

# Village of Mogadore

135 South Cleveland Avenue

Mogadore, OH 44260

Phone: (330) 628-4896 | Fax: (330) 628-5850

Web Site: [www.mogadorevillage.org](http://www.mogadorevillage.org)

## COUNCIL MEETING AGENDA

Wednesday, January 15, 2025

5:30 p.m.

1. Moment of Reflection – Mr. Raddish
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from January 2, 2025, council meetings presented for changes, corrections, and adoption
6. Comments from the Audience on the pending legislation
7. Committee Reports
8. Old Business – None
9. New Business – Three pieces of legislation.
  - Ordinance 2025-1** – Ms. Miller – Sponsor: Planning and Zoning Committee – (Exhibit A)  
AN ORDINANCE AMENDING SECTION 152.018 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “NONCONFORMING USES” CONCERNING THE RESTORATION OF NONCONFORMING ATTACHED SINGLE-FAMILY DWELLINGS WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.
  - Ordinance 2025-2** – Ms. Miller – Sponsor: Planning and Zoning Committee – (Exhibit A)  
AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED WITHIN THE VILLAGE FROM AN R-3 ZONING DISTRICT DESIGNATION TO AN R-1 ZONING DISTRICT DESIGNATION.
  - Ordinance 2025-3** – Ms. Miller – Sponsor: Planning and Zoning Committee – (Attachment/9 pages)  
AN ORDINANCE APPROVING THE FINAL PLAT OF PHASE 1 OF THE WEST VILLAGE SUBDIVISION, AND ACCEPTING THE DEDICATED RIGHT-OF-WAYS, EASEMENTS, OPEN-SPACES AND PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN SAID SUBDIVISION, AND DECLARING AN EMERGENCY.
10. Comments
  1. Public
  2. Council
  3. Law Director
  4. Village Engineer
  5. Clerk-Treasurer
  6. Mayor
11. Adjournment

# COUNCIL MEETING

Thursday, January 2, 2025

The Council met in regular session at 5:30 p.m. with Mayor Rick presiding.

Mr. Yoho asked everyone to join him in a moment of reflection on their own intentions. The Pledge of Allegiance to the Flag was recited by all.

The Council Meeting was held in the Council Chambers. The meeting was open to the public and was live-streamed on the Village's Facebook Page.

Roll Call: Yoho, McDowall, Van Dike, Raddish, Tonsic, and Miller were present. Mr. Bauer was absent.

Others Present: Mayor Rick, Council Clerk Rachel Osborne, Clerk-Treasurer Scott Varney, Law Director Jason Dodson, and Village Engineer Matt Glass.

Motion by Raddish second by Van Dike for the approval of the agenda as presented. Vote. Unanimous ayes. Motion carried.

Swearing In Full-Time Police Officer Nicholas Gall.

Police Chief Todd Higgins introduced Heather Kaltenbach as the new full-time Police Administrative Assistant/Mayor's Court Clerk. Heather started working for the Village in July of last year.

The meeting continued shortly after visitors cleared out from the swearing-in.

Motion by Raddish second by McDowall to adopt the minutes from the December 18, 2024, Council meeting. Vote. Unanimous ayes. Motion carried.

**COMMENTS FROM THE AUDIENCE ON PENDING LEGISLATION** – No comments.

## **COMMITTEE REPORTS**

UTILITIES – Mr. Bauer was not present.

SAFETY – Mr. Yoho has no report.

PARKS & RECREATION – Mr. McDowall has no report.

PLANNING AND ZONING – Ms. Miller has no report.

FINANCE/AUDIT – Ms. Van Dike has no report.

STREETS – Mr. Tonsic has no report.

Council President Raddish announced the January Work Session will be held Wednesday, January 22nd at 5:30 p.m. with all committees reporting.

**OLD BUSINESS** – None.

**NEW BUSINESS** – None.

**COMMENTS from the Public:** Joe Henico, 3773 Argonne Street, asked what happened to the previous lady who was hired before Ms. Kaltenbach as the Police Administrative Assistant/Mayor's Court Clerk.

Mayor Rick stated the previous individual who was hired for that position worked for a few months and then decided to leave.

Henico asked if Ms. Kaltenbach lived locally.

Mayor Rick, yes, Portage County.

June Long, 4061 Etter Road, asked what is being done with the gas lines on Etter Road.

Mr. Glass stated it is survey work for the design project for Lincoln Avenue and Etter Road that will start. There will be no active construction they are just marking lines.

**COMMENTS from the Council:** Mr. McDowall, Happy New Year everyone.

**COMMENTS from the Law Director:** No comments.

**COMMENTS from the Village Engineer:** Mr. Glass stated the construction on Herbert Street and Meadowridge Road will be starting back up weather permitting.

**COMMENTS from the Clerk-Treasurer:** No comments.

**COMMENTS from Mayor Rick:** Mayor Rick reminded the Council of the Public Joint Hearing next Wednesday, January 8<sup>th</sup> at 7 p.m. with the Planning Commission for the Wynstone Development to rezone from R-3 to R-1 District. There will be a Planning and Zoning Meeting before the hearing at 6:30 p.m. to approve the Final Plat for Phase 1 of the West Village Development.

Meeting adjourned at 5:39 p.m.

