

NEW LEGISLATION

November 8, 2010

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

Temp. No.	Introduced	Committee	Description
A-136	11/8/10	Fin	An ordinance authorizing the Mayor to enter into a settlement agreement in the case of City of Cuyahoga Falls v. Howe Lot II Development Co., et. al., and declaring an emergency.
A-137	11/8/10	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of various storm sewers on 4 th Street South of Sackett Avenue and on Sackett Avenue east of 4 th Street, and declaring an emergency.
A-138	11/8/10	PI	An ordinance authorizing and directing the appropriation of certain interests in real property abutting Chart Road between Keyser Parkway and Northampton Road, necessary for the improvement thereof, and declaring an emergency.
A-139	11/8/10	PA	An ordinance authorizing the Mayor to enter into an agreement with Summit County to provide for the enforcement of state building codes within the territorial jurisdiction of Cuyahoga Falls, to request an administrative rule change permitting such enforcement, authorizing certain separation benefits for affected employees accepting alternative employment with Summit County, and declaring an emergency.
A-140	11/8/10	PA	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "AMPGS Replacement Energy Schedule," with American Municipal Power, Inc., and declaring an emergency.

CALENDAR

November 8, 2010

The following legislation will be up for passage at the Council Meeting on November 8, 2010.

Temp. No.	Introduced	Committee	Description
A-130	10/25/10	Fin	An ordinance authorizing the Finance Director to enter into a contract or contracts, according to law, for the purchase of comprehensive government entity insurance and risk management services, and declaring an emergency.
A-132	10/25/10	PI	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6394 with Kenmore Construction Company Inc., and declaring an emergency.
A-134	10/25/10	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-135	10/25/10	CD	An ordinance authorizing the Director of Community Development to purchase certain blighted real property located at 1110-1130 Portage Trail, Summit County Parcel No. 0204623, and to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at the site, and declaring an emergency.

PENDING LEGISLATION

November 8, 2010

Temp. No.	Introduced	Committee	Description
A-74	6/14/10	Fin	An ordinance eliminating biweekly pay for the members of the Civil Service Commission
A-91	6/28/10	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for improvements to the Portage Trail and Northampton Road intersection
A-96	7/6/10	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article III, Section 2, and declaring an emergency
A-99	7/6/10	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article VIII, section 1.1, and declaring an emergency
A-110	9/13/10	Fin	An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and the General Fund
A-130	10/25/10	Fin	An ordinance authorizing the Finance Director to enter into a contract or contracts, according to law, for the purchase of comprehensive government entity insurance and risk management services, and declaring an emergency.
A-132	10/25/10	PI	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6394 with Kenmore Construction Company Inc., and declaring an emergency.
A-134	10/25/10	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

A-135

10/25/10

CD

An ordinance authorizing the Director of Community Development to purchase certain blighted real property located at 1110-1130 Portage Trail, Summit County Parcel No. 0204623, and to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at the site, and declaring an emergency.

2 CITY OF CUYAHOGA FALLS, OHIO

3
4 ORDINANCE NO. - 2010

5
6 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
7 INTO A SETTLEMENT AGREEMENT IN THE CASE OF CITY
8 OF CUYAHOGA FALLS V. HOWE LOT II DEVELOPMENT CO.,
9 ET. AL., AND DECLARING AN EMERGENCY.
10

11
12 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
13 County of Summit, and State of Ohio that:
14

15 Section 1. The Mayor is hereby authorized to enter into a settlement of the case of *City*
16 *of Cuyahoga Falls v. Howe Lot II Development Co., et. al.*, Summit County Probate Court Case
17 No. 2010 CV 0074, on the basis of the proposal presented to Council on November 8, 2010.
18

19 Section 2. The Director of Finance is hereby authorized and directed to make payment
20 for same from the Capital Projects Fund.
21

22 Section 3. The Director of Law is hereby authorized and directed to execute and file
23 such pleadings and documents with the court, including, without limitation, stipulated
24 judgment entries and any other pleadings necessary to effectuate the settlement.
25

26 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
27 inconsistent herewith be and the same are hereby repealed, but any ordinances and
28 resolutions not inconsistent herewith and which have not previously been repealed are
29 hereby ratified and confirmed.
30

31 Section 5. It is found and determined that all formal actions of this Council concerning
32 and relating to the passage of this ordinance were taken in an open meeting of this Council
33 and that all deliberations of this Council and of any committees that resulted in those
34 formal actions were in meetings open to the public, in compliance with all legal
35 requirements including Chapter 107 of the Codified Ordinances.
36

37 Section 6. This ordinance is hereby declared to be an emergency measure necessary for
38 the preservation of the public peace, health, safety, convenience and welfare of the City of
39 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
40 two-thirds of the members elected or appointed to Council, it shall take effect and be in force
41 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and
42 be in force at the earliest period allowed by law.
43
44

45 Passed: _____

President of Council

Clerk of Council

53 Approved _____

Mayor

56
57 11/8/10

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2010

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
9 TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO LAW,
10 FOR REPLACEMENT OF VARIOUS STORM SEWERS ON 4TH STREET
11 SOUTH OF SACKETT AVENUE AND ON SACKETT AVENUE EAST OF
12 4TH STREET, AND DECLARING AN EMERGENCY.
13

14 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit
15 and State of Ohio, that:

16
17 Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts,
18 according to law, for replacement of storm sewers within a project area consisting of the intersection of
19 Sackett Avenue and 4th Street, Sackett Avenue from said intersection to a point approximately 100 feet
20 east, and 4th Street from said intersection to a point approximately 100 feet south.
21

22 Section 2. The Director of Finance is hereby authorized and directed to make payment for same from
23 the Storm Drainage Utility Fund, line item Capital Outlay.
24

25 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent
26 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent
27 herewith and which have not previously been repealed are hereby ratified and confirmed.
28

29 Section 4. It is found and determined that all formal actions of this Council concerning and relating to
30 the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations
31 of this Council and of any of its committees that resulted in such formal action, were in meetings open to
32 the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of
33 the Codified Ordinances.
34

35 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
36 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls
37 and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
38 appropriate development of this property, and provided it receives the affirmative vote of two thirds of the
39 members elected or appointed to Council, it shall take effect and be in force immediately upon its passage
40 and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by
41 law.
42

43
44 Passed: _____

President of Council

45
46
47
48 _____
Clerk of Council

49
50 Approved: _____

Mayor

51
52
53
54
55 11/8/10

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2010

7
8 AN ORDINANCE AUTHORIZING AND DIRECTING THE
9 APPROPRIATION OF CERTAIN INTERESTS IN REAL
10 PROPERTY ABUTTING CHART ROAD BETWEEN KEYSER
11 PARKWAY AND NORTHAMPTON ROAD, NECESSARY FOR
12 THE IMPROVEMENT THEREOF, AND DECLARING AN
13 EMERGENCY.
14

15 WHEREAS, on October 25, 2010, this Council approved Resolution 11-2010, declaring
16 the intention of the City to appropriate certain interests in real property necessary for the
17 improvement of Chart Road between Keyser Parkway and Northampton Road, and caused
18 notice thereof to be served on the owners thereof as required by law, and
19

20 WHEREAS, despite diligent efforts, the City and property owners have been unable to
21 agree to the terms by which the necessary land will be transferred to the City, and
22

23 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,
24 County of Summit and State of Ohio, that:
25

26 Section 1. This Council authorizes and directs the appropriation of certain interests in
27 real property necessary for the improvement of Chart Road between Keyser Parkway and
28 Northampton Road as more fully described in the exhibits attached hereto, namely, the
29 utility easements described in the Exhibits numbered A(2-GU), A(16-T), A(20-GU), A(20-T),
30 A(23-GU), A(23-T), A(25-GU), A(25-T), A(37-T), and A(38-T), and depicted on the surveys
31 attached thereto as Exhibits "B," all of which are on file with the Clerk of Council and
32 incorporated as if fully rewritten herein.
33

34 Section 2. The Director of Law is hereby authorized to file any necessary civil actions in
35 the Summit County Probate Court, or any other court of competent jurisdiction, to provide
36 for the appropriation of the real property interests mentioned in Section 1 hereof by
37 eminent domain and the assessment of the compensation to be paid for the interests
38 hereby appropriated.
39

40 Section 3. The Director of Finance is hereby authorized to deposit with the Court the
41 amount of the appraised value of each of the real property interests mentioned in Section 1
42 hereof, as set forth on Exhibit "C" hereto, which is on file with the Clerk of Council and
43 incorporated as if fully rewritten herein, to permit the immediate appropriation of the
44 property. The Director of Finance is hereby authorized to make payment for the same out
45 of the Capital Projects Fund, line item Capital Outlay.
46

47 Section 4. Any other ordinances and resolutions or portions of ordinances and
48 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances
49 and resolutions or portions of ordinances and resolutions not inconsistent herewith and
50 which have not previously been repealed are hereby ratified and confirmed.
51

52 Section 5. It is found and determined that all formal actions of this Council concerning
53 and relating to the adoption of this resolution were adopted in an open meeting of this
54 Council and that all deliberations of this Council and of any of its committees that resulted

55 in such formal action were in meetings open to the public, in compliance with all legal
56 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.
57

58 Section 6. This resolution is hereby declared to be an emergency measure necessary for
59 the preservation of the public peace, health, safety, convenience and welfare of the City of
60 Cuyahoga Falls and the inhabitants thereof, and provided it received the affirmative vote of
61 two-thirds of the members elected or appointed to Council, it shall take effect and be in
62 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect
63 and be in force at the earliest period allowed by law.
64

65
66 Passed: _____
67 _____
68 President of Council
69

70
71 _____
72 Clerk of Council
73

74 Approved: _____
75 _____
76 Mayor
77

77 11/8/10
78 O:\2010ords\Property appropriation ordinance Chart.doc

EXHIBIT A**MICHAEL A. GENTILUOMO
PERPETUAL EASEMENT FOR THE INSTALLATION AND MAINTENANCE
OF UTILITIES FOR CHART ROAD**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Official Northampton Township Lot 44 and being a 0.066 acre tract out of a 2.0342 acre tract conveyed to the Michael A. Gentiluomo of record in Record Number 54295899 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Number 35-04908 and more particularly described as follows:

Commencing in the centerline of Chart Road at its intersection with the centerline of Northampton Road, referenced by a 5/8" iron pin found, also being the southwesterly corner of said Official Northampton Township Lot 44;

Thence along the centerline of Chart Road and the southerly line of said Lot 44, North 89 degrees 16 minutes 11 seconds East a distance of 339.99 feet to a point being the southeasterly corner of said Gentiluomo tract and the southwesterly corner of a tract conveyed to Robert K. Gregg and Julie M. Gregg of record in Official Record 1893, Page 553;

Thence along the easterly line of said Gentiluomo tract and westerly line of said Gregg tract, North 00 degrees 11 minutes 37 seconds West a distance of 20.63 feet to a point in the northerly line of Chart Road, said point being the True Point of Beginning;

Thence along the northerly line of Chart Road, South 89 degrees 16 minutes 11 seconds West a distance of 308.42 feet to a point in the westerly line of said Gentiluomo tract and the easterly line of Northampton Road;

Thence along the westerly line of the said Gentiluomo tract and easterly line of Northampton Road, North 03 degrees 53 minutes 31 seconds East a distance of 9.41 feet to a point;

Thence across said Gentiluomo tract, North 89 degrees 16 minutes 11 seconds East a distance of 307.75 feet to a point in the easterly line of said Gentiluomo tract and the westerly line of said Gregg tract;

Thence along the easterly line of said Gentiluomo tract and westerly line of said Gregg tract, South 00 degrees 11 minutes 37 seconds East a distance of 9.38 feet to a point in the northerly line of Chart Road to the True Point of Beginning.

