date this ordinance becomes law, and deny any commercial or residential application beginning the date this ordinance becomes law. Accordingly, City Council shall not enter into any CRA agreements with those applying for commercial or industrial CRA applications beginning the date this ordinance becomes law; and

WHEREAS, so that it made aware of new applications, City Council requires the Housing Officer to provide its members with prompt notice of the approval or denial of residential CRA applications.

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

- Section 1. Because City Council believes that Community Reinvestment Area programs, in their current statutory form, significantly reduce potential tax benefits that may accrue to area school systems, it hereby finds and determines its CRA program no longer constitutes a public purpose for which real property exemptions may be granted.

- Section 2. This ordinance revokes the designation of all North Canton Community Reinvestment Areas, thus terminating the City's CRA program for new residential, commercial, and industrial tax exemption applications for new structures, rehabilitation, and remodeling, as may be permitted under Ohio law, specifically R.C. Sections 3735.65 through 3735.70, and thereby repeals all local legislative provisions inconsistent herewith, as may be described in North Canton Ordinances 22-99, 106-00, 71-04, 107-09, and 10-5.
- Section 3. This ordinance shall not diminish real property tax exemptions previously granted under a CRA program provided the applicants continue to comply with the terms, conditions, and obligations of their applications, and agreements.
- Section 4. Pursuant to past CRA legislation, residential applicants shall have up to six months from construction, rehabilitation, or remodeling completion to file a tax exemption application with the Housing Officer; therefore, the Housing Officer shall continue to accept residential applications for a period of six months from the date this ordinance becomes law. The Housing Officer shall deny residential CRA applications filed more than six months from the date this ordinance becomes law, and deny any commercial or residential application beginning the date this ordinance becomes law. Accordingly, beginning the date this ordinance becomes law, City Council shall not enter into any CRA agreements with those applying for commercial or industrial CRA applications.
- Section 5. To administer the winding up of North Canton's CRA program, the Housing Officer is authorized and directed to continue to receive applications and grant real property tax exemptions only as strictly described herein, and is further authorized and directed to continue to conduct annual inspections of properties until those tax exemption periods have been completed, and which proper exemptions have been granted, to continue to keep the Housing Council and Tax Incentive Review Council ("TIRC") apprised of any revocations of CRA tax exemptions made for lack of adequate property maintenance or compliance with a CRA agreement in accordance with R.C. 3735.68, and to provide City Council with prompt notice of the approval or denial of residential applications.
- Section 6. The North Canton Community Reinvestment Area Housing Council (the "Housing Council") shall continue as established, consisting of two members appointed by the Mayor, two members appointed by City Council, one member appointed by the Planning Commission, and two City residents, appointed by a majority of the first five members, which appointments are hereby authorized to be made. Terms of the members of the Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner in which the initial appointment was made. The Mayor, City Council, and Planning Commission are hereby authorized and directed to continue to make their respective appointments to the Housing Council and those five appointed members are authorized to appoint the final two members. The Housing Council shall continue to make an annual inspection of the properties within the CRAs for which an exemption has been granted and shall hear appeals under R.C. 3735.70 from property owners whose CRA applications have been denied or tax exemptions revoked by the Housing Officer.
- Section 7. The TIRC shall continue to consist of three representatives appointed by the Board of County Commissioners, two representatives appointed by the Mayor

with concurrence of City Council, the County Auditor (or designee) and a representative of each affected board of education located in the CRAs. At least two members of the TIRC shall be residents of the City. The TIRC shall continue to review annually the compliance of all agreements involving the grant of exemptions for commercial or industrial real property improvements under R.C. 3735.67, et seq., and shall continue make written recommendations to City Council as to the continuation, modification, or termination of said agreements based upon the performance of those agreements.

- Section 8. A copy of this ordinance shall be sent to the Stark County Auditor and be published in a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its enactment.
- Section 9. It is found and determined that all formal actions of this City Council and of any of its committees concerning and relation to the passage of this ordinance were adopted in an open meeting of Council, or of any of its committees, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including R.C. Section 121.22.
- Section 10. 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 to protect and preserve North Canton's school system by preventing additional losses of potential revenue from real property tax exemptions authorized by Community Reinvestment Areas, R.C. Sections 3735.65 through 3735.70; 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. Otherwise, it 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