Attest:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Date

\_\_\_\_\_

Clerk-Treasurer

RECORD OF ORDINANCES

Ordinance No. 2025-1 \_\_\_\_\_

Passed \_\_\_\_\_, 2025

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE AMENDING SECTION 152.018 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “NONCONFORMING USES” CONCERNING THE RESTORATION OF NONCONFORMING ATTACHED SINGLE-FAMILY DWELLINGS WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 152.018 of the Codified Ordinances of the Village of Mogadore, entitled “Nonconforming Uses” provides for zoning regulations concerning nonconforming uses within the Village; and

WHEREAS, Subsection 152.018(A) further provides for the continuation of use of nonconforming buildings, structures, or land within the Village, including Subsection 152.018(A)(1) which provides for the restoration of buildings or structures that are damaged or destroyed in certain circumstances; and

WHEREAS, Subsection 152.018(A)(6) provides that nonconforming buildings or structures that are damaged or destroyed may be reconstructed, repaired, or rebuilt, and may continue to then be used as a nonconforming building or structure, provided that the expense of such work does not exceed 50% of the replacement cost of the building or structure and that it is reconstructed, repaired or rebuilt within 12 months; and

WHEREAS, given the unique circumstances surrounding nonconforming attached single-family dwellings, in particular the very likely probability that such attached single-family dwelling is situated on a lot that would otherwise be unbuildable, this Council desires to amend Section 152.018(A)(6) to permit the reconstruction, repair, or rebuild of such dwelling regardless of the expense of the work for the same, provided that it is reconstructed, repaired or rebuilt within 12 months; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and it the best interest of the Village to amend Section 152.018 as set forth on Exhibit A, attached hereto and incorporated herein by reference, for the reasons set forth above.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby adopts amends Section 152.018 of the Codified Ordinances of the Village of Mogadore as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council

RECORD OF ORDINANCES

Ordinance No. 2025-1

Passed \_\_\_\_\_, 2025

and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately providing for the aforementioned exception for attached single-family dwellings before any rezoning is adopted by this Council that would make any attached single-family dwellings in the Village nonconforming uses, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Clerk-Treasurer

## RECORD OF ORDINANCES

Ordinance No. 2025-1Passed \_\_\_\_\_, 2025

## EXHIBIT A

**§ 152.018 NONCONFORMING USES.**

- (A) Continuation of non-conforming uses. The lawful use of any building, structure, or land existing at the time of the enactment of this chapter may be continuous, although such use does not conform with the provisions of this chapter, provided the following conditions are met:
- (1) Unsafe structures. Nothing in this chapter shall prevent restoring to a safe condition any portion of a building or structure declared unsafe by a proper authority as defined by ordinance.
  - (2) Alterations. A non-conforming building or structure may be altered, improved or reconstructed but not enlarged or extended, provided such work is not to an extent exceeding in the aggregate cost 50% of the replacement value of the building or structure, unless the building or structure is changed to a conforming use.
  - (3) Extension. A non-conforming use shall not be extended but the extension of lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this chapter shall not be deemed the extension of such non-conforming use.
  - (4) Changes. A non-conforming use may be changed to another non-conforming use if the proposed non-conforming use is in less conflict with the character and use of the district than the existing non-conforming use.
  - (5) Construction approved prior to ordinance. Nothing herein shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within 90 days of the date of the permit.
  - (6) Restoration. For all nonconforming buildings or structures other than nonconforming attached single-family dwellings, Nothing in this chapter shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God after the date of this chapter, where the expense of such work does not exceed 50% of the replacement cost of the building or structure at the time such damage occurred and the restoration is completed within 12 months from the date of damage and in accordance with this chapter and the building code. A nonconforming attached single-family

## RECORD OF ORDINANCES

Ordinance No. 2025-1Passed \_\_\_\_\_, 2025

dwelling damaged by fire, collapse, explosion or Acts of God may be restored, repaired, rebuilt and continued to be used provided such restoration, repair or rebuilding is completed within 12 months from the date of damage and in accordance with this chapter and the building code, regardless of the expense of such restoration, repair or rebuilding.

- (7) Abandonment. A non-conforming use has been discontinued for a period of one year or more. Such discontinuance shall be considered conclusive evidence of an intention to legally abandon the non-conforming use.
- (B) Displacement. No non-conforming use shall be extended to displace a conforming use.
- (C) District changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the provisions of § 152.017 and division (A) of this section shall also apply to any non-conforming uses existing therein.
- (D) Junk yards. No person, firm or corporation shall store or permit storage for a period of more than 15 days of any partly dismantled, inoperable and unlicensed, or wrecked vehicles or their parts; second-hand building materials; junk, paper, containers, or other salvaged articles, including, without limitation, old iron, glass, garbage waste, or discarded materials, upon any lot or land situated within the boundaries of any residential, commercial or industrial area unless same is completely enclosed within a building or garage and is clearly ancillary or incidental to the permitted use or is a use specifically permitted by the applicable district regulations. Such 15-day period shall run from the date that such person, firm, or corporation is notified, in writing, by the Village Zoning and Building Inspector, the Village Council or their agent, that such storage is in violation of this section. Impound lots designated by the Safety Department of the village are permitted storage times of up to one year.

RECORD OF ORDINANCES

Ordinance No. 2025-2

Passed \_\_\_\_\_, 2025

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED WITHIN THE VILLAGE FROM AN R-3 ZONING DISTRICT DESIGNATION TO AN R-1 ZONING DISTRICT DESIGNATION.