2-GU

The above described area is contained within Summit County Auditor's Parcel Number 35-04908 and contains 0.066 acres (2888 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Record Number 54295899, of the Recorder's Office, Summit County, Ohio.

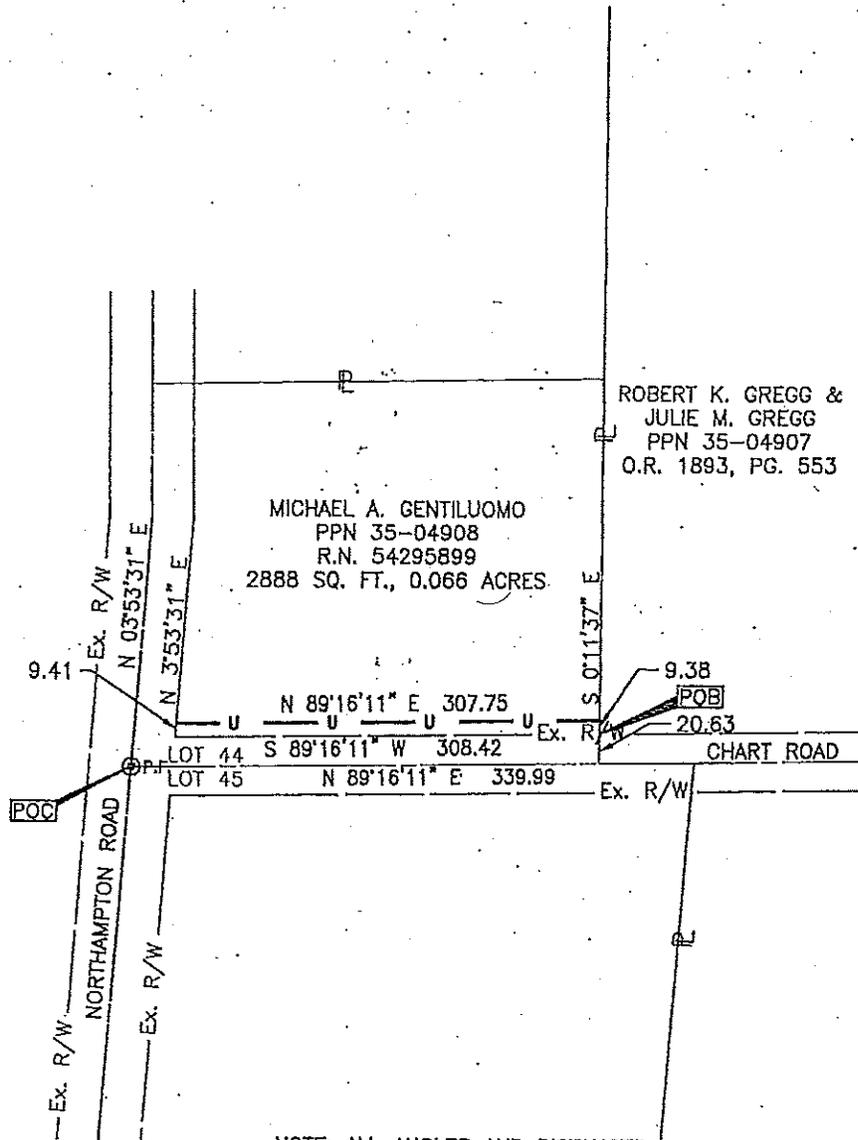
By:

Charles H. Murphy
Charles H. Murphy, PS 6950

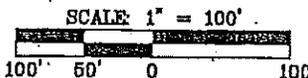
4-16-10
Date



EXHIBIT "B"
 MICHAEL A. GENTILUOMO
 GENERAL UTILITY EASEMENT PARCEL
 CITY OF CUYAHOGA FALLS
 ORIGINAL NORTHAMPTON TOWNSHIP LOT 44
 TOWNSHIP 3N, RANGE 11W
 SUMMIT COUNTY, OHIO



NOTE: ALL ANGLES AND DISTANCES
 ARE AS PER RECORD UNLESS
 SPECIFIED OTHERWISE.



LEGEND

- ⊙ P.F. IRON PIN FOUND
- ⊙ MONUMENT BOX WITH 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE
 COORDINATE SYSTEM, NORTH ZONE, NAD 83.

I HEREBY CERTIFY THAT: THE FOREGOING DRAWING
 REPRESENTS THE RESULTS OF AN ACTUAL FIELD
 SURVEY OF THE PREMISES PERFORMED UNDER MY
 RESPONSIBLE SUPERVISION AND THAT THE SAID
 DRAWING IS CORRECT TO THE BEST OF MY
 KNOWLEDGE AND BELIEF.



DLZ

BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

EXHIBIT A**KEVIN T. HATFIELD
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE
WORK NECESSARY FOR GRADING FOR APPROXIMATELY 12 MONTHS
FROM THE DATE OF ENTRY BY GRANTEE**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 44 and being a 0.035 acre tract out of a 0.5818 acre tract conveyed to Kevin T. Hatfield of record in Record Number 55364997 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Number 35-06017 and more particularly described as follows:

Commencing at the centerline intersection of Sandalwood Lane and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be North 76 degrees 19 minutes 37 seconds East at a distance of 0.08' feet, installed within a square monument box;

Thence along the centerline of Sandalwood Lane North 00 degrees 43 minutes 46 seconds West a distance of 70.06 feet to a point;

Thence continuing along the centerline of Sandalwood Lane, northwesterly along an arc of a curve to the left, a distance of 95.53 feet, said curve having a radius of 300.00 feet, a central angle of 18 degrees 14 minutes 46 seconds, and a chord which bears North 09 degrees 51 minutes 09 seconds West a distance of 95.13 feet to a point being the intersection of Sandalwood Lane and the projected northerly line of said Hatfield tract and the southerly line of a tract conveyed to A. R. Lockhart Development Company of record in Record Number 95123553;

Thence along the projected northerly line of said Hatfield tract and the projected southerly line of said Lockhart tract, North 71 degrees 01 minutes 28 seconds East a distance of 30.00 feet to a point being the northwesterly corner of said Hatfield tract and the southwesterly corner of said Lockhart tract;

Thence along the northerly line of said Hatfield tract and the southerly line of said Lockhart tract, North 71 degrees 01 minutes 28 seconds East a distance of 10.00 feet to a point;

Thence crossing through said Hatfield tract, southeasterly along an arc of a curve to the right, a distance of 108.27 feet, said curve having a radius of 340.00 feet, a central angle of 18 degrees 14 minutes 45 seconds, and a chord which bears South 09 degrees 51 minutes 09 seconds East a distance of 107.82 feet to a point, said point being the True Point of Beginning;

Thence continuing across said Hatfield tract the following five courses:

1. South 82 degrees 09 minutes 07 seconds East a distance of 29.55 feet to a point;
2. South 01 degrees 15 minutes 21 seconds East a distance of 47.19 feet to a point;
3. South 72 degrees 59 minutes 15 seconds West a distance of 29.98 feet to a point;
4. North 00 degrees 43 minutes 46 seconds West a distance of 35.62 feet to a point;
5. Northwesterly along an arc of a curve to the left, a distance of 24.40 feet, said curve having a radius of 340.00 feet, a central angle of 04 degrees 06 minutes 50 seconds, and a chord which bears North 02 degrees 47 minutes 07 seconds West a distance of 24.39 feet to the True Point of Beginning.

The above described area is contained within Summit County Auditor's Parcel Number 35-06017 and contains 0.035 acres (1536 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Record Number 55364997, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date



EXHIBIT A

**SUSAN A. BISSONETTE
PERPETUAL EASEMENT FOR THE INSTALLATION AND MAINTENANCE
OF UTILITIES FOR CHART ROAD**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 45 and being a 0.020 acre tract out of a 2.7700 acre tract conveyed Susan A. Bissonette of record in Record Number 54424407 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Numbers 35-00798 and 35-00799 and more particularly described as follows:

Commencing at the centerline intersection of Sandalwood Lane and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be North 76 degrees 19 minutes 37 seconds East at a distance of 0.08' feet, installed within a square monument box;

Thence along the centerline of Sandalwood Lane South 00 degrees 43 minutes 46 seconds East a distance of 30.02 feet to a point being the intersection of Sandalwood Lane and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 264.59 feet to a point being the northwesterly corner of said Bissonette tract and the northeasterly corner of a tract conveyed to Daniel E. Prebeg and Marie T. Prebeg of record in Record Number 54424341;

Thence along the westerly line of said Bissonette tract and the easterly line of said Prebeg tract, South 00 degrees 43 minutes 34 seconds West a distance of 20.51 feet to a point in the southerly line of Chart Road, said point being the True Point of Beginning;

Thence along the southerly line of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 93.91 feet to a point in the easterly line of said Bissonette tract and the westerly line of a tract conveyed to Alfred Butwill and Rosemary Butwill of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253;

Thence along the easterly line of said Bissonette tract and the westerly line of said Butwill tract, South 00 degrees 43 minutes 34 seconds West a distance of 9.50 feet to a point;

Thence across said Bissonette tract South 89 degrees 16 minutes 11 seconds West a distance of 93.91 feet to a point in the westerly line of said Bissonette tract and the easterly line of said Prebeg tract;

Thence along the westerly line of said Bissonette tract and the easterly line of said Prebeg tract North 00 degrees 43 minutes 34 seconds East a distance of 9.50 feet to the True Point of Beginning;

The above described area is contained within Summit County Auditor's Parcel Numbers 35-00798 and 35-00799 and contains 0.020 acres (892 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Record Number 54424407, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date



EXHIBIT A**SUSAN A. BISSONETTE
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE
WORK NECESSARY FOR GRADING FOR APPROXIMATELY 12 MONTHS
FROM THE DATE OF ENTRY BY GRANTEE**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 45 and being a 0.038 acre tract out of a 2.7700 acre tract conveyed Susan A. Bissonette of record in Record Number 54424407 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Numbers 35-00798 and 35-00799 and more particularly described as follows:

Commencing at the centerline intersection of Sandalwood Lane and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be North 76 degrees 19 minutes 37 seconds East at a distance of 0.08' feet, installed within a square monument box;

Thence along the centerline of Sandalwood Lane South 00 degrees 43 minutes 46 seconds East a distance of 30.02 feet to a point being the intersection of Sandalwood Lane and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 264.59 feet to a point being the northwesterly corner of said Bissonette tract and the northeasterly corner of a tract conveyed to Daniel E. Prebeg and Marie T. Prebeg of record in Record Number 54424341;

Thence along the westerly line of said Bissonette tract and the easterly line of said Prebeg tract, South 00 degrees 43 minutes 34 seconds West a distance of 30.01 feet to a point, said point being the True Point of Beginning;

Thence across said Bissonette tract, North 89 degrees 16 minutes 11 seconds East a distance of 93.91 feet to a point in the easterly line of said Bissonette tract and the westerly line of a tract conveyed to Alfred Butwill and Rosemary Butwill of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253;

Thence along the easterly line of said Bissonette tract and the westerly line of said Butwill tract, South 00 degrees 43 minutes 34 seconds West a distance of 12.10 feet to a point;

Thence across said Bissonette tract the following four courses:

1. South 89 degrees 13 minutes 44 seconds West a distance of 49.57 feet to a point;
2. South 25 degrees 15 minutes 32 seconds West a distance of 16.85 feet to a point;
3. South 89 degrees 40 minutes 06 seconds West a distance of 18.43 feet to a point;

4. North 57 degrees 03 minutes 06 seconds West a distance of 22.34 feet to a point in the westerly line of said Bissonette tract and the easterly line of said Prebeg tract;

Thence along the westerly line of said Bissonette tract and the easterly line of said Prebeg tract North 00 degrees 43 minutes 34 seconds East a distance of 14.77 feet to the True Point of Beginning;

The above described area is contained within Summit County Auditor's Parcel Numbers 35-00798 and 35-00799 and contains 0.038 acres (1636 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Record Number 54424407, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date



EXHIBIT A**ALFRED BUTWILL AND ROSEMARY BUTWILL
PERPETUAL EASEMENT FOR THE INSTALLATION AND MAINTENANCE
OF UTILITIES FOR CHART ROAD**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 45 and being a 0.046 acre tract out of a 4.000 acre tract conveyed Alfred Butwill and Rosemary Butwill of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Numbers 35-00355 and 35-00356 and more particularly described as follows:

Commencing at the centerline intersection of Sandalwood Lane and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be North 76 degrees 19 minutes 37 seconds East at a distance of 0.08' feet, installed within a square monument box;

Thence along the centerline of Sandalwood Lane South 00 degrees 43 minutes 46 seconds East a distance of 30.02 feet to a point being the intersection of Sandalwood Lane and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 358.50 feet to a point being the northwesterly corner of said Butwill tract and the northeasterly corner of a tract conveyed to Susan A. Bissonette of record in Record Number 54424407;

Thence along the westerly line of said Butwill tract and the easterly line of said Bissonette tract, South 00 degrees 43 minutes 34 seconds West a distance of 20.51 feet to a point in the southerly line of Chart Road, said point being the True Point of Beginning;

Thence along the southerly line of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 213.16 feet to a point in the easterly line of said Butwill tract and the westerly line of a tract conveyed to Larry Frank and Cindy Frank of record in Record Number 55443158;

Thence along the easterly line of said Butwill tract and the westerly line of said Frank tract, South 00 degrees 43 minutes 34 seconds West a distance of 9.50 feet to a point;

Thence across said Butwill tract South 89 degrees 16 minutes 11 seconds West a distance of 213.16 feet to a point in the westerly line of said Butwill tract and the easterly line of said Bissonette tract;

Thence along the westerly line of said Butwill tract and the easterly line of said Bissonette tract North 00 degrees 43 minutes 34 seconds East a distance of 9.50 feet to the True Point of Beginning;

The above described area is contained within Summit County Auditor's Parcel Numbers 35-00355 and 35-00356 and contains 0.046 acres (2025 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date



EXHIBIT A**ALFRED BUTWILL AND ROSEMARY BUTWILL
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE
WORK NECESSARY FOR GRADING FOR APPROXIMATELY 12 MONTHS
FROM THE DATE OF ENTRY BY GRANTEE**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 45 and being a 0.085 acre tract out of a 4.000 acre tract conveyed Alfred Butwill and Rosemary Butwill of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Numbers 35-00355 and 35-00356 and more particularly described as follows:

Commencing at the centerline intersection of Sandalwood Lane and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be North 76 degrees 19 minutes 37 seconds East at a distance of 0.08' feet, installed within a square monument box;

Thence along the centerline of Sandalwood Lane South 00 degrees 43 minutes 46 seconds East a distance of 30.02 feet to a point being the intersection of Sandalwood Lane and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 358.50 feet to a point being the northwesterly corner of said Butwill tract and the northeasterly corner of a tract conveyed to Susan A. Bissonette of record in Record Number 54424407;

Thence along the westerly line of said Butwill tract and the easterly line of said Bissonette tract, South 00 degrees 43 minutes 34 seconds West a distance of 30.01 feet to a point, said point being the True Point of Beginning;

Thence across said Butwill tract, North 89 degrees 16 minutes 11 seconds East a distance of 213.16 feet to a point in the easterly line of said Butwill tract and the westerly line of a tract conveyed to Larry Frank and Cindy Frank of record in Record Number 55443158;

Thence along the easterly line of said Butwill tract and the westerly line of said Frank tract, South 00 degrees 43 minutes 34 seconds West a distance of 20.68 feet to a point;

Thence across said Butwill tract North 88 degrees 56 minutes 30 seconds West a distance of 213.09 feet to a point in the westerly line of said Butwill tract and the easterly line of said Bissonette tract;

Thence along the westerly line of said Butwill tract and the easterly line of said Bissonette tract North 00 degrees 43 minutes 34 seconds East a distance of 14.02 feet to the True Point of Beginning;

The above described area is contained within Summit County Auditor's Parcel Number 35-00355 and 35-00356 and contains 0.085 acres (3698 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date



EXHIBIT A**LARRY FRANK AND CINDY FRANK
PERPETUAL EASEMENT FOR THE INSTALLATION AND MAINTENANCE
OF UTILITIES FOR CHART ROAD**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 45 and being a 0.023 acre tract out of a 2.000 acre tract conveyed Larry Frank and Cindy Frank of record in Record Number 55443158 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Number 35-00689 and more particularly described as follows:

Commencing at the centerline intersection of Sandalwood Lane and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be North 76 degrees 19 minutes 37 seconds East at a distance of 0.08' feet, installed within a square monument box;

Thence along the centerline of Sandalwood Lane South 00 degrees 43 minutes 46 seconds East a distance of 30.02 feet to a point being the intersection of Sandalwood Lane and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 678.39 feet to a point being the northeasterly corner of said Frank tract and the northwesterly corner of a tract conveyed to William P. Crooks of record in Record Number 55197867;

Thence along the easterly line of said Frank tract and the westerly line of said Crooks tract, South 00 degrees 43 minutes 34 seconds West a distance of 20.51 feet to a point in the southerly line of Chart Road, said point being the True Point of Beginning;

Thence continuing along the easterly line of said Frank tract and the westerly line of said Crooks tract, South 00 degrees 43 minutes 34 seconds West a distance of 9.50 feet to a point;

Thence across said Frank tract South 89 degrees 16 minutes 11 seconds West a distance of 106.73 feet to a point in the westerly line of said Frank tract and the easterly line of a tract conveyed to Alfred Butwill and Rosemary Butwill of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253;

Thence along the westerly line of said Frank tract and the easterly line of said Butwill tract, North 00 degrees 43 minutes 34 seconds East a distance of 9.50 feet to a point in the southerly line of Chart Road;

Thence along the southerly line of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 106.73 feet to the True Point of Beginning;

The above described area is contained within Summit County Auditor's Parcel Number 35-00689 and contains 0.023 acres (1014 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Record Number 55443158, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date



EXHIBIT A**LARRY FRANK AND CINDY FRANK
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE
WORK NECESSARY FOR GRADING FOR APPROXIMATELY 12 MONTHS
FROM THE DATE OF ENTRY BY GRANTEE**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 45 and being a 0.037 acre tract out of a 2.000 acre tract conveyed Larry Frank and Cindy Frank of record in Record Number 55443158 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Number 35-00689 and more particularly described as follows:

Commencing at the centerline intersection of Sandalwood Lane and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be North 76 degrees 19 minutes 37 seconds East at a distance of 0.08' feet, installed within a square monument box;

Thence along the centerline of Sandalwood Lane South 00 degrees 43 minutes 46 seconds East a distance of 30.02 feet to a point being the intersection of Sandalwood Lane and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 678.39 feet to a point being the northeasterly corner of said Frank tract and the northwesterly corner of a tract conveyed to William P. Crooks of record in Record Number 55197867;

Thence along the easterly line of said Frank tract and the westerly line of said Crooks tract, South 00 degrees 43 minutes 34 seconds West a distance of 30.01 feet to a point, said point being the True Point of Beginning;

Thence along the easterly line of said Frank tract and the westerly line of said Crooks tract, South 00 degrees 43 minutes 34 seconds West a distance of 15.66 feet to a point;

Thence across said Frank tract South 89 degrees 59 minutes 23 seconds West a distance of 106.71 feet to a point in the westerly line of said Frank tract and the easterly line of a tract conveyed to Alfred Butwill and Rosemary Butwill of record in Deed Volume 4917, Page 43 and Deed Volume 3068, Page 253;

Thence along the westerly line of said Frank tract and the easterly line of said Butwill tract, North 00 degrees 43 minutes 34 seconds East a distance of 14.31 feet to a point;

Thence across said Frank tract, North 89 degrees 16 minutes 11 seconds East a distance of 106.73 feet to the True Point of Beginning;

The above described area is contained within Summit County Auditor's Parcel Number 35-00689 and contains 0.037 acres (1599 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

Grantor claims title by instrument of record in Record Number 55443158, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date



EXHIBIT A**CHRISTOPHER R. CASTON AND ROBIN L. CASTON
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE
WORK NECESSARY FOR GRADING FOR APPROXIMATELY 12 MONTHS
FROM THE DATE OF ENTRY BY GRANTEE**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 35 and being a 0.002 acre tract out of a 0.57 acre tract conveyed to Christopher R. Caston and Robin L. Caston of record in Record Number 54355532 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Number 35-05024 and more particularly described as follows:

Commencing at the centerline intersection of Creekside Trail and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be South 40 degrees 24 minutes 48 seconds West at a distance of 0.13' feet, installed within a square monument box;

Thence along the centerline of Creekside Trail South 00 degrees 43 minutes 54 seconds East a distance of 30.00 feet to a point being the intersection of Creekside Trail and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 188.87 feet to a point being the northeasterly corner of a tract conveyed to Irvin E. Allaman, Trustee and Lois E. Allaman, Trustee of record in Deed Volume 5160, Page 356 and Official Record 1859, Page 449;

Thence along the easterly line of said Allaman tract, South 00 degrees 22 minutes 37 seconds West a distance of 30.01 feet to a point being the northerly corner of said Caston tract and the northwesterly corner of a tract conveyed to Mildred J. Babb of record in Record Number 55417680, said point being the True Point of Beginning;

Thence along the easterly line of said Caston tract and the westerly line of said Babb tract, South 29 degrees 47 minutes 20 seconds East a distance of 17.06 feet to a point;

Thence across said Caston tract, South 83 degrees 33 minutes 32 seconds West a distance of 8.63 feet to a point in the westerly line of said Caston tract and the easterly line said Allaman tract;

Thence along the westerly line of said Caston tract and the easterly line of said Allaman tract North 00 degrees 22 minutes 37 seconds East a distance of 15.77 feet to the True Point of Beginning.