# NORTH CANTON CITY SCHOOLS

## ADMINISTRATION

330-497-5600  
Fax 330-497-5618  
525 Seventh St NE  
North Canton OH 44720

## TREASURER

330-497-5610  
Fax 330-497-2557  
525 Seventh St NE  
North Canton OH 44720

## HOOVER HIGH SCHOOL

330-497-5620  
Fax 330-497-5606  
525 Seventh St NE  
North Canton OH 44720

## NORTH CANTON MIDDLE SCHOOL

330-497-5635  
Fax 330-497-5659  
605 Fair Oaks Ave SW  
North Canton OH 44720

## GREENTOWN INTERMEDIATE

330-497-5645  
Fax 330-966-1603  
3330 State St NW  
North Canton OH 44720

## ORCHARD HILL INTERMEDIATE

330-497-5655  
Fax 330-966-1701  
1305 Jonathan Ave SW  
North Canton OH 44720

## CLEARMOUNT ELEMENTARY

330-497-5640  
Fax 330-966-0801  
150 Clearmount Ave SE  
North Canton OH 44720

## NORTHWOOD ELEMENTARY

330-497-5650  
Fax 330-966-1503  
1500 School Ave NE  
North Canton OH 44720

## MARY L. EVANS

**EARLY CHILDHOOD CENTER**  
330-497-5608  
Fax 330-966-0703  
301 Portage St NW  
North Canton OH 44720

## SPECIAL SERVICES

330-497-5665  
Fax 330-305-2056  
239 Portage St NW  
North Canton OH 44720

September 26, 2016

Mayor David Held  
North Canton City Council Members  
North Canton City Hall  
145 North Main Street  
North Canton, Ohio 44720

Dear Mayor Held and City Council Members,

The Board has asked that I address the city's pending resolution on the CRA tax abatement issue and explain their position on the effects of abatement on both them and their schools.

The Board absolutely believes economic development is important. However, the issue is "whose job is economic development?" While the job of schools is to educate our children, the job of the city is economic development. When a city gives a tax abatement, only a small portion of the total property tax is the City's. In the case of North Canton, nearly 70% belongs to the schools and only 12% to the city.

Perhaps the worst part of tax abatements is the lack of transparency for the voters. The ballot language for the last school levy in North Canton stated: "*An additional tax for the benefit of the North Canton City School District for the purpose of current expenses...*" Our voters thought the money from that levy and all others would be used for our children. Then, without a vote, that money is diverted to enrich private developers through abatement.

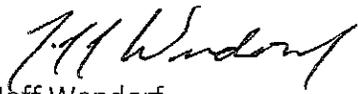
The North Canton City Schools Board of Education wants to be clear about the following.

1. The Board of Education does not support any kind of CRA or Abatement as it reduces precious revenue from educating our students that was properly raised by public vote.
2. The North Canton City Schools should be reimbursed any and all monies owed due to illegal or improper CRA/Abatements in the past.

3. The Board of Education of the North Canton City Schools vigorously supports economic development in our city and school district, but are adamant that taxes raised for schools should actually be used to operate the district and educate our students. The City of North Canton should fund economic development with city dollars and/or resources.

We thank you for your support of our community and our schools.

Respectfully,

  
Jeff Wendorf  
Superintendent

C: Todd Tolson, Treasurer  
North Canton Board of Education

North Canton City Council  
Street and Alley Committee

Ordinance No. - 2016

An ordinance approving, confirming and accepting a perpetual culvert and drainage easement known as Parcel No. 5609242, and being part of Open Space "C", by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and The Sanctuary Owners Association, Inc., 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 culvert and drainage easement known as Parcel No. 5609242, by and between the City, and The Sanctuary Owners Association, Inc., be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement more fully describing the parcel and easement are attached hereto and 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 City to have prompt access to the utility as well as culvert and drainage lines for ongoing development; 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

ALAN HAROLD  
Stark County Auditor  
FEE P

SEP 09 2016



Instr: 201609090035708  
P: 1 of 4 F: \$44.00 9/9/2016  
Rick Campbell 1:59 PM EASE  
Stark County Recorder T20160031997

TRANSFERRED  
~~TRANSFER NOT NECESSARY~~  
DEPUTY STW  
IN COMPLIANCE WITH ORC 319.202

**PERPETUAL CULVERT & DRAINAGE EASEMENT**

Parcel No. 5609242

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Sanctuary Owners Association, Inc., GRANTOR, does hereby give and grant unto THE CITY OF NORTH CANTON, an Ohio municipal corporation, GRANTEE, a perpetual culvert & drainage easement to own and maintain all storm sewer conduits and associated 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 "Exhibits A & B"

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.

5100247, NCL082, 9/9/16

EASEMENT ONLY

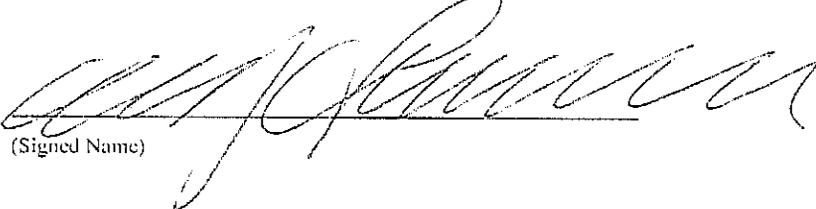
10089

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 area is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this Perpetual Culvert & Drainage Easement document this 2nd day of September, 2016.