WHEREAS, Section 152.133 of the Village’s Codified Ordinances provides this Council the authority to modify the number, shape or area of the districts established by the Codified Ordinances and set forth on the Village’s zoning map, including amending said zoning map, provided that the Village complies with the procedural requirements contained therein; and

WHEREAS, the Village desires to rezone that certain real property located within Village depicted on Exhibit A and listed in Exhibit B (collectively the “Property”) from an R-3 zoning district designation to an R-1 zoning district designation; and

WHEREAS, following proper notice, this Council and the Village’s Planning Commission held a joint hearing on the application for the rezoning of the Property from an R-3 zoning district designation to an R-1 zoning district designation on January 8, 2025, pursuant to Section 152.133 of the Village’s Codified Ordinances; and

WHEREAS, on January 8, 2025, the Village’s Planning Commission voted unanimously to recommend the rezoning of the Property from an R-3 zoning district designation to an R-1 zoning district designation; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to rezone the Property from an R-3 zoning district designation to an R-1 zoning district as set forth herein, and to amend the Village’s zoning map accordingly.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: Pursuant to Section 152.133 of the Village’s Codified Ordinances, this Council hereby rezones the Property from an R-3 zoning district designation to an R-1 zoning district.

SECTION 2: The Village’s zoning map is hereby amended to reflect the Property as part of the Village’s R-1 zoning district designation.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.





EXHIBIT A  
Map of Rezoned Area  
Ordinance 2025-2

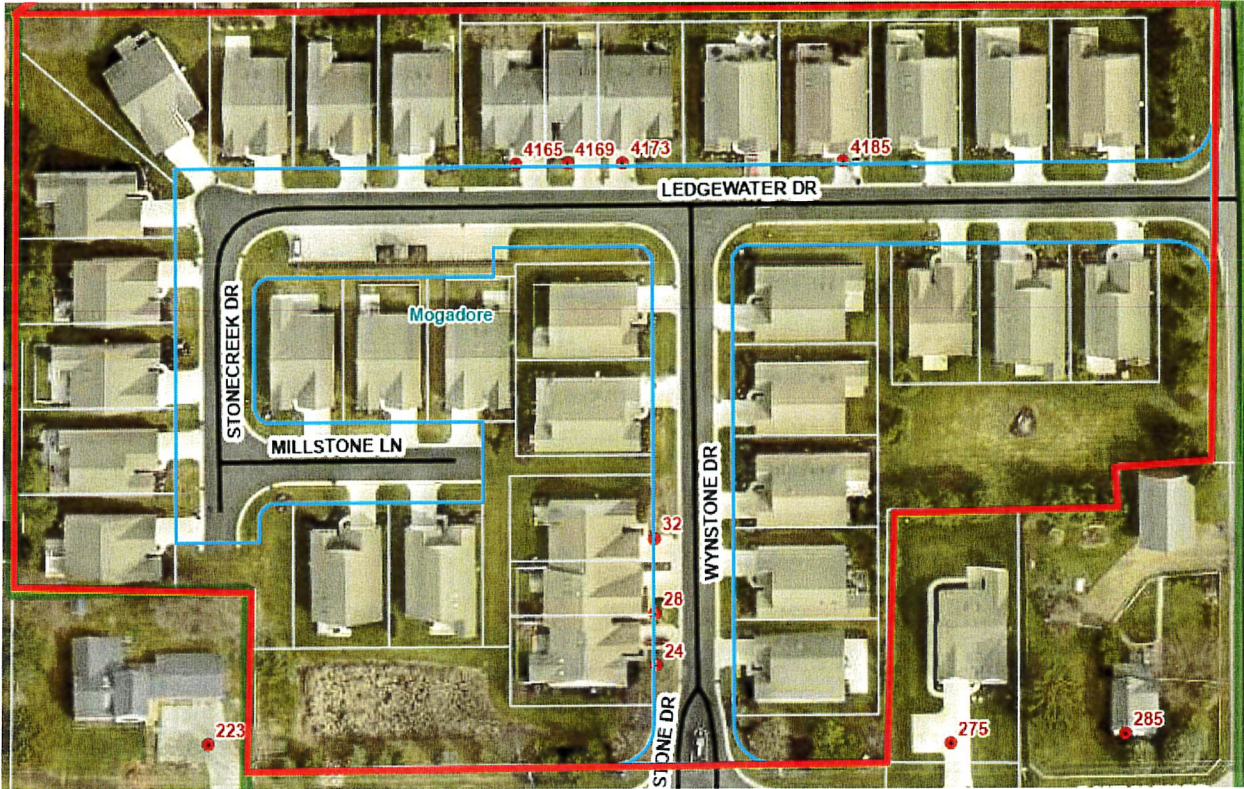


EXHIBIT B  
List of Rezoned Parcels

39-046-50-00-001-001  
39-046-50-00-001-002  
39-046-50-00-001-003  
39-046-50-00-001-004  
39-046-50-00-001-005  
39-046-50-00-001-006  
39-046-50-00-001-022  
39-046-50-00-001-023  
39-046-50-00-001-024  
39-046-50-00-028-000  
39-046-50-00-029-000  
39-046-50-00-030-000  
39-046-50-00-001-025  
39-046-50-00-001-026  
39-046-50-00-001-027  
39-046-50-00-001-028  
39-046-50-00-001-029  
39-046-50-00-001-034  
39-046-50-00-001-019  
39-046-50-00-001-020  
39-046-50-00-001-021  
39-046-50-00-001-033  
39-046-50-00-001-008  
39-046-50-00-001-007  
39-046-50-00-001-032  
39-046-50-00-009-000  
39-046-50-00-008-000  
39-046-50-00-007-000  
39-046-50-00-043-000  
39-046-50-00-001-030  
39-046-50-00-001-013  
39-046-50-00-001-012  
39-046-50-00-001-011  
39-046-50-00-001-010  
39-046-50-00-001-009  
39-046-50-00-001-016  
39-046-50-00-001-015  
39-046-50-00-001-014  
39-046-50-00-001-017  
39-046-50-00-001-018  
39-046-50-00-001-031  
39-046-50-00-044-000

RECORD OF ORDINANCES

Ordinance No. 2025-3

Passed \_\_\_\_\_, 2025

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE APPROVING THE FINAL PLAT OF PHASE 1 OF THE WEST VILLAGE SUBDIVISION, AND ACCEPTING THE DEDICATED RIGHT-OF-WAYS, EASEMENTS, OPEN-SPACES AND PUBLIC INFRASTRUCTURE IMPROVEMENTS WITHIN SAID SUBDIVISION, AND DECLARING AN EMERGENCY.