EXHIBIT A**MILDRED J. BABB
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE
WORK NECESSARY FOR GRADING FOR APPROXIMATELY 12 MONTHS
FROM THE DATE OF ENTRY BY GRANTEE**

Situated in the City of Cuyahoga Falls, County of Summit, and State of Ohio and being in Township 3 North, Range 11 West and being part of Original Northampton Township Lot 35 and being a 0.032 acre tract out of a 0.51 acre tract conveyed to Mildred J. Babb of record in Record Number 55417680 (All references to the Summit County Recorder's Office unless otherwise specified), being known as Auditor's Parcel Number 35-05023 and more particularly described as follows:

Commencing at the centerline intersection of Creekside Trail and northerly right of way line of Chart Road, referenced by a 5/8" Iron Pin with cap "Lockhart" found to be South 40 degrees 24 minutes 48 seconds West at a distance of 0.13' feet, installed within a square monument box;

Thence along the centerline of Creekside Trail South 00 degrees 43 minutes 54 seconds East a distance of 30.00 feet to a point being the intersection of Creekside Trail and Chart Road;

Thence along the centerline of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 188.87 feet to a point being the northeasterly corner of a tract conveyed to Irvin E. Allaman, Trustee and Lois E. Allaman, Trustee of record in Deed Volume 5160, Page 356 and Original Record 1859, Page 449;

Thence along the easterly line of said Allaman tract, South 00 degrees 22 minutes 37 seconds West a distance of 30.01 feet to a point being the northwesterly corner of said Babb tract and the northerly corner of a tract conveyed to Christopher R. Caston and Robin L. Caston of record in Record Number 54355532, said point being the True Point of Beginning;

Thence along the northerly line of said Babb tract and the southerly line of Chart Road, North 89 degrees 16 minutes 11 seconds East a distance of 145.46 feet to a point being the northeasterly corner of said Babb tract and the northwesterly corner of a tract conveyed to Christofer D. Ilg and Gina M. Ilg, Trustees of record in Record Number 55017547;

Thence along the easterly line of said Babb tract and the westerly line of said Ilg tract, South 16 degrees 47 minutes 04 seconds East a distance of 12.36 feet to a point;

Thence across said Babb tract, North 86 degrees 35 minutes 31 seconds West a distance of 81.48 feet to a point;

Thence continuing across said Babb tract South 80 degrees 43 minutes 46 seconds West a distance of 59.99 feet to a point in the westerly line of said Babb tract and the easterly line said Caston tract;

Thence along the westerly line of said Babb tract and the easterly line of said Caston tract North 29 degrees 47 minutes 20 seconds West a distance of 17.06 feet to the True Point of Beginning.

The above described area is contained within Summit County Auditor's Parcel Number 35-05023 and contains 0.032 acres (1388 square feet, more or less inclusive of the present road which contains 0.000 acres (0 square feet), more or less.

This description is based on a field survey made under the direction and supervision of Charles H. Murphy, Registered Surveyor No. 6950 in February 2006.

The bearings referred to herein are based on the Ohio State Plane Coordinate System, North Zone, North American Datum of 1983.

A drawing of the above description known as Exhibit "B" is attached hereto and made a part hereof.

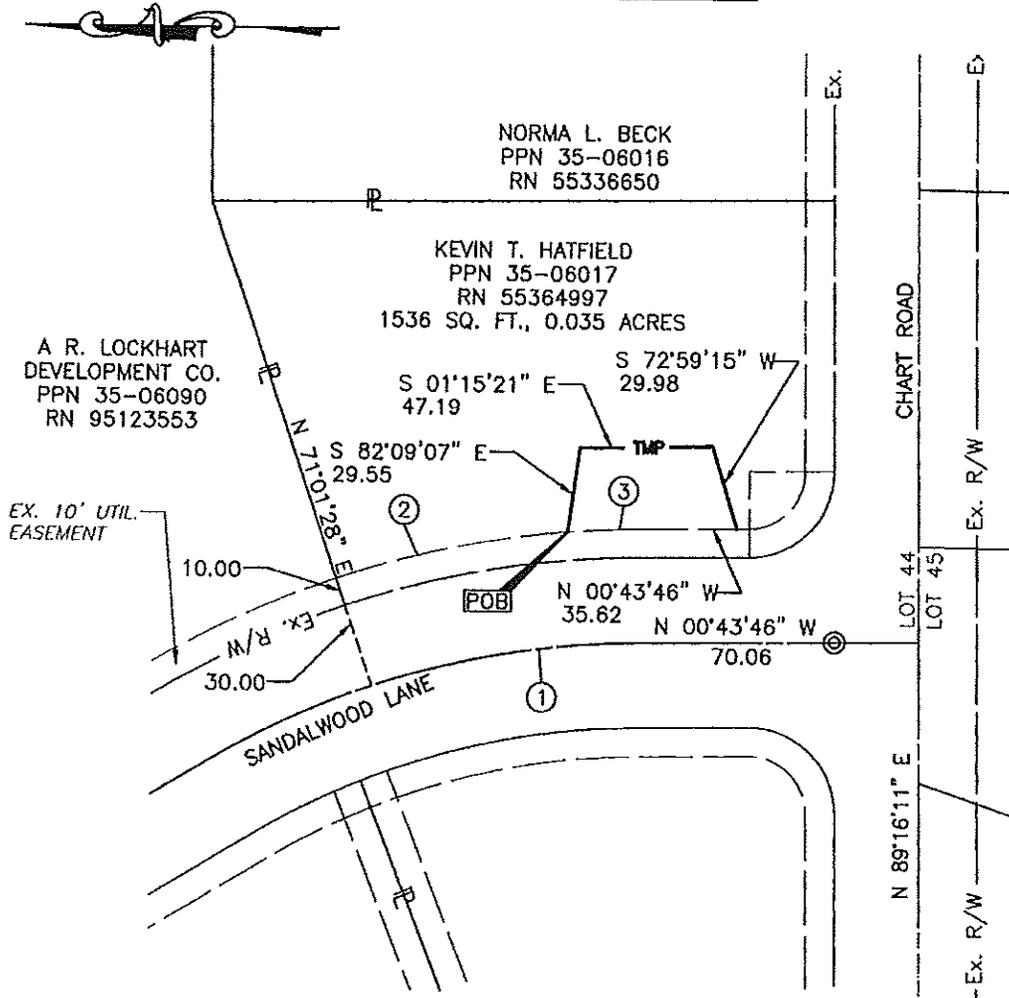
Grantor claims title by instrument of record in Record Number 55417680, of the Recorder's Office, Summit County, Ohio.

By: Charles H. Murphy 4-16-10
Charles H. Murphy, PS 6950 Date

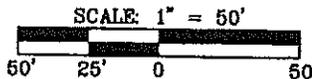


EXHIBIT "B"
 KEVIN T. HATFIELD
 TEMPORARY EASEMENT PARCEL
 CITY OF CUYAHOGA FALLS
 ORIGINAL NORTHAMPTON TOWNSHIP LOT 44
 TOWNSHIP 3N, RANGE 11W
 SUMMIT COUNTY, OHIO

CURVE	DELTA ANGLE	RADIUS	LENGTH	CHORD	CHORD BEARING
1	18°14'46" RT	300.00	95.53	95.13	N 09°51'09" W
2	18°14'45" RT	340.00	108.27	107.82	S 09°51'09" E
3	04°06'50" LT	340.00	24.40	24.39	N 02°47'07" W



NOTE: ALL ANGLES AND DISTANCES ARE AS PER RECORD UNLESS SPECIFIED OTHERWISE.



LEGEND
 ⊙ P.F. IRON PIN FOUND
 ⊗ MONUMENT BOX WITH 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

I HEREBY CERTIFY THAT: THE FOREGOING DRAWING REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY OF THE PREMISES PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND THAT THE SAID DRAWING IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