**GRANTOR(S):**

Sanctuary Owners Association, Inc.  
By: William J. Lemmon, Authorized Representative

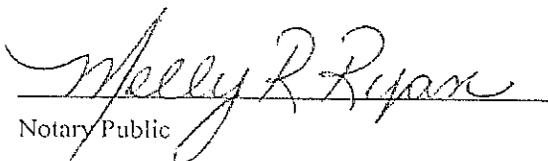
  
(Signed Name)

**NOTARY:**

STATE OF OHIO )  
) SS:  
COUNTY OF Stark )

Before me, a Notary Public in and for said County, personally appeared William J. Lemmon, authorized representative for Sanctuary Owners Association, Inc., 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 September, 2016.

  
Notary Public

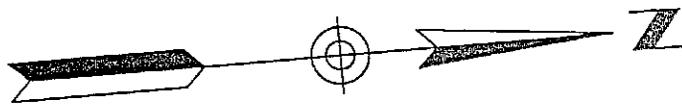


**MOLLY R. RYAN**  
Notary Public, State of Ohio  
My Commission Expires April 29, 2017

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

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	0.16'	255.00'	0°02'09"	0.08'	0.16'	N 05°03'24" E
C2	11.00'	255.00'	2°28'15"	5.50'	11.00'	N 03°48'12" E

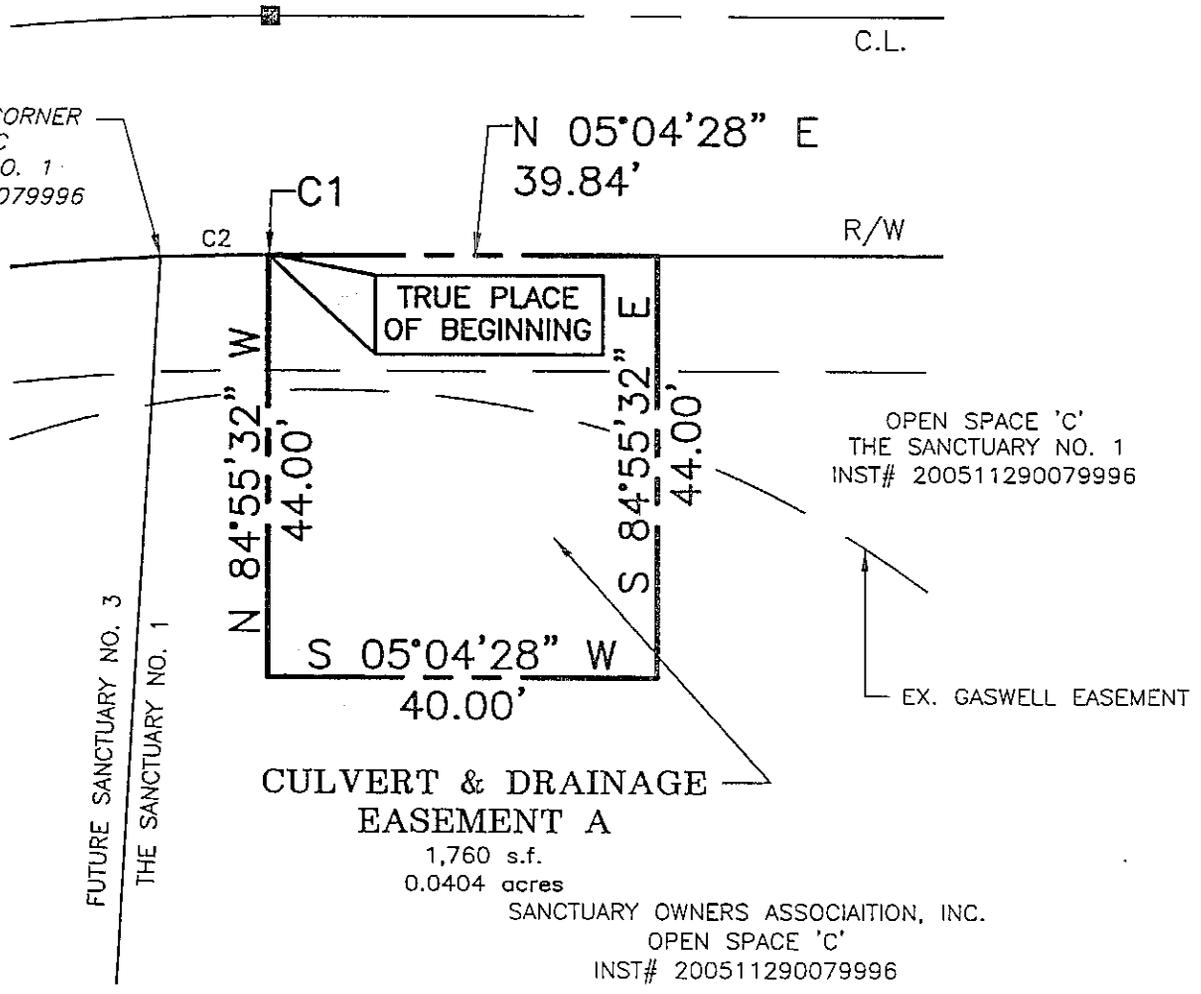
SITUATED IN THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO AND KNOWN AS BEING PART OF OPEN SPACE "C" AS SHOWN ON THE PLAT ENTITLED "THE SANCTUARY NO. 1", AS RECORDED IN INST. #200511290079996 OF THE STARK COUNTY RECORDS