WHEREAS, an application has been filed with the Village of Mogadore Planning Commission requesting approval of the Final Plat for Phase 1 of the West Village Subdivision, located at 197 N. Cleveland Avenue, Mogadore, Ohio 44260. A copy of the Final Plat of Phase 1 of the West Village Subdivision is attached hereto as Exhibit A and incorporated herein by reference.; and

WHEREAS, on January 8, 2025, the Planning Commission recommended approval of the Final Plat for Phase 1 of the West Village Subdivision; and

WHEREAS, pursuant to Section 151.023 of the Codified Ordinances of the Village, this Council has reviewed the Final Plat for Phase 1 of the West Village Subdivision and the recommendation of the Planning Commission to approve the same; and

WHEREAS, pursuant to Section 151.102 of the Codified Ordinances of the Village, and provided that all requirements are met, it is also necessary for this Council to accept the dedicated right-of-ways, easements, open-spaces and public infrastructure improvements (consisting of the streets and the associated curbs, gutters, sidewalks, stormwater facilities, and other miscellaneous improvements) within Phase 1 of the West Village Subdivision; and

WHEREAS, subject to further approval by the Village Engineer, this Council desires to accept the dedicated right-of-ways, easements, open-spaces and public infrastructure improvements (consisting of the streets and the associated curbs, gutters, sidewalks, stormwater facilities, and other miscellaneous improvements) within Phase 1 of the West Village Subdivision; AND

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to approve the Final Plat of Phase 1 of the West Village Subdivision, and to further accept, subject to further approval by the Village Engineer, the dedicated public right-of-ways, easements, open-spaces and public infrastructure within Phase 1 of the West Village Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: The Final Plat of Phase 1 of the West Village Subdivision, together with the plans and descriptions on file with the Village and incorporated by reference herein, as approved by the Village Planning Commission, is hereby approved pursuant to Section 151.023. A copy of the Final Plat of Phase 1 of the West Village Subdivision is attached hereto as Exhibit A and incorporated herein by reference.

RECORD OF ORDINANCES

Ordinance No. 2025-3

Passed \_\_\_\_\_, 2025

SECTION 2: The dedicated right-of-ways, easements, open-spaces and public infrastructure improvements (consisting of the streets and the associated curbs, gutters, sidewalks, stormwater facilities, and other miscellaneous improvements) within Phase 1 of the West Village Subdivision are hereby accepted by this Council.

SECTION 3: That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately providing for the subdivision of the lots within the West Village Subdivision so that the same may be sold and improved with single-family attached and detached homes as soon as possible, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

\_\_\_\_\_  
President of Council Date

\_\_\_\_\_  
Mayor Date

Attest:

\_\_\_\_\_  
Clerk-Treasurer



**SURVEYOR**

AND THAT THIS PLAN THAT I HAVE SURVEYED THE LAND SHOWN ON THIS PLAN AND THAT THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND THAT THE BOUNDARIES SHOWN THEREON ARE TRUE AND CORRECT AND CONFORM TO THE ORIGINAL RECORDS AND TO THE RECORDS IN THE OFFICE OF THE SURVEYOR OF THE STATE OF OHIO AS ADORPTED BY THE STATE BOARD OF REGISTRATION IN THE COUNTY OF SUMMIT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DENNIS W. STOFFER, P.S. #7084 DATE \_\_\_\_\_

**APPROVALS**

APPROVED BY THE VILLAGE OF MOGADORE ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

VILLAGE ENGINEER \_\_\_\_\_

APPROVED BY THE VILLAGE OF MOGADORE PLANNING COMMISSION AT A MEETING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRMAN \_\_\_\_\_ SECRETARY \_\_\_\_\_

THE PLAN WAS DULY ACCEPTED BY ORDINANCE OF THE MOGADORE VILLAGE COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ORDINANCE NUMBER \_\_\_\_\_ CLERK \_\_\_\_\_

MAVOR \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ENTITLED FOR RECORD BY THE PORTAGE COUNTY AUDITOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

MATT KELLY PORTAGE COUNTY AUDITOR

RECEIVED FOR RECORD BY THE PORTAGE COUNTY RECORDER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

LES BATES PORTAGE COUNTY RECORDER

VILLAGE ENGINEER

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

VILLAGE ENGINEER \_\_\_\_\_

VILLAGE COUNCIL

THIS VOTATION PLAN WAS DULY ACCEPTED BY ORDINANCE OF THE MOGADORE VILLAGE COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 UNDER ORDINANCE NO. \_\_\_\_\_

CLERK \_\_\_\_\_

MAVOR \_\_\_\_\_

**WEST VILLAGE PHASE 1**

SITUATED IN THE TOWNSHIP OF SUFFIELD AND VILLAGE OF MOGADORE, COUNTY OF PORTAGE AND STATE OF OHIO AND KNOWN AS PART OF ORIGINAL SUFFIELD TOWNSHIP, LOT 46 IN RANGE 9 WEST, TOWNSHIP 1 NORTH OF THE CONNECTICUT WESTERN RESERVE SURVEY