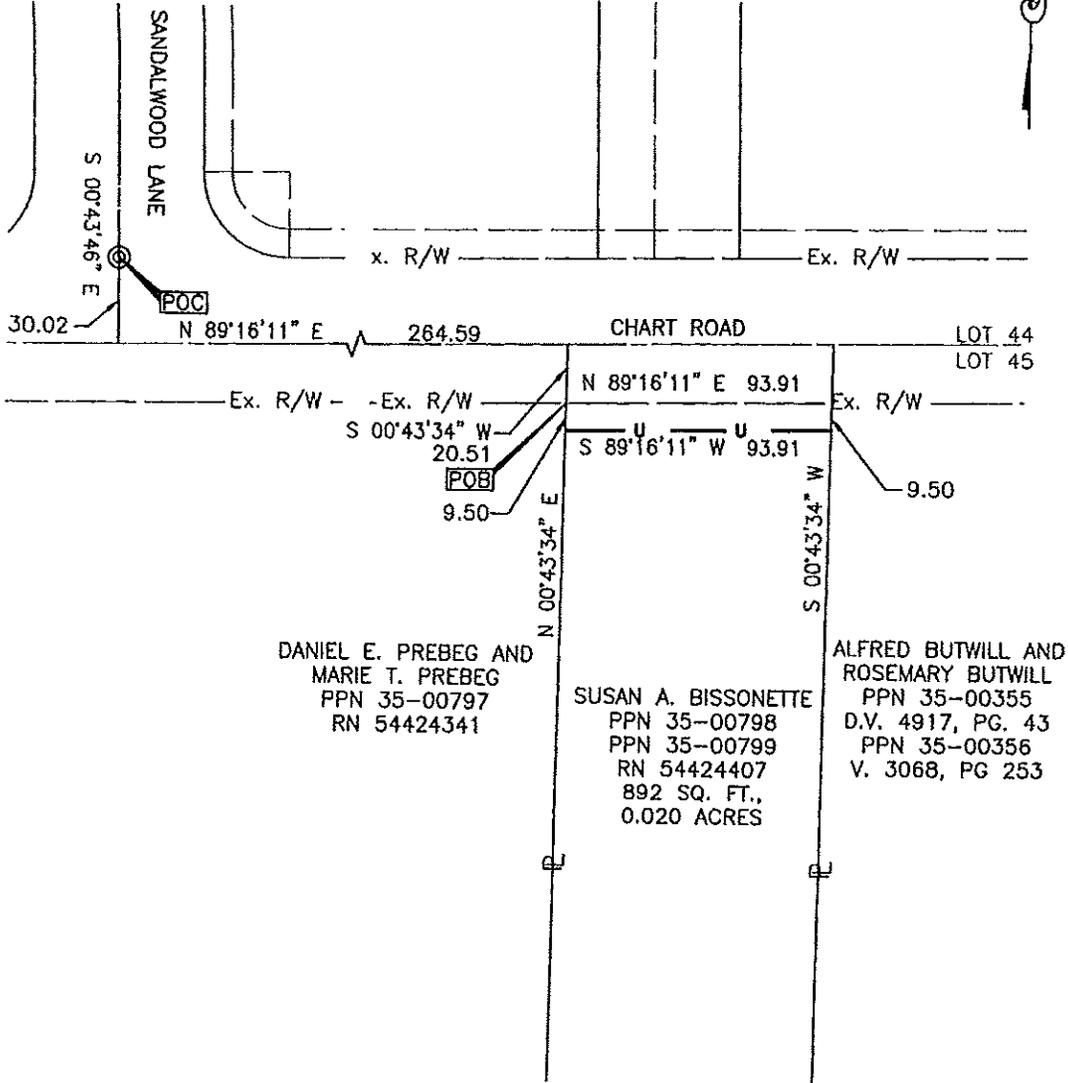
DLZ

BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

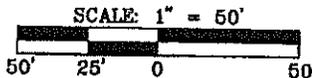
DRAWN: RDC	CHK'D: JMZ	PROJECT NUMBER: 0622-1002-01	BY: <i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	DATE: 4-16-10
------------	------------	------------------------------	--	---------------

EXHIBIT "B"
 SUSAN A. BISSONETTE
 GENERAL UTILITY EASEMENT PARCEL
 CITY OF CUYAHOGA FALLS
 ORIGINAL NORTHAMPTON TOWNSHIP LOT 45
 TOWNSHIP 3N, RANGE 11W
 SUMMIT COUNTY, OHIO

20-60



NOTE: ALL ANGLES AND DISTANCES
 ARE AS PER RECORD UNLESS
 SPECIFIED OTHERWISE.



LEGEND

- ⊙ P.F. IRON PIN FOUND
- ⊙ MONUMENT BOX WITH 5/8" IRON PIN FOUND

BASIS OF BEARING:

BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

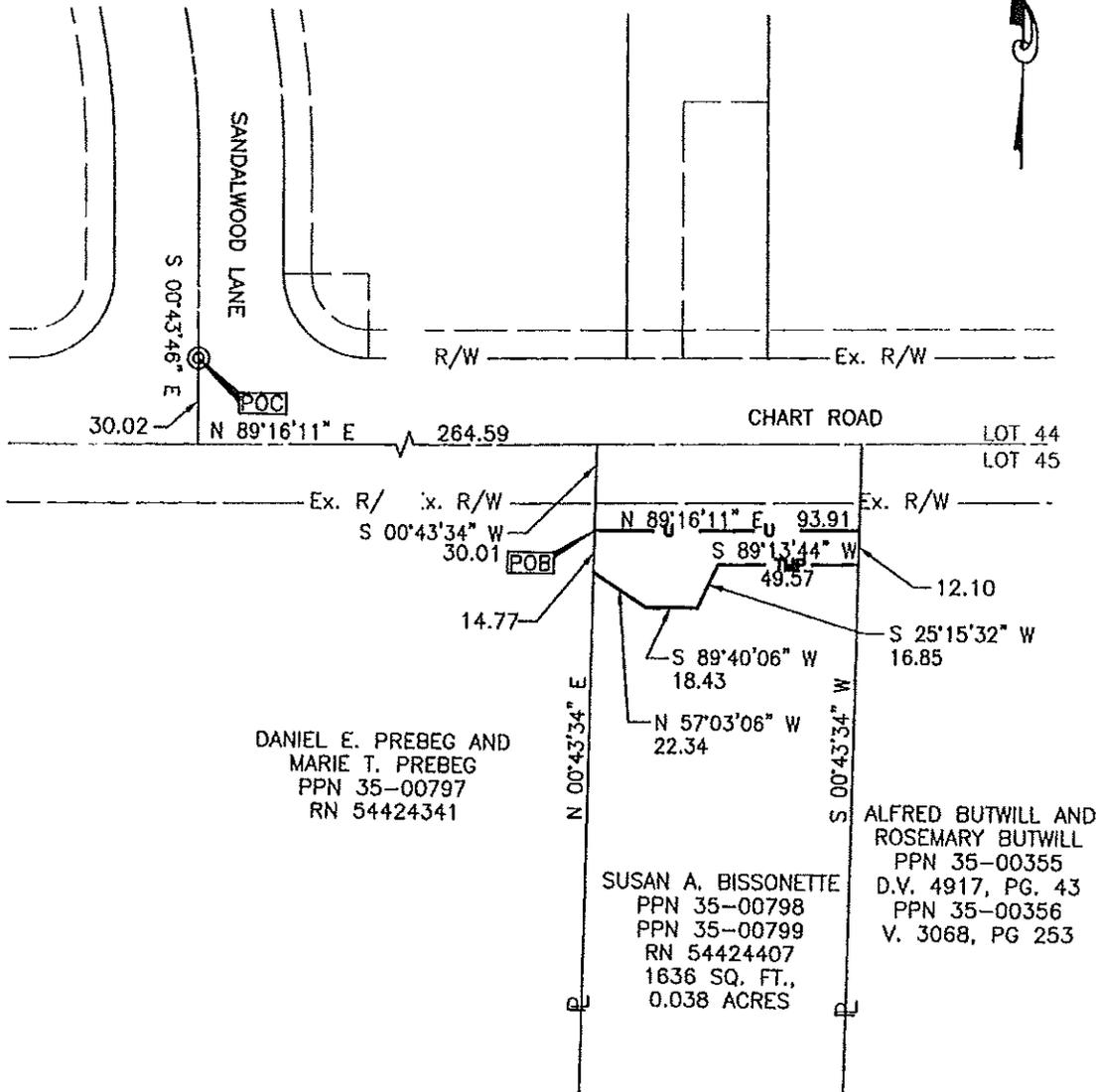
I HEREBY CERTIFY THAT: THE FOREGOING DRAWING REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY OF THE PREMISES PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND THAT THE SAID DRAWING IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



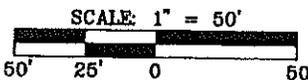
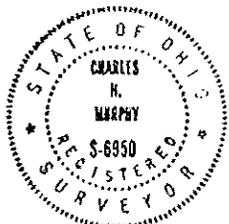
BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

EXHIBIT "B"
SUSAN A. BISSONETTE
TEMPORARY EASEMENT PARCEL
CITY OF CUYAHOGA FALLS
ORIGINAL NORTHAMPTON TOWNSHIP LOT 45
TOWNSHIP 3N, RANGE 11W
SUMMIT COUNTY, OHIO



NOTE: ALL ANGLES AND DISTANCES ARE AS PER RECORD UNLESS SPECIFIED OTHERWISE.



LEGEND
 ⊙ P.F. IRON PIN FOUND
 ⊙ MONUMENT BOX WITH 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

I HEREBY CERTIFY THAT: THE FOREGOING DRAWING REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY OF THE PREMISES PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND THAT THE SAID DRAWING IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

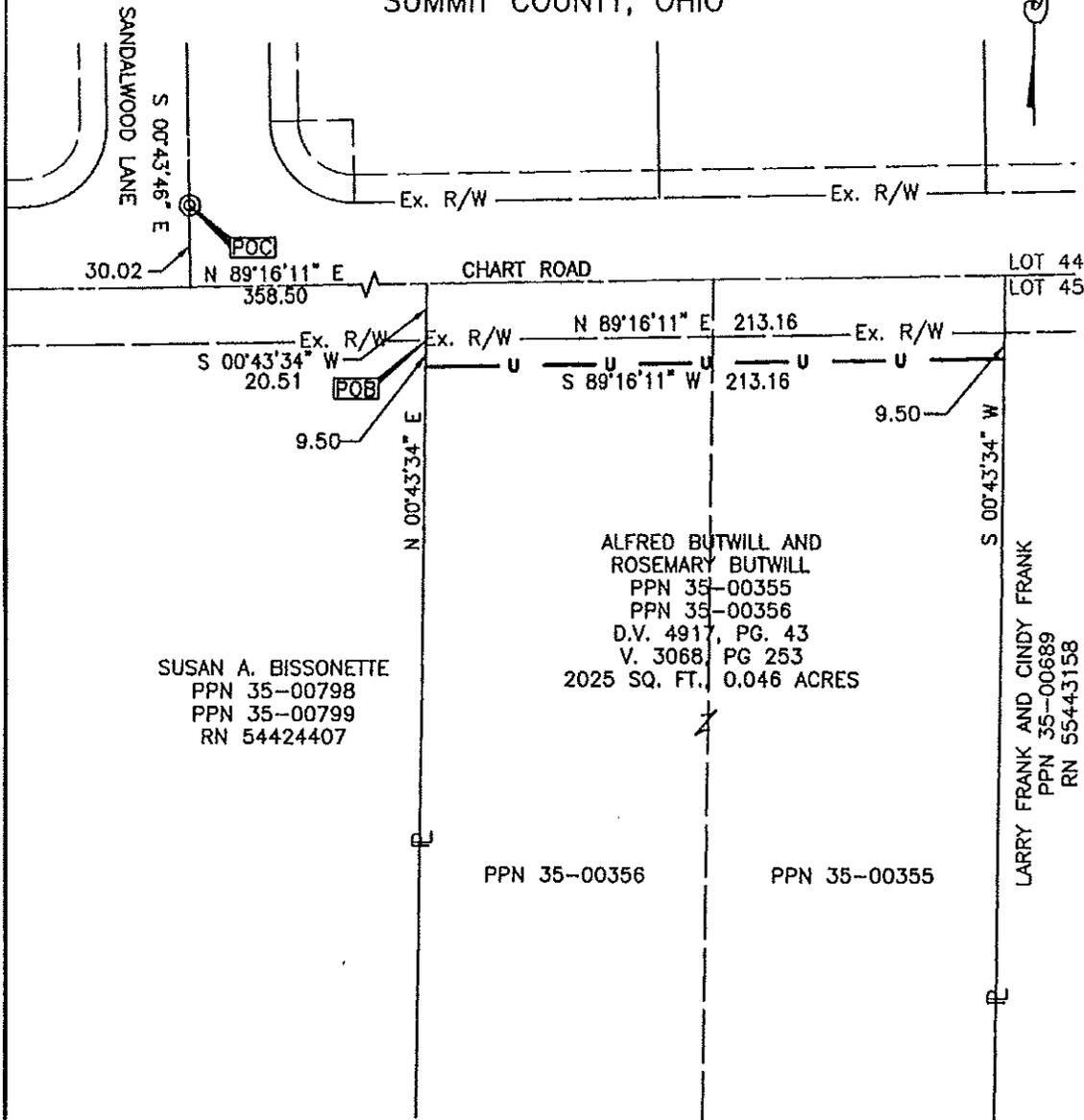


BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

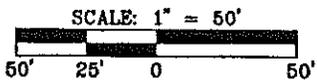
DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

EXHIBIT "B"
 ALFRED BUTWILL AND ROSEMARY BUTWILL
 GENERAL UTILITY EASEMENT PARCEL
 CITY OF CUYAHOGA FALLS
 ORIGINAL NORTHAMPTON TOWNSHIP LOT 45
 TOWNSHIP 3N, RANGE 11W
 SUMMIT COUNTY, OHIO

23-60



NOTE: ALL ANGLES AND DISTANCES
 ARE AS PER RECORD UNLESS
 SPECIFIED OTHERWISE.