SCALE: 1" = 20'

FUTURE LAUREL GREEN DR. - 50' R/W

SOUTHWESTERLY CORNER OF OPEN SPACE C THE SANCTUARY NO. 1 INST# 200511290079996



O.L. 401  
INST. #201510070040004

FUTURE SANCTUARY NO. 3  
THE SANCTUARY NO. 1

**CULVERT & DRAINAGE EASEMENT A**

1,760 s.f.  
0.0404 acres

SANCTUARY OWNERS ASSOCIATION, INC.  
OPEN SPACE 'C'  
INST# 200511290079996

**CULVERT & DRAINAGE EASEMENT**  
EXHIBIT A

PREPARED BY:

**GBC DESIGN, INC.**

565 White Pond Dr.  
Phone 330-836-0228

Akron, OH 44320  
Fax 330-836-5782

DATE: AUG. 08, 2016  
PROJECT No. 3113588

August 5, 2016

EXHIBIT "B"  
Sanctuary Owners Association, Inc. Property  
City of North Canton  
Culvert & Drainage Easement  
Area = 0.0404 Acres

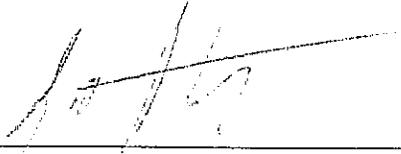
Situated in the City of North Canton, County of Stark, and State of Ohio and known as being part of Open Space 'C' as shown on the Plat entitled "The Sanctuary No. 1", as recorded in Inst. #200511290079996 of the Stark County records, and more fully described as follows:

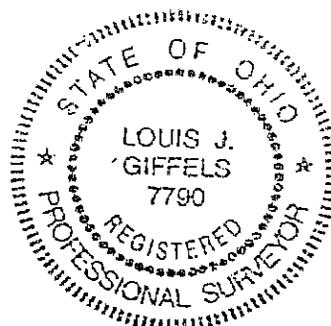
Beginning at a 1" rebar found at a southwesterly corner of said Open Space 'C';

Thence along an easterly line of future Laurel Green Drive, also being the westerly line of said Open Space 'C', along the arc of a circle curving to the right, having a central angle of  $02^{\circ} 28' 15''$ , a radius of 255.00 feet, a tangent of 5.50 feet, a chord of 11.00 feet, a chord bearing  $N 03^{\circ} 48' 12'' E$ , and an arc length of 11.00 feet to a point, said point being the True Place of Beginning for the parcel of land herein described in the following five (5) courses;

1. Thence, continuing along an easterly line of future Laurel Green Drive, also being the westerly line of said Open Space 'C', along the arc of a circle curving to the right, having a central angle of  $00^{\circ} 02' 09''$ , a radius of 255.00 feet, a tangent of 0.08 feet, a chord of 0.16 feet, a chord bearing  $N 05^{\circ} 03' 24'' E$ , and an arc length of 0.16 feet to a point;
2. Thence  $N 05^{\circ} 04' 28'' E$ , continuing along an easterly line of future Laurel Green Drive, also being the westerly line of said Open Space 'C', a distance of 39.84 feet to a point;
3. Thence  $S 84^{\circ} 55' 32'' E$ , along a new line of easement, a distance of 44.00 feet to a point;
4. Thence  $S 05^{\circ} 04' 28'' W$ , along a new line of easement, a distance of 40.00 feet to a point;
5. Thence  $N 84^{\circ} 55' 32'' W$ , along a new line of easement, a distance of 44.00 feet to a point to the True Place of Beginning and containing 0.0404 Acres of land, more or less, as determined in August, 2016 by Louis J. Giffels, P.S. Reg. No. 7790, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.

\*The Basis of Bearing for this legal description is the plat of Sanctuary No. 1 as recorded in Instrument No. 200511290079996 of the Stark County records.

  
\_\_\_\_\_  
Louis J. Giffels, P.S. Reg. No. 7790



North Canton City Council  
Street and Alley Committee

Ordinance No. - 2016

An ordinance approving, confirming and accepting a perpetual culvert and drainage easement known as Parcel No. 10007844, and being part of Out Lot 401, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and McKinley-Applegrove LTD., 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 culvert and drainage easement known as Parcel No. 10007844, by and between the City, and McKinley-Applegrove LTD., be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement more fully describing the parcel and easement are attached hereto and 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 City to have prompt access to the utility as well as culvert and drainage lines for ongoing development; 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.