AREA IN 61 LOTS = 7.6610 ACRES

AREA IN BLOCK A, B & C = 11.8701 ACRES

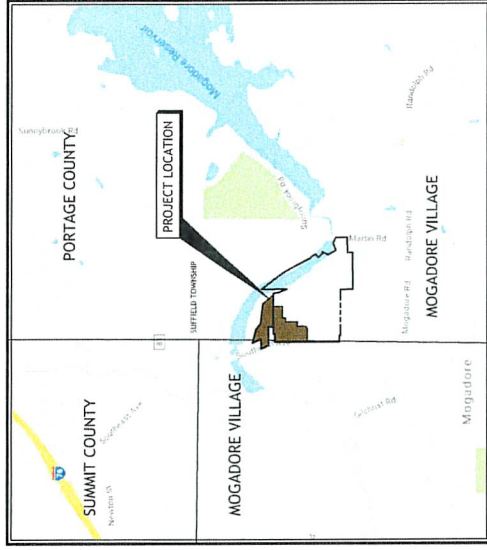
AREA IN BLOCK D (FUTURE PHASE 2) = 20.7647 ACRES

AREA IN BLOCK E (FUTURE DEVELOPMENT) = 66.0673 ACRES

AREA OF PROPOSED R/W = 2.8067 ACRES

AREA OF EXISTING R/W = 0.5642 ACRES (TO BE DEDICATED)

TOTAL AREA = 109.7340 ACRES



LOCATION MAP  
NOT TO SCALE



INDEX OF DRAWINGS

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INDEX SHEET	2-3
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BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE (4803), NORTH AMERICAN DATUM OF 1983, 1983 ADJUSTMENT (NAD83-1983). ALL MEASUREMENTS ARE GIVEN BASED ON GRID NORTH. ALL DISTANCES MULTIPLY THE GRID DISTANCE BY THE CORRECTION FACTOR OF 0.999994.

**OWNERS' CONSENT AND DEDICATION**

NOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAN, DO HEREBY GRANT, CONVEY, WARRANT AND CONFIRM TO THE VILLAGE OF MOGADORE, COUNTY OF PORTAGE AND STATE OF OHIO, THE RIGHTS AND INTERESTS IN THE LAND SHOWN ON THIS PLAN, TOGETHER WITH ALL RIGHTS AND INTERESTS IN THE LANDS ADJACENT THEREON, TO THE VILLAGE OF MOGADORE, COUNTY OF PORTAGE AND STATE OF OHIO, FOR THE PURPOSES OF THE PROJECT SHOWN HEREON TO PUBLIC USE FOREVER.

TESTA, MOGADORE, LLC, AN OHIO LIMITED LIABILITY COMPANY, BY: TESTA ENTERPRISES INC. IT'S SOLE MEMBER, BY: PAUL J. TESTA, PRESIDENT

DATE OF THIS INSTRUMENT \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

NOTARY PUBLIC \_\_\_\_\_

BY MEANS OF THIS PLAN, THE DEVELOPER, TESTA ENTERPRISES, LLC AN OHIO LIMITED LIABILITY COMPANY, HEREBY ASSUMES THE FOLLOWING DUTIES, RESPONSIBILITIES, AND RESTRICTIONS:

- MAINTENANCE AND REPAIR OF THE STORM WATER MANAGEMENT BASINS (OWMS) SHALL BE DONE IN ACCORDANCE WITH THE LONG TERM MAINTENANCE PLAN APPROVED BY AND ON FILE WITH THE PORTAGE COUNTY SOIL AND WATER CONSERVATION DISTRICT, IN CONJUNCTION WITH THE MAINTENANCE PLAN APPROVED BY AND ON FILE WITH THE PORTAGE COUNTY SUBDIVISION ENGINEER.
- ALL INLET AND OUTLET STORM SEWER PIPES SHALL BE MAINTAINED IN GOOD WORKING CONDITION KEPT FREE OF DEBRIS/DEPOSITS AS NECESSARY FOR THE BASIN TO FUNCTION PROPERLY.
- THE COST ASSOCIATED WITH SAID MAINTENANCE AND REPAIR OF THE SWMS SHALL BE BORNE BY THE DEVELOPER.
- NO SWING SETS, PLAY/PARK EQUIPMENT, LANDSCAPE BEDS OR STRUCTURES OF ANY KIND ARE PERMITTED WITHIN THE LIMITS OF THE BASIN EXCEPT:
- PUBLIC DRAINAGE ELEMENTS AND STORMWATER ELEMENTS FOR PIPES, SMOLES, CATCH BASINS, DRAINWAYS, AND THE LIKE SHALL NOT BE RELOCATED OR BLENDED, NOR SHALL ANY STRUCTURE, FENCE, TREES, SHRUBS, OR OBJECTS BE PLACED THEREON.
- ALL STRUCTURES SHALL BE MAINTAINED WITHIN THE BASIN IN ACCORDANCE WITH THE FOLLOWING: REPAIR, MAINTAIN, GRADE, OR OTHERWISE WORK ON THE STRUCTURE/FEATURES AND APPURTENANCES.
- SANITARY SEWER ELEMENTS SHALL CONTAIN NO VEGETATION OTHER THAN TURF GRASS. THESE SHALL BE NO EARLY BLOSSOMS, FENCES, NOR ANY OTHER STRUCTURE ERECTED OR PLACED THEREON, ON, OR WITHIN THE SANITARY SEWER ELEMENTS.
- AT SUCH TIME AS THE DEVELOPMENT IS COMPLETE, AND THE PORTAGE COUNTY COMMISSIONERS HAVE RELEASED THE PERFORMANCE AND MAINTENANCE BOND AND THE HOMEOWNERS ASSOCIATION (HOA) COMES INTO EXISTENCE, THE DEVELOPER, TESTA COMPANIES, HEREBY ASSUMES ITS DUTY, RESPONSIBILITIES AND RESTRICTIONS TO THE HOA, WEST VILLAGE HOMEOWNERS ASSOCIATION, INC.