LEGEND
 ⊙ P.F. IRON PIN FOUND
 ⊗ MONUMENT BOX WITH
 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE
 COORDINATE SYSTEM, NORTH ZONE, NAD 83.

I HEREBY CERTIFY THAT: THE FOREGOING DRAWING
 REPRESENTS THE RESULTS OF AN ACTUAL FIELD
 SURVEY OF THE PREMISES PERFORMED UNDER MY
 RESPONSIBLE SUPERVISION AND THAT THE SAID
 DRAWING IS CORRECT TO THE BEST OF MY
 KNOWLEDGE AND BELIEF.

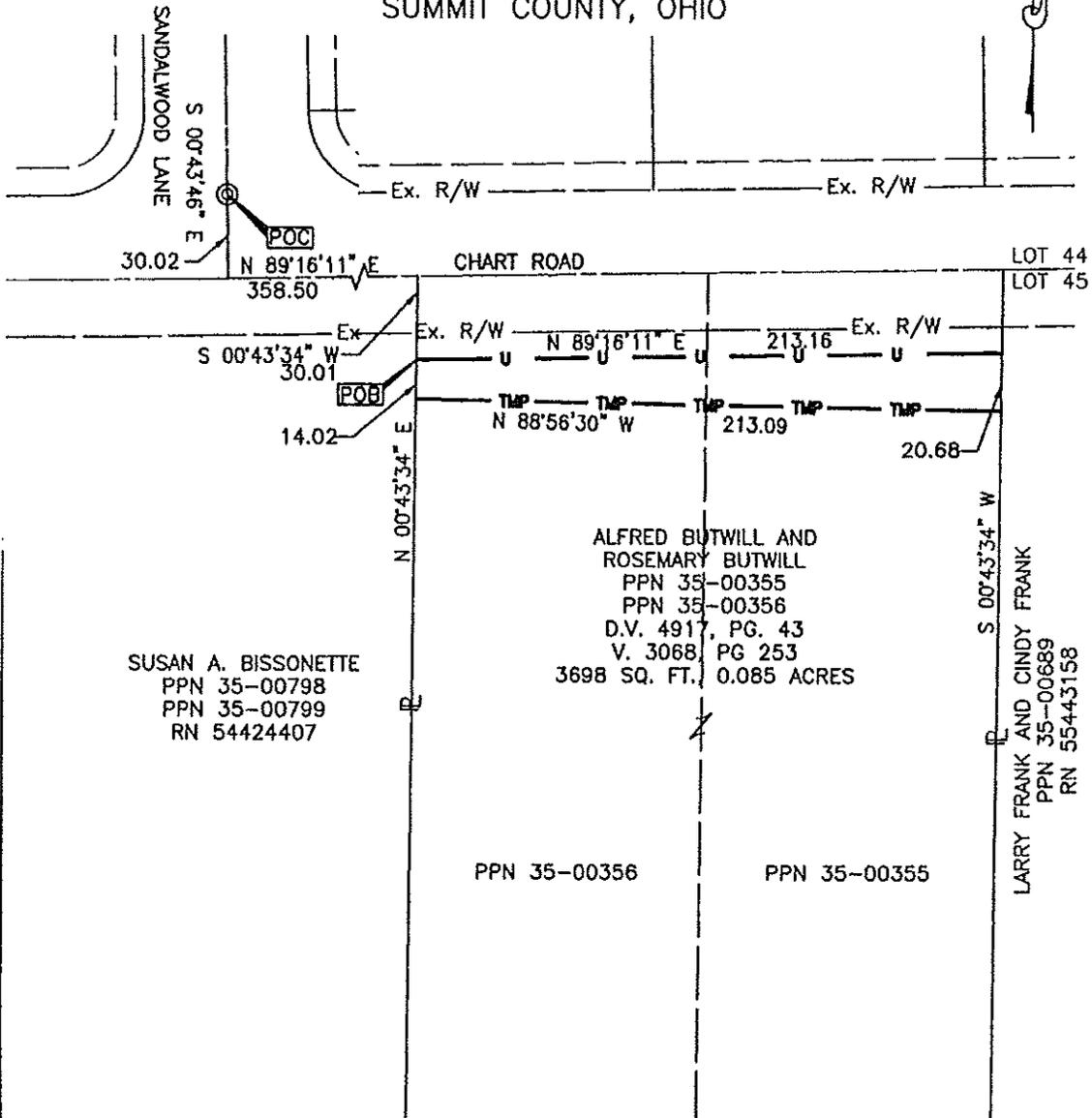


BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

EXHIBIT "B"
 ALFRED BUTWILL AND ROSEMARY BUTWILL
 TEMPORARY EASEMENT PARCEL
 CITY OF CUYAHOGA FALLS
 ORIGINAL NORTHAMPTON TOWNSHIP LOT 45
 TOWNSHIP 3N, RANGE 11W
 SUMMIT COUNTY, OHIO

20-1

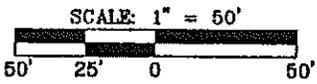


SUSAN A. BISSONETTE
 PPN 35-00798
 PPN 35-00799
 RN 54424407

ALFRED BUTWILL AND
 ROSEMARY BUTWILL
 PPN 35-00355
 PPN 35-00356
 D.V. 4917, PG. 43
 V. 3068, PG 253
 3698 SQ. FT. 0.085 ACRES

LARRY FRANK AND CINDY FRANK
 PPN 35-00689
 RN 55443158

NOTE: ALL ANGLES AND DISTANCES
 ARE AS PER RECORD UNLESS
 SPECIFIED OTHERWISE.



LEGEND
 ⊙ P.F. IRON PIN FOUND
 ⊙ MONUMENT BOX WITH
 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE
 COORDINATE SYSTEM, NORTH ZONE, NAD 83.

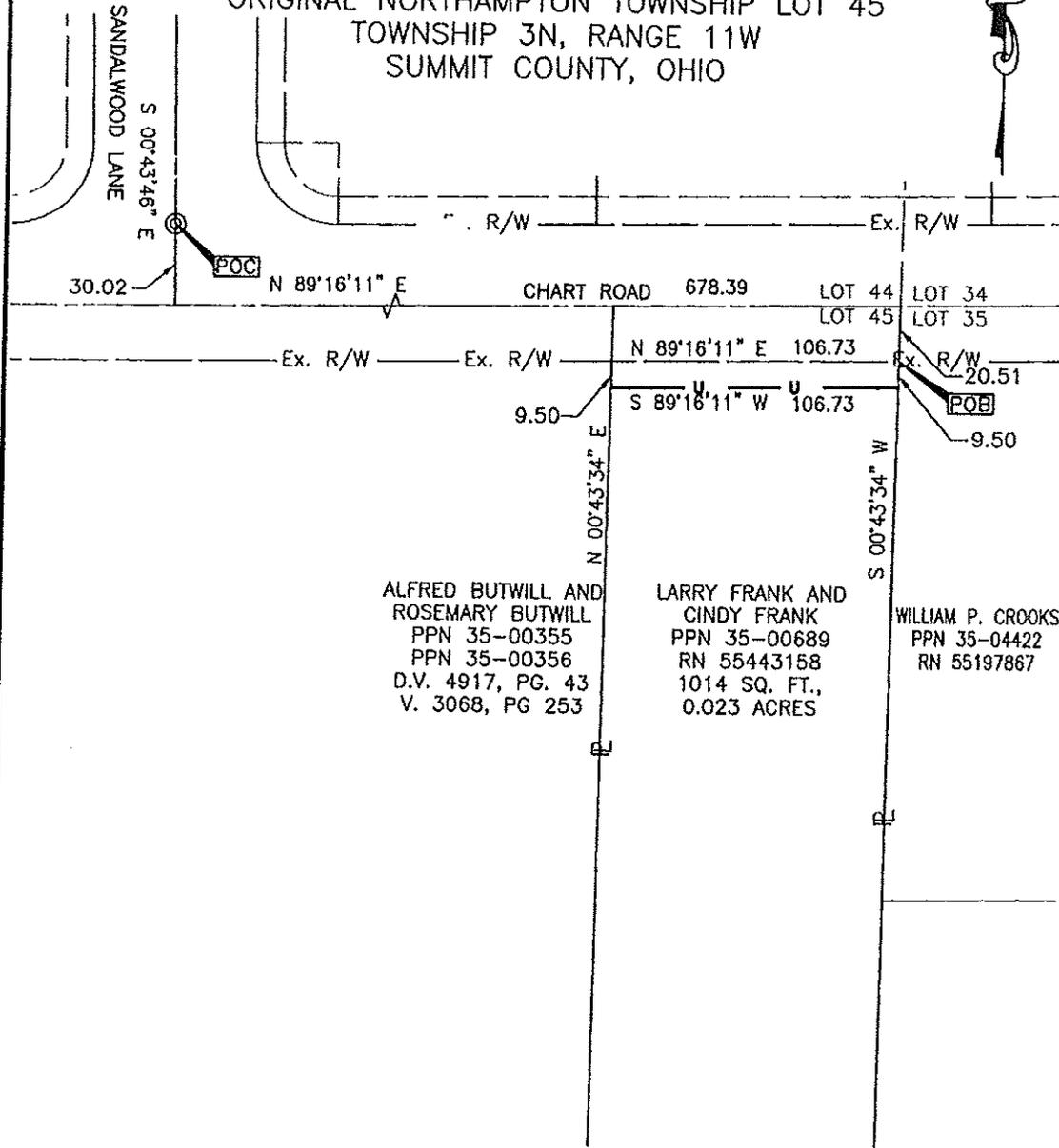
I HEREBY CERTIFY THAT: THE FOREGOING DRAWING
 REPRESENTS THE RESULTS OF AN ACTUAL FIELD
 SURVEY OF THE PREMISES PERFORMED UNDER MY
 RESPONSIBLE SUPERVISION AND THAT THE SAID
 DRAWING IS CORRECT TO THE BEST OF MY
 KNOWLEDGE AND BELIEF.