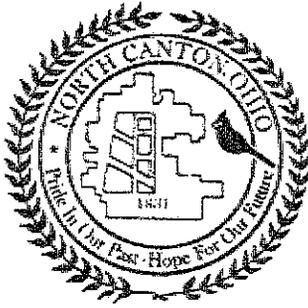
Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2016

\_\_\_\_\_  
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

SEP 22 2016

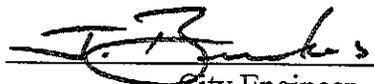
## LEGISLATION REQUEST

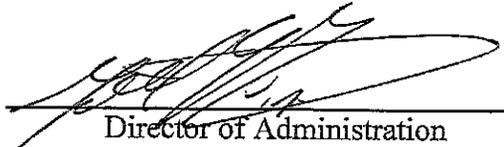
ADMINISTRATION  
NORTH CANTON, OHIO

September 21, 2016

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

Subject: **Perpetual Culvert & Drainage Easements**  
Parcels No. 5609242 and 100007844  
(The Sanctuary Owners Association, Inc.)

Requested By:  Date: 9/21/16  
City Engineer

Approved By:  Date: 9/20/16  
Director of Administration

Requesting legislation accepting a Perpetual Culvert & Drainage Easements.

Parcels No. 5609242 and 100007844 (See Attached)

An emergency is requested to accommodate an existing condition.

EMERGENCY REQUESTED: Yes X No     

RECEIVED

SEP 26 2016

COUNCIL OFFICE  
NORTH CANTON, OHIO



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 area is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this Perpetual Culvert & Drainage Easement document this 2<sup>nd</sup> day of September, 2016.

**GRANTOR(S):**

McKinley-Applegrove LTD.  
An Ohio limited liability company

By: McKinley-Sanctuary Development, Inc., its Sole Member

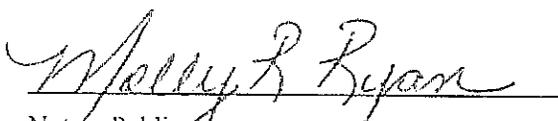
  
\_\_\_\_\_  
William J. Lemmon, President

**NOTARY:**

STATE OF OHIO )  
 ) SS:  
COUNTY OF Stark )

Before me, a Notary Public in and for said County, personally appeared William J. Lemmon, President of McKinley-Sanctuary Development, Inc., for McKinley-Applegrove LTD., 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 2<sup>nd</sup> Day of September, 2016.

  
\_\_\_\_\_  
Notary Public

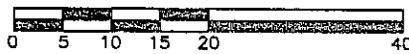
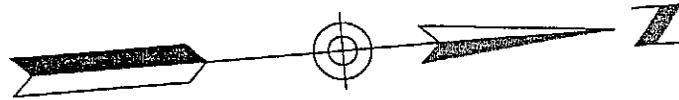


**MOLLY R. RYAN**  
Notary Public, State of Ohio  
My Commission Expires April 29, 2017

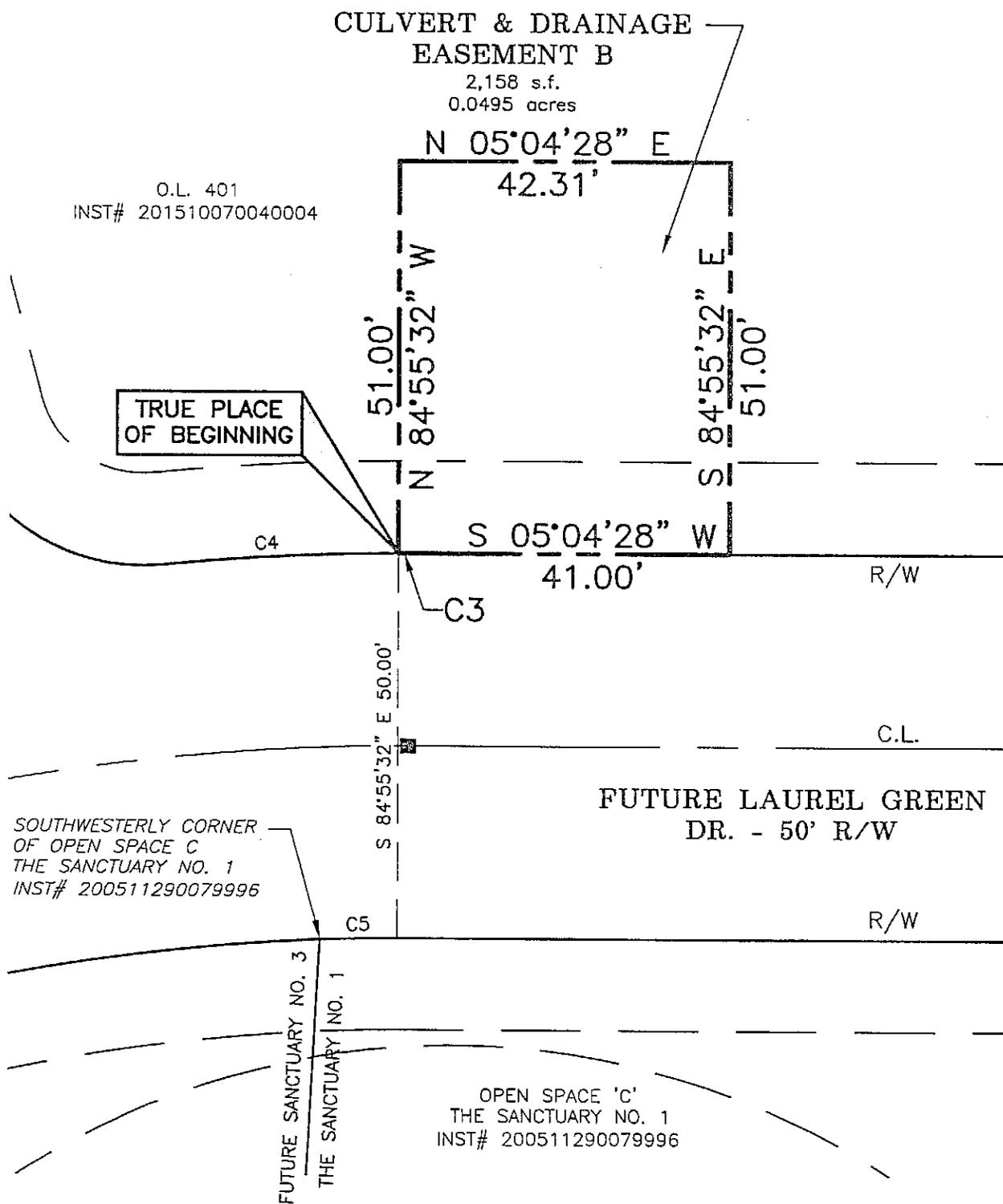
This instrument prepared by: City of North Canton  
145 North Main Street  
North Canton, OH 4720