**UTILITY EASEMENT**

IT IS HEREBY EXPRESSLY UNDERSTOOD THAT A 10 FOOT WIDE EASEMENT ON THE SIDE OF EACH LOT AS IT ABUTS THE ADJACENT LOT SHALL BE MAINTAINED AND PRESERVED FOR THE USE OF THE VILLAGE OF MOGADORE, COUNTY OF PORTAGE AND STATE OF OHIO, FOR THE PURPOSES OF THE PROJECT SHOWN HEREON TO PUBLIC USE FOREVER. THE EASEMENT SHALL BE MAINTAINED AND PRESERVED FOR THE USE OF THE VILLAGE OF MOGADORE, COUNTY OF PORTAGE AND STATE OF OHIO, FOR THE PURPOSES OF THE PROJECT SHOWN HEREON TO PUBLIC USE FOREVER. THE EASEMENT SHALL BE MAINTAINED AND PRESERVED FOR THE USE OF THE VILLAGE OF MOGADORE, COUNTY OF PORTAGE AND STATE OF OHIO, FOR THE PURPOSES OF THE PROJECT SHOWN HEREON TO PUBLIC USE FOREVER.

**RESTRICTIONS, EASEMENTS & COVENANTS**

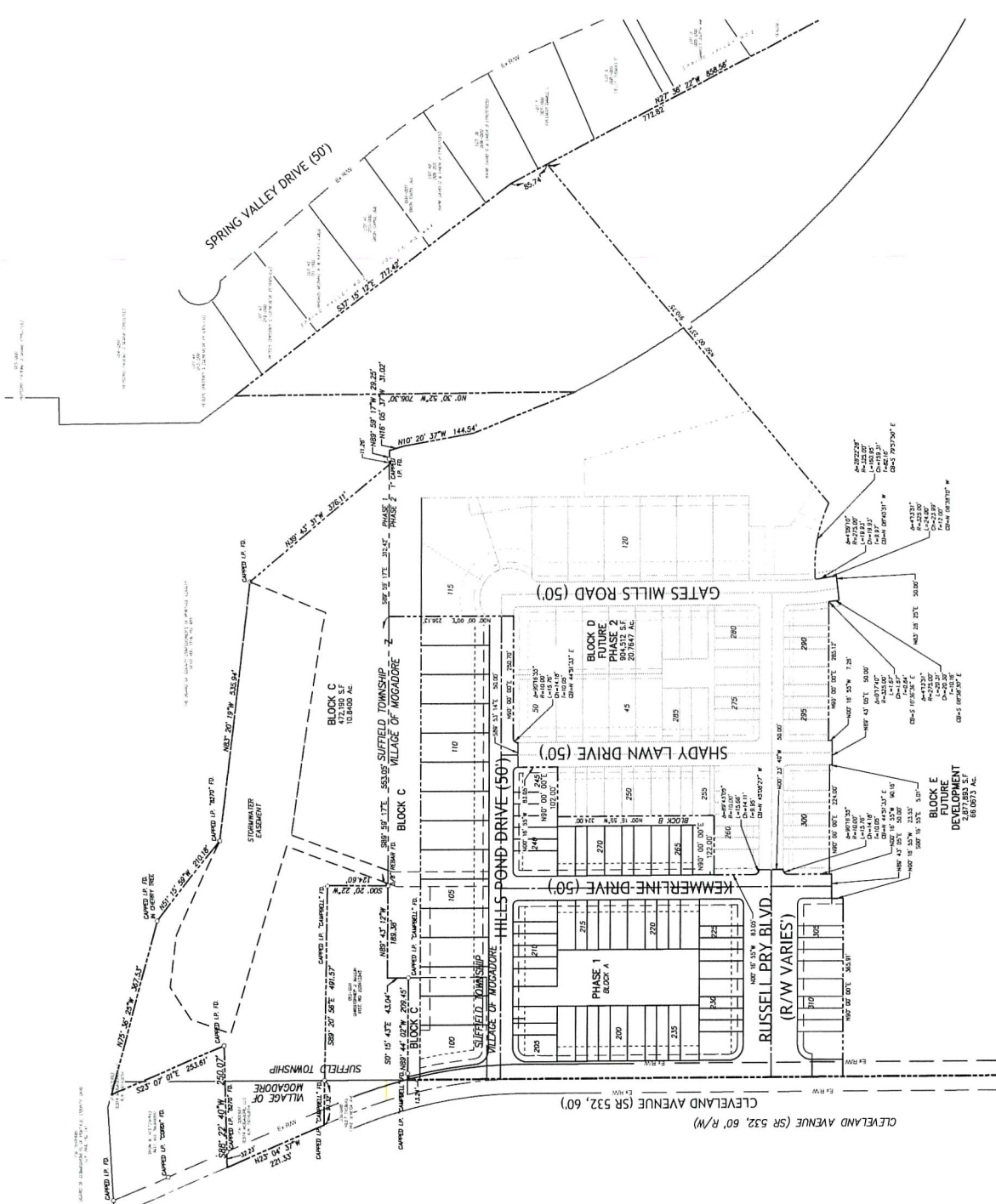
- 1. THE WITHIN PLATTED LAND IS SUBJECT TO THE TERMS AND CONDITIONS OF THE DECLARATION OF PORTAGE COUNTY RECORDS AND THE SAME IS INCORPORATED HEREBY BY REFERENCE AS IF FULLY REWRITTEN HEREON INCLUDING FUTURE AMENDMENTS AND REVISIONS.
- 2. ALL LOTS TO BE SET AT ALL LOT CORNERS AND CURVES.
- 3. ALL INTERNAL LINES WITHIN THE BOUNDARY OF THIS PLAN ARE NEW LINES OF DIVISION.
- 4. ALL LOTS SHALL BE SUBJECT TO THE RESTRICTIONS, EASEMENTS AND COVENANTS OF THE PORTAGE COUNTY SUB DIVISION REGULATIONS.
- 5. THE LOTS SHALL BE SUBJECT TO THE RESTRICTIONS, EASEMENTS AND COVENANTS OF THE PORTAGE COUNTY SUB DIVISION REGULATIONS.
- 6. ALL LOTS HAVE .25' BUILDING LINE AND .25' REAR YARD AND IF SIDE YARD UNLESS NOTED OTHERWISE.
- 7. THE LOTS SHALL BE SUBJECT TO THE RESTRICTIONS, EASEMENTS AND COVENANTS OF THE PORTAGE COUNTY SUB DIVISION REGULATIONS.
- 8. THE LOTS SHALL BE SUBJECT TO THE RESTRICTIONS, EASEMENTS AND COVENANTS OF THE PORTAGE COUNTY SUB DIVISION REGULATIONS.