DLZ
 BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

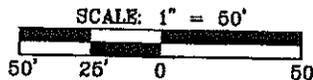
DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

EXHIBIT "B"
 LARRY FRANK AND CINDY FRANK
 GENERAL UTILITY EASEMENT PARCEL
 CITY OF CUYAHOGA FALLS
 ORIGINAL NORTHAMPTON TOWNSHIP LOT 45
 TOWNSHIP 3N, RANGE 11W
 SUMMIT COUNTY, OHIO

25-60



NOTE: ALL ANGLES AND DISTANCES ARE AS PER RECORD UNLESS SPECIFIED OTHERWISE.



LEGEND
 ⊙ P.F. IRON PIN FOUND
 ⊗ MONUMENT BOX WITH 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

I HEREBY CERTIFY THAT: THE FOREGOING DRAWING REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY OF THE PREMISES PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND THAT THE SAID DRAWING IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

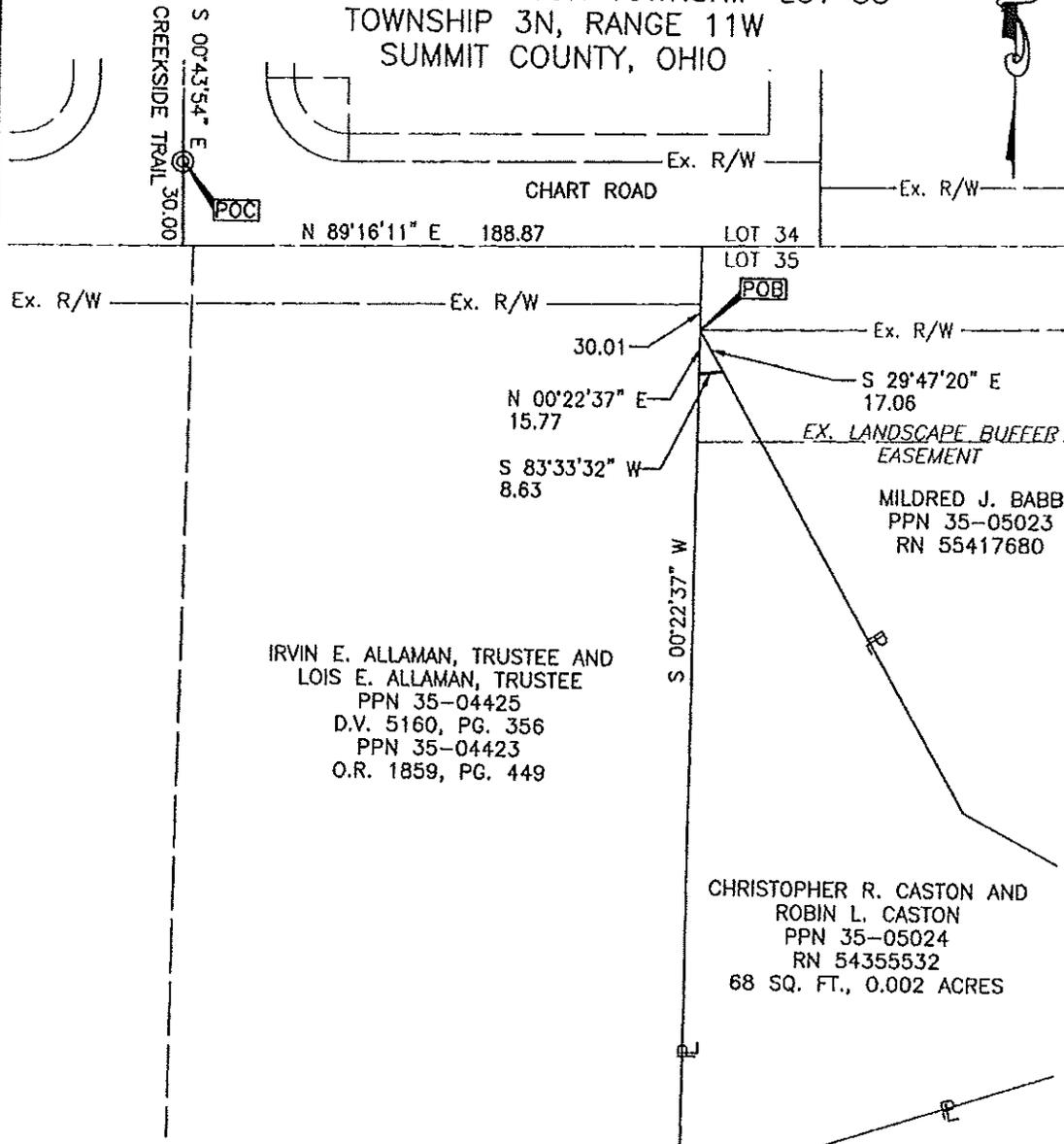
DLZ

BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

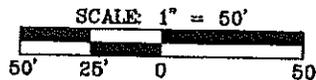
DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

EXHIBIT "B"
 CHRISTOPHER R. CASTON AND ROBIN L. CASTON
 TEMPORARY EASEMENT PARCEL
 CITY OF CUYAHOGA FALLS
 ORIGINAL NORTHAMPTON TOWNSHIP LOT 35
 TOWNSHIP 3N, RANGE 11W
 SUMMIT COUNTY, OHIO

37-1



NOTE: ALL ANGLES AND DISTANCES
 ARE AS PER RECORD UNLESS
 SPECIFIED OTHERWISE.



LEGEND
 ⊙ P.F. IRON PIN FOUND
 ⊗ MONUMENT BOX WITH
 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE
 COORDINATE SYSTEM, NORTH ZONE, NAD 83.

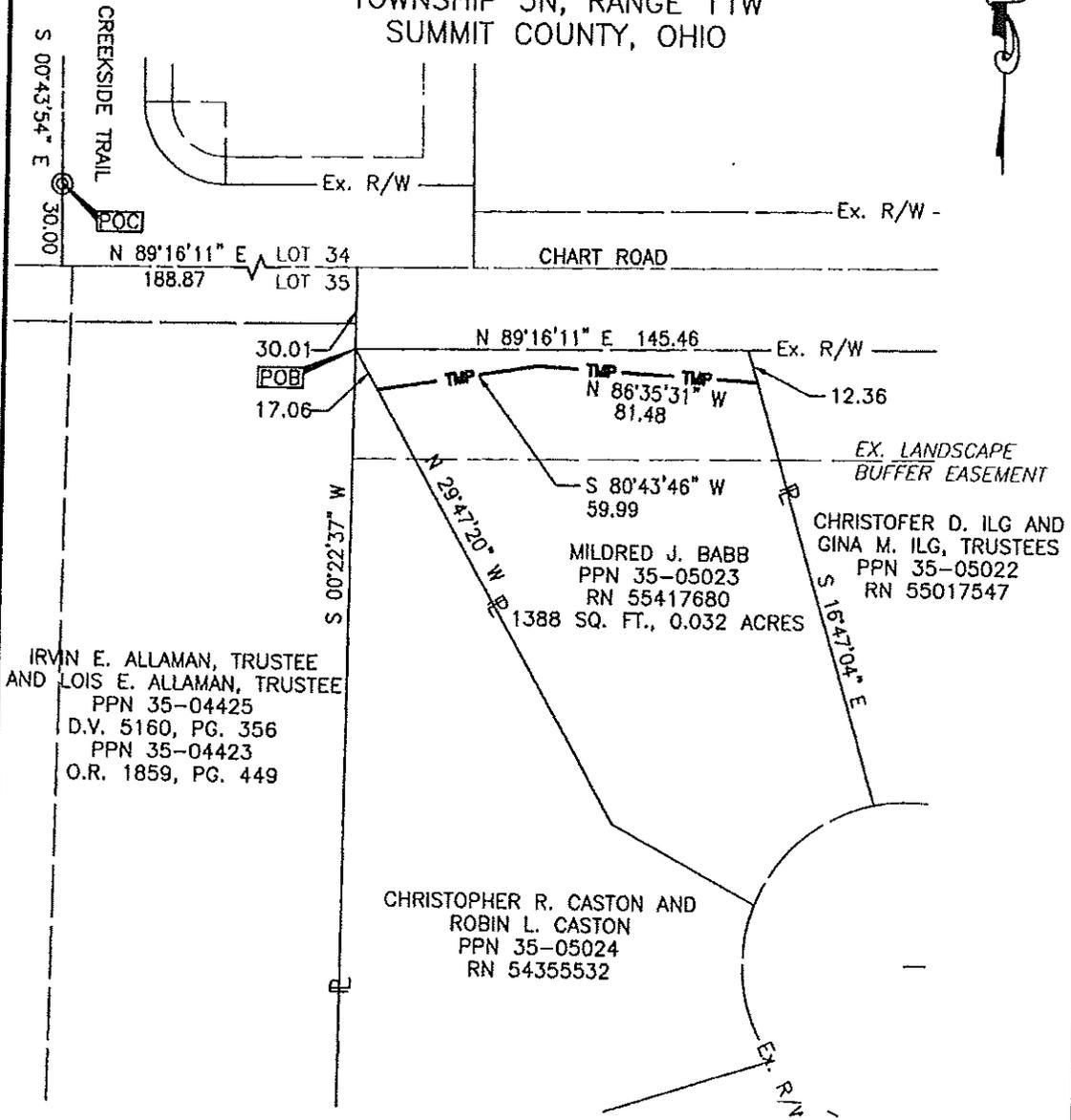
I HEREBY CERTIFY THAT: THE FOREGOING DRAWING
 REPRESENTS THE RESULTS OF AN ACTUAL FIELD
 SURVEY OF THE PREMISES PERFORMED UNDER MY
 RESPONSIBLE SUPERVISION AND THAT THE SAID
 DRAWING IS CORRECT TO THE BEST OF MY
 KNOWLEDGE AND BELIEF.



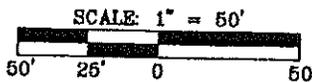
BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

EXHIBIT "B"
MILDRED J. BABB
TEMPORARY EASEMENT PARCEL
CITY OF CUYAHOGA FALLS
ORIGINAL NORTHAMPTON TOWNSHIP LOT 35
TOWNSHIP 3N, RANGE 11W
SUMMIT COUNTY, OHIO



NOTE: ALL ANGLES AND DISTANCES ARE AS PER RECORD UNLESS SPECIFIED OTHERWISE.