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C3	1.32'	305.00'	0°14'50"	0.66'	1.32'	S 04°57'03" W
C4	30.08'	305.00'	5°39'02"	15.05'	30.07'	S 02°00'07" W
C5	9.84'	255.00'	2°12'39"	4.92'	9.84'	S 03°40'24" W

SITUATED IN THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO AND KNOWN AS BEING PART OF OUT LOT 337 AS RECORDED IN INST. #200412280090569 OF THE STARK COUNTY RECORDS



SCALE: 1" = 20'



CULVERT &  
DRAINAGE EASEMENT  
EXHIBIT A

PREPARED BY:

**GBC** DESIGN, INC.

565 White Pond Dr.  
Phone 330-336-0228

Akron, OH 44320  
Fax 330-836-5752

DATE: AUG. 08, 2016  
PROJECT No.31135BB

August 5, 2016

EXHIBIT "B"  
McKinley-Applegrove, LTD. Property  
City of North Canton  
Culvert & Drainage Easement  
Area = 0.0495 Acres

Situated in the City of North Canton, County of Stark, and State of Ohio and known as being part of Out Lot 401 as recorded in Inst. #201510070040004 of the Stark County records, and more fully described as follows:

Beginning at a 1" rebar found at a southwesterly corner of said Open Space 'C';

Thence along an easterly line of future Laurel Green Drive, also being the westerly line of said Open Space 'C', along the arc of a circle curving to the right, having a central angle of  $02^{\circ} 12' 39''$ , a radius of 255.00 feet, a tangent of 4.92 feet, a chord of 9.84 feet, a chord bearing  $N 03^{\circ} 40' 24'' E$ , and an arc length of 9.84 feet to a point,

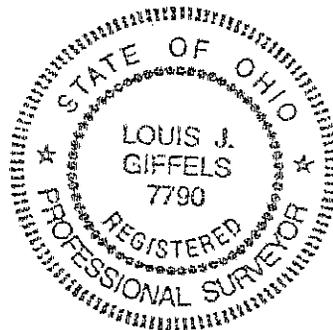
Thence  $N 84^{\circ} 55' 32'' W$ , a distance of 50.00 feet to a point, said point being the True Place of Beginning for the parcel of land herein described in the following five (5) courses;

1. Thence, continuing  $N 84^{\circ} 55' 32'' W$ , along a new line of easement, a distance of 51.00 feet to a point;
2. Thence  $N 05^{\circ} 04' 28'' E$ , along a new line of easement, a distance of 42.31 feet to a point;
3. Thence  $S 84^{\circ} 55' 32'' E$ , along a new line of easement, a distance of 51.00 feet to a point;
4. Thence  $S 05^{\circ} 04' 28'' W$ , along the westerly line of future Laurel Green Drive, a distance of 41.00 feet to a point;
5. Thence continuing along an westerly line of future Laurel Green Drive, along the arc of a circle curving to the left, having a central angle of  $00^{\circ} 14' 50''$ , a radius of 305.00 feet, a tangent of 0.66 feet, a chord of 1.32 feet, a chord bearing  $S 04^{\circ} 57' 03'' W$ , and an arc length of 1.32 feet to the True Place of Beginning and containing 0.0495 Acres of land, more or less, as determined in August, 2016 by Louis J. Giffels, P.S. Reg. No. 7790, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.