COMMERCIAL DISTRICT  
 SCALE: 1" = 100'

INDEX SHEET  
 Environmental  
 Planning & Consulting  
 1100 W. 10th Street, Suite 100  
 Lincoln, NE 68502  
 SHEET 2 OF 9

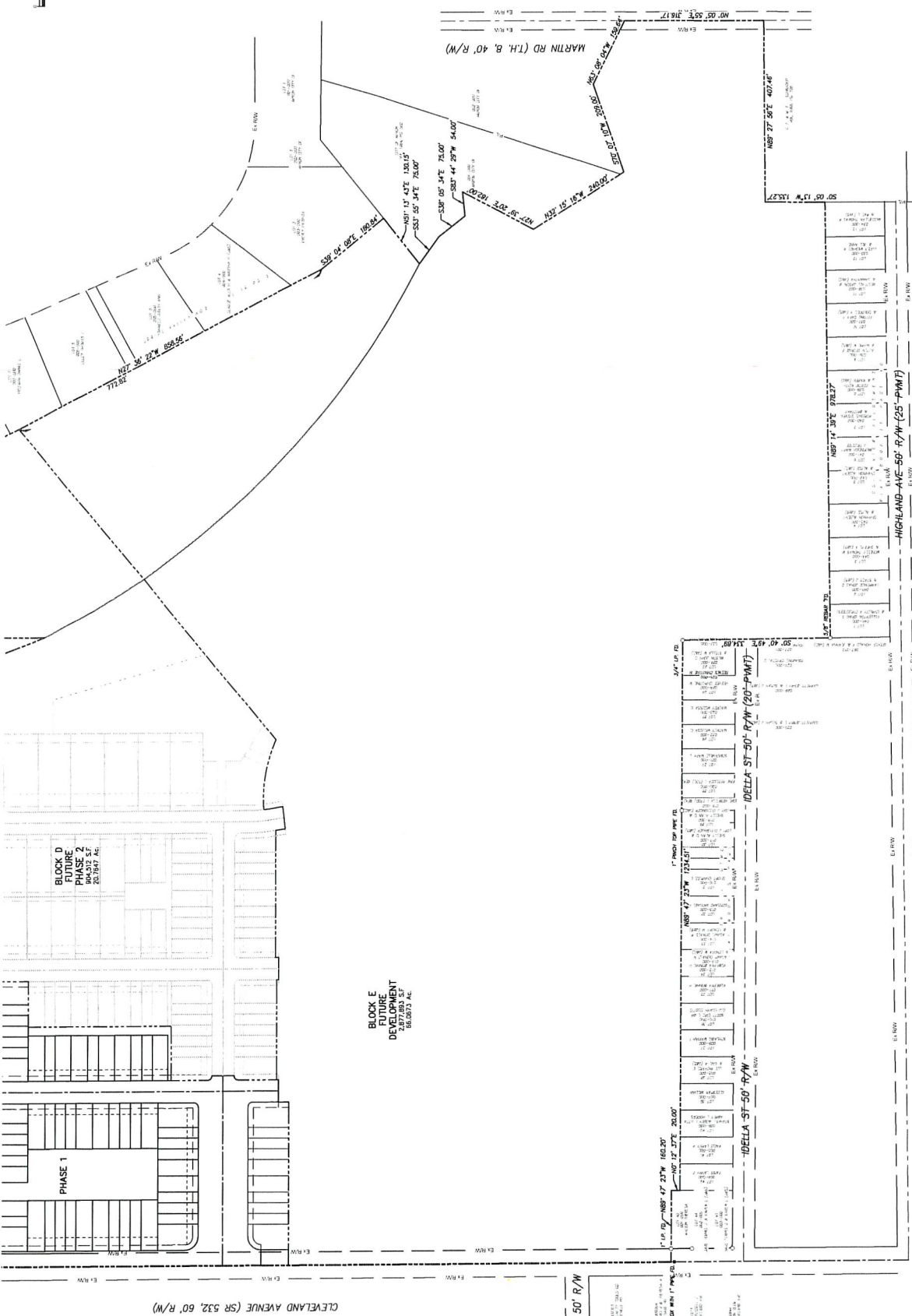
WEST VILLAGE PHASE 1





UNIVERSITY CITY, OHIO  
 SCALE 1" = 100'