LEGEND
 ⊙ P.F. IRON PIN FOUND
 ⊙ MONUMENT BOX WITH 5/8" IRON PIN FOUND

BASIS OF BEARING:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

I HEREBY CERTIFY THAT: THE FOREGOING DRAWING REPRESENTS THE RESULTS OF AN ACTUAL FIELD SURVEY OF THE PREMISES PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND THAT THE SAID DRAWING IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DLZ
 BY: DLZ OHIO, INC.
 6121 HUNTLEY ROAD COLUMBUS, OH 43229
 PHONE (614) 888-0040 FAX (614) 888-6415

DRAWN:	CHK'D.	PROJECT NUMBER	BY:	DATE:
RDC	JMZ	0622-1002-01	<i>Charles H. Murphy</i> CHARLES H. MURPHY, P.S. 6950	4-16-10

Exhibit C

Property ID	Property Owner	Amount to Appropriate
Parcel 2-GU (745 Chart Road)	Michael A. Gentiluomo	\$3,445.00
Parcel 16-T (3335 Sandalwood Lane)	Kevin T. Hatfied	\$370.00
Parcel 20-U, T (550 Chart Road)	Susan Bissonette	\$9,120.00
Parcel 23-U, T (540 Chart Road)	Alfred and Rose Mary Butwill	\$3,940.00
Parcel 25-U, T (520 Chart Road)	Larry and Cindy Frank	\$4,865.00
Parcel 37-T (414 Hathaway Drive)	Christopher R. and Robin L. Caston	\$300.00
Parcel 38-T (401 Hathaway Drive)	Mildred J. Babb	\$1,090.00
		TOTAL \$23,130.00

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2010

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
8 INTO AN AGREEMENT WITH SUMMIT COUNTY TO
9 PROVIDE FOR THE ENFORCEMENT OF STATE
10 BUILDING CODES WITHIN THE TERRITORIAL
11 JURISDICTION OF CUYAHOGA FALLS, TO REQUEST AN
12 ADMINISTRATIVE RULE CHANGE PERMITTING SUCH
13 ENFORCEMENT, AUTHORIZING CERTAIN SEPARATION
14 BENEFITS FOR AFFECTED EMPLOYEES ACCEPTING
15 ALTERNATIVE EMPLOYMENT WITH SUMMIT COUNTY,
16 AND DECLARING AN EMERGENCY.

17
18 WHEREAS, it is the policy of this Council to ensure effective and uniform
19 enforcement of applicable building codes within the City of Cuyahoga Falls; and

20
21 WHEREAS, the City is currently responsible for plan review, permitting, inspection
22 and enforcement activities related to the Ohio Building Code (Ohio Revised Code
23 Chapter 3791) and the Residential Code of Ohio (Ohio Revised Code Chapter 3781)
24 (hereinafter collectively the "Building Codes" or the "Ohio Building Codes"); and

25
26 WHEREAS, the County of Summit Department of Building Standards has been
27 certified by the Ohio Board of Building Standards to provide Building Code related plan
28 review, permitting, inspection and enforcement services within numerous municipalities
29 within Summit County as well as the unincorporated areas of Summit County, and
30 regularly performs such services on behalf of such other municipalities with Summit
31 County; and

32
33 WHEREAS, this Council finds that it will be beneficial and in the public interest for
34 the City of Cuyahoga Falls to enter into an Agreement with Summit County whereby the
35 County of Summit Department of Building Standards will exercise all plan review,
36 permitting, inspection and enforcement services under the Building Codes, on behalf of
37 and within the City of Cuyahoga Falls,

38
39 NOW, THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of
40 Summit and State of Ohio, that:

41
42 Section 1. The Mayor is hereby authorized to enter into an agreement with Summit
43 County authorizing Summit County to provide plan review, permitting, inspection and
44 enforcement services under the Ohio Building Codes on behalf of and within the
45 territorial jurisdiction of the City of Cuyahoga Falls, and specifically to (i) accept and
46 approve plans and specifications for residential and non-residential buildings, (ii)
47 permit the erection, construction, repair and alteration of residential and non-
48 residential buildings, (iii) inspect the erection, construction, repair and alteration of
49 residential and non-residential buildings, and (iv) engage in code enforcement activities,
50 in accordance with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code
51 and any rules adopted pursuant thereto, as are consistent with the authority granted
52 under this Ordinance.

53
54 Section 2. The Mayor is hereby authorized file an application with the Ohio
55 Department of Commerce, Board of Building Standards requesting an administrative

56 rule change designating Summit County as the City's agent for the purposes of
57 providing plan review, permitting, inspection and enforcement services under the Ohio
58 Building Codes.
59

60 Section 3. The Mayor, Director of Law, Director of Public Service, and Director of
61 Finance, as appropriate, are hereby authorized to execute, certify, and/or furnish all
62 such other documents and take any other actions reasonably necessary to request the
63 administrative rule change and to implement the terms and conditions of the agreement
64 referred to in Sections 1 of this ordinance, and which are incidental to carrying out the
65 purposes of this ordinance.
66

67 Section 4. The Director of Finance is authorized to compensate employees who
68 separate from the City and accept alternative employment with Summit County not
69 later than January 3, 2011, for earned but unused sick leave, up to 960 hours,
70 notwithstanding length of service with the City, and to reimburse such employees for
71 the cost of Natatorium Membership Wellness Program memberships, on a pro rata
72 basis, as of December 31, 2010.
73

74 Section 5. Any other ordinances and resolutions or portions of ordinances and
75 resolutions inconsistent herewith be and the same are hereby repealed, but any
76 ordinances and resolutions or portions of ordinances and resolutions not inconsistent
77 herewith and which have not previously been repealed are hereby ratified and
78 confirmed.
79

80 Section 6. It is found and determined that all formal actions of this Council
81 concerning and relating to the adoption of this ordinance were adopted in an open
82 meeting of this Council and that all deliberations of this Council and of any of its
83 committees that resulted in such a formal action were in meetings open to the public, in
84 compliance with all legal requirements including Chapter 107 of the Codified
85 Ordinances.
86

87 Section 7. This ordinance is hereby declared to be an emergency measure necessary
88 for the preservation of the public peace, health, safety, convenience and welfare of the
89 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the
90 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
91 take effect and be in force immediately upon its passage and approval by the Mayor;
92 otherwise it shall take effect and be in force at the earliest period allowed by law.
93
94

95 Passed _____

President of Council

99 _____
100 Clerk of Council

103 Approved _____

Mayor

106 11/8/10

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2010

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO AN ENERGY
9 PURCHASE AGREEMENT KNOWN AS THE "AMPGS
10 REPLACEMENT ENERGY SCHEDULE," WITH AMERICAN
11 MUNICIPAL POWER, INC., AND DECLARING AN
12 EMERGENCY.
13

14
15 WHEREAS, the City owns and operates an electric utility system for the sale of
16 electric power and associated energy for the benefit of its citizens and taxpayers; and
17

18 WHEREAS, in order to satisfy the electric energy requirements of its electric utility
19 system, the City has heretofore purchased electric capacity and energy from American
20 Municipal Power, Inc. ("AMP"), of which the City is a Member; and
21

22 WHEREAS, AMP and the City have entered into a Master Services Agreement
23 ("MSA"), pursuant to which sets forth general terms and conditions under which,
24 among other things, AMP may sell and the City may purchase electric capacity and
25 energy and other services through Schedules to the MSA; and
26

27 WHEREAS, AMP and the City, as a participant, also entered into a power sales
28 contract (AMP Contract No. C-7-2007-5759-R) regarding the American Municipal Power
29 Generating Station Project ("AMPGS Project") dated as of November 1, 2007 ("AMPGS
30 PSC"), which was terminated as a coal fired project by the AMPGS participants and the
31 AMP Board of Trustees on November 24, 2009; and
32

33 WHEREAS, the AMPGS participants and the AMP Board of Trustees determined to
34 investigate the replacement of the AMPGS coal project with, among other possibilities, a
35 natural gas combined cycle project and power purchases from the softened wholesale
36 market and to present modifications to the AMPGS PSC as well as other arrangements,
37 to the AMPGS participants therein to reflect those changes; and
38

39 WHEREAS, as a part of those effects the AMPGS participants and the AMP Board of
40 Trustees directed AMP to secure a 100 MW block of purchased energy for the period
41 January 1, 2015 through December 31, 2020, on a "take and pay" basis at favorable
42 cost, through arrangements with Morgan Stanley Capital Group, Inc. ("MSCGI"), for
43 resale to the City and other AMPGS participants and, potentially other AMP members,
44

45 WHEREAS, in furtherance thereof AMP has negotiated an agreement ("Purchased
46 Energy Agreement") with MSCGI for the purchase by AMP of firm energy for resale to
47 the City and other AMP members who are participants in the AMPGS Project or, to the
48 extent not fully subscribed to AMPGS participants, also to other AMP members, at
49 favorable rates, terms and conditions; and
50

51 WHEREAS, the City desires to replace a portion of the energy that would have been
52 available from AMPGS, had it been completed as a coal fired project, from the
53 Purchased Energy Agreement through the AMPGS Replacement Energy Schedule; and
54

55 WHEREAS, the City previously determined that it could beneficially utilize a portion
56 of such energy and executed the AMPGS PSC with AMP for a share of the power and
57 energy from AMPGS; and
58

59 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
60 County of Summit, State of Ohio, that:
61

62 Section 1. The Director of Public Service is authorized to enter into an energy
63 purchase agreement known as the AMPGS Replacement Energy Schedule, substantially
64 in the form attached hereto or on file with the Clerk of Council, and the Director of
65 Public Service is hereby authorized to execute and deliver such Schedule, with such
66 changes as the Director of Public Service may approve as neither inconsistent with this
67 Ordinance nor materially adverse to the City.
68

69 Section 2. The Authorized Representative is authorized to execute the AMPGS
70 Replacement Power Schedule for an amount of up to 20,000 kW, on a "take and pay"
71 basis.
72

73 Section 3. Any other ordinances and resolutions or portions of ordinances and
74 resolutions inconsistent herewith be and the same are hereby repealed, but any
75 ordinances and resolutions or portions of ordinances and resolutions not inconsistent
76 herewith and which have not previously been repealed are hereby ratified and
77 confirmed.
78

79 Section 4. It is found and determined that all formal actions of this Council
80 concerning and relating to the passage of this ordinance were taken in an open meeting
81 of this Council and that all deliberations of this Council and of any committees that
82 resulted in those formal actions were in meetings open to the public, in compliance with
83 all legal requirements including Chapter 107 of the Codified Ordinances.
84

85 Section 5. That this ordinance is hereby declared to be an emergency measure
86 necessary for the preservation of the public peace, health, safety, convenience and
87 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
88 receives the affirmative vote of two-thirds of the members elected or appointed to
89 Council, it shall take effect and be in force immediately upon its passage and approval
90 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
91 by law.
92

93
94 Passed: _____
95 _____
96 President of Council
97

98 _____
99 Clerk of Council
100

101
102 Approved: _____
103 _____
104 Mayor
105

106 11/8/10

O:\2010ords\AMPGS Replacement Power.doc