\*The Basis of Bearing for this legal description is the plat of Sancuary No. 1 as recorded in Instrument No. 200511290079996 of the Stark County records.



Louis J. Giffels, P.S. Reg. No. 7790



North Canton City Council  
Street and Alley Committee

Ordinance No. - 2016

An ordinance amending North Canton Codified Ordinance 911.01(b), Criteria for Name Change, in order to minimize pedestrian and traffic confusion and to optimize safety and the efficiency of traffic flow, and declaring the same to be an emergency.

WHEREAS, City Council recognizes that the location of certain parcels and the streets and alleys that serve those parcels may cause confusion for pedestrians and traffic; and

WHEREAS, City Council also recognizes that identifying said streets and/or alleys with distinctive names may reduce pedestrian and traffic confusion and optimize safety and the efficiency of traffic flow; and

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

Section 1. That Chapter 911, Street Names, of the Codified Ordinances of the City of North Canton, specifically Section 911.01(b), Criteria for Name Change, be and the same is hereby amended to read as follows:

**911.01 CRITERIA FOR NAME CHANGE.**

Council may, by an affirmative vote of its members, change the name of any existing street or alley within the corporate limits of the City when it is designated by Council that any of the following conditions exist:

(a) That two or more streets and/or alleys within the corporate limits of the City have the same name;

(b) *That changing the name of a street and/or alley would minimize pedestrian and traffic confusion and optimize safety and the efficiency of traffic flow;*

(c) That a street and/or alley continues outside the corporate limits of the City by another name outside such corporate limits.

Section 2. City Council wishes to minimize pedestrian and traffic confusion and optimize safety and the efficiency of traffic flow by, when warranted, changing the designation identifying a street and/or alley to a distinctive, more recognizable name.

Section 3. It is found and determined that all formal actions of this City Council and of any of its committees concerning and relation to the passage of this ordinance were adopted in an open meeting of Council or of any of its committees, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including R.C. Section 121.22.

Section 4. 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 to minimize pedestrian and traffic confusion and

optimize safety and the efficiency of traffic flow; 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. Otherwise, it 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

North Canton City Council  
Water, Sewer and Rubbish Committee

Ordinance No. - 2016

An ordinance authorizing the Mayor of the City of North Canton to enter into an Agreement of Cooperation with the City of Canton for the purpose of permitting Canton to locate a monitoring water well on the property known as the Oster Property owned by the City of North Canton, and declaring the same to be an emergency.

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

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized to enter into an Agreement of Cooperation with the City of Canton for the purpose of permitting Canton to install a monitoring water well on the property known as the Oster Property, Parcel No. 5280106. The City of Canton is developing a Source Water Protection Plan, which would ensure the quality of its domestic water supply. The Oster Property would be an optimal location for one of the monitoring water wells would be on the Oster Property owned by the City of North Canton. The costs to install and maintain the monitoring well shall be the responsibility of the City of Canton. Both municipalities shall have access to the well to draw water samples.
- Section 2. 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 3. 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, it would be essential for the timely implementation of the agreement so installation of the monitoring well be completed before the winter weather is upon us; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it 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

**CANTON - NORTH CANTON  
AGREEMENT OF COOPERATION**

**SOURCE WATER PROTECTION PLAN - MONITORING WELL**

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the **CITY OF CANTON, OHIO**, a municipal corporation, organized and existing under the laws of the State of Ohio, hereinafter referred to as "**CANTON**", and the **CITY OF NORTH CANTON, OHIO**, a charter corporation organized and existing under the laws of the State of Ohio, hereinafter referred to as "**NORTH CANTON**".

**WHEREAS**, Canton and North Canton are fully authorized to enter into this agreement; and

**WHEREAS**, Canton is developing a Source Water Protection Plan to ensure the quality of its domestic water supply. One of the recommendations of said plan is to provide monitoring wells at various locations near Canton's well fields. The optimal location for one of these monitoring wells is on a North Canton owned parcel. This location is near a well supplying water to Canton and another well supplying water to North Canton. Information obtained from water samples from this monitoring well will be useful to both Canton and North Canton; and

**WHEREAS**, it is necessary to provide for Canton's and North Canton's responsibilities and obligations for said monitoring well;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants hereinafter set forth, and of other good and valuable considerations, the parties do hereby agree as follows:

**Section 1.0 INSTALLATION COSTS**

The costs to install and maintain the monitoring well shall be the responsibility of Canton.

**Section 2.0 ACCESS TO SITE OF WELL**

North Canton shall ensure that Canton has full access to the well site for installation, maintenance, and use of the well. The site parcel number is #5280106 and is located at the northern terminus of Salway Avenue, N.W., in Plain Township. The location of the well shall be in the southeast corner of the parcel, 10 feet north of the south property line of the parcel and 10 feet east of the eastern edge of the access drive that extends northward from Salway Ave., N.W. This location is approximate. The exact location shall be determined by the site conditions.

Canton shall ensure that North Canton has full access to the well to draw water samples.

**Section 3.0 SHARING OF INFORMATION**

Canton and North Canton shall provide each other all information of any kind that is obtained from water samples drawn from said monitoring well.

**Section 4.0 TERM**

This Agreement shall remain valid as long as the monitoring well is capable of, or can be made to be capable of, providing useable water samples.

**Section 5.0 NOTIFICATION**

North Canton shall notify Canton in writing at least 90 days in advance if it intends to sell or otherwise convey or lease the above described parcel, and to whom if known in advance. Both cities will use their best efforts to ensure continued access to the monitoring well under said circumstances.

IN WITNESS WHEREOF, Canton and North Canton have caused this Agreement to be executed by their respective officers thereunto duly authorized and the Agreement shall be in effect as of the day and year first above written.

APPROVED AS TO FORM:

\_\_\_\_\_  
Law Director,  
Canton, Ohio

\_\_\_\_\_  
By: Public Service Director of Canton

APPROVED AS TO FORM:

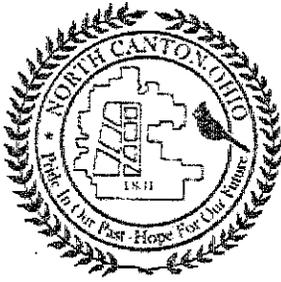
\_\_\_\_\_  
Director of Law,  
North Canton

\_\_\_\_\_  
By: Mayor of North Canton

RECEIVED

SEP 22 2016

ADMINISTRATION  
NORTH CANTON, OHIO



# City of NORTH CANTON, OHIO

145 NORTH MAIN STREET  
NORTH CANTON OHIO 44720-2587

## LEGISLATION REQUEST

September 21, 2016

To: Daniel Jeff Peters, President  
City Council

Subject: North Canton – Canton Cooperation Agreement  
Source Water Protection Program

Requested By: [Signature]  
City Engineer

Date: 9/21/16

Approved By: [Signature]  
Director of Administration

Date: 9/26/16

Request: An ordinance authorizing the Mayor to enter into an agreement with the City of Canton to permit Canton to locate a monitoring water well on North Canton's property known as the "OSTER PROPERTY".

An emergency passage is requested in order to install the monitoring well prior to winter weather.

EMERGENCY REQUESTED: Yes X No     

RECEIVED

SEP 26 2016

COUNCIL OFFICE  
NORTH CANTON, OHIO

North Canton City Council  
Finance and Property Committee

Ordinance No. - 2016

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Plain Township in the amount of \$4,540.03 for annexation property tax reparations due through tax year 2015.

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

Section 1. That the Director of Finance of the City of North Canton, be, and is hereby authorized to make payment to Plain Township in the amount of \$4,540.03 for annexation property tax reparations due through tax year 2015 from the following appropriations:.

101	GENERAL FUND	
101.627.5403	Property Tax Reimbursement	\$4,540.03

upon receipt of vouchers duly approved by the proper departmental authority.

Section 2. 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 3. That this ordinance is necessary for the timely payment to Plain Township of annexation property tax reparations; 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. Otherwise, it 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

**IP** Pelini,  
Campbell & Williams LLC  
ATTORNEYS AT LAW

*Senders E-mail: [ejwilliams@pelini-law.com](mailto:ejwilliams@pelini-law.com)*

**NORTH CANTON  
OFFICE:**

September 22, 2016

Craig G. Pelini

Tim Fox, Law Director  
North Canton City Hall  
145 N. Main Street  
North Canton, OH 44720

Kristen E. Campbell

Dear Mr. Fox:

Eric J. Williams

Enclosed you will find an invoice in the amount of \$4,540.03 for payments to be made pursuant to the Ohio Revised Code regarding annexations that have taken place of property from Plain Township to North Canton that took place in 2015. I have attached information documenting the amounts owed, as well as an invoice for your convenience.

Raymond C. Mueller

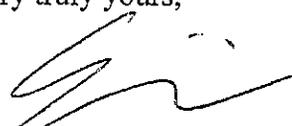
I would request that you contact me upon your receipt of this correspondence so that we can decide best how to proceed, or that you simply pass this information along to your auditor's department for payment.

Paul B. Ricard

Your time and attention to this matter is greatly appreciated.

April L. Proctor

Very truly yours,

  
Eric J. Williams  
Plain Township Law Director

Kyle A. Johnson

EJW:ldc  
Enclosure  
S:\3118\invoice ltr-north canton 2015.doc[9/22/16:ldc]

**COLUMBUS OFFICE:**

John E. Vincent

Joshua R. Bills