INDEX SHEET  
 Environmental  
 Planning  
 WEST VILLAGE PHASE 1  
 SHEET 3 OF 9



BLOCK D  
 FUTURE  
 PHASE 2  
 20,7847 AC

BLOCK E  
 FUTURE  
 DEVELOPMENT  
 26,0073 AC

PHASE 1

CLEVELAND AVENUE (SR 532, 60' R/W)

MARTIN RD (TH. B. 40' R/W)

HIGHLAND AVE - 50' R/W (25' PAVT)

IDELLA ST - 50' R/W

IDELLA ST - 90' R/W (20' PAVT)

ELL AVE 50' R/W

1" = 100' (SR 532, 60' R/W)

1" = 100' (SR 532, 60' R/W)

1" = 100' (SR 532, 60' R/W)

1" = 100' (SR 532, 60' R/W)

1" = 100' (SR 532, 60' R/W)

1" = 100' (SR 532, 60' R/W)

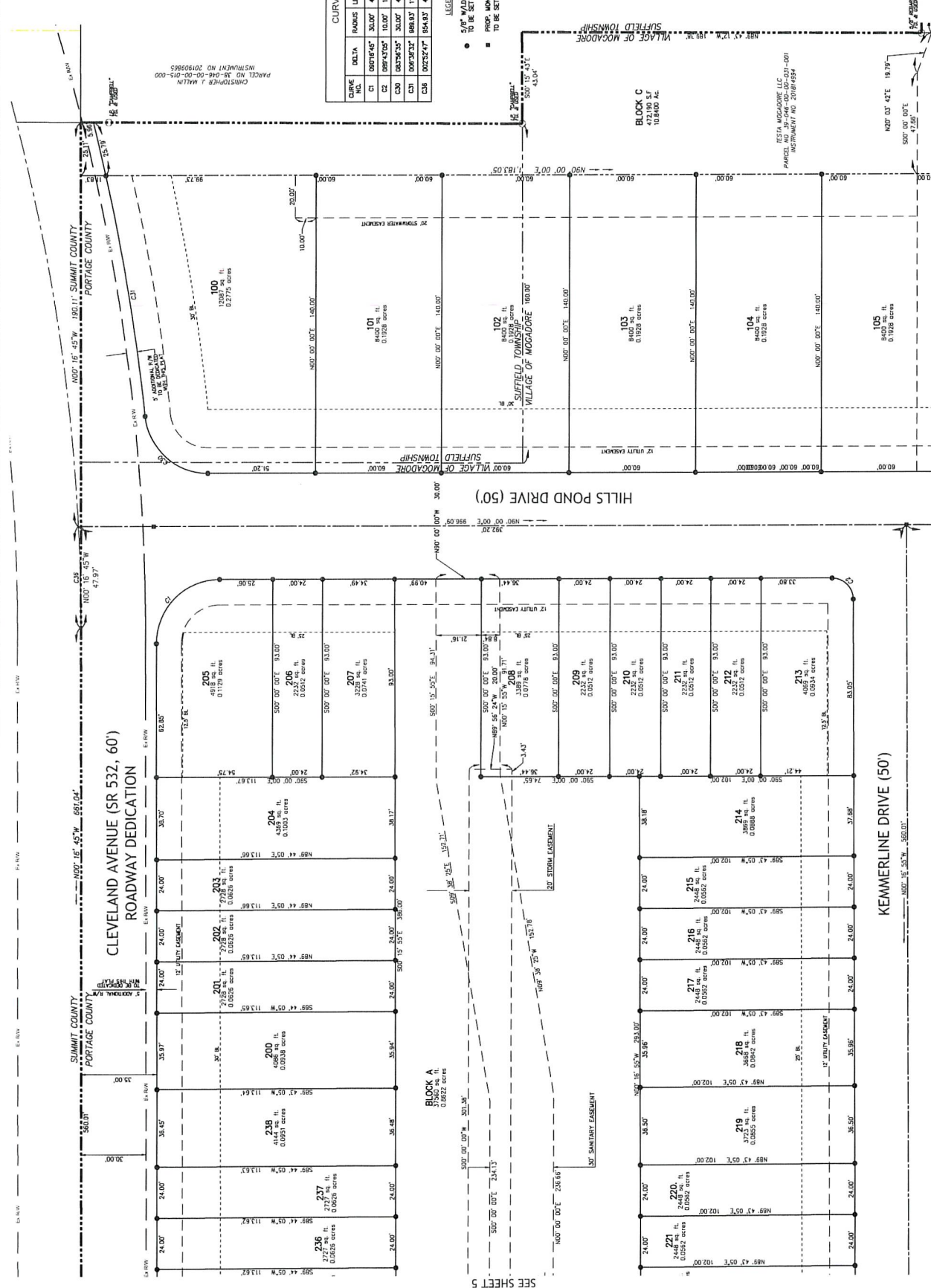




CHRISTOPHER J. MALIN  
 PRACTICE NO. 20190868  
 INSTRUMENT NO. 2019-00-00-01-000

CURVE NO.	DELTA	RADIUS	LENGTH	CH. BEARING	CH. LENGTH
C1	50°16'45"	30.00'	47.27'	N 44°51'38" E	42.53'
C2	50°16'45"	10.00'	15.69'	S 45°07'27" E	14.11'
C3	50°16'45"	30.00'	43.92'	S 40°07'43" E	40.13'
C4	50°16'45"	10.00'	15.69'	S 45°07'27" E	14.11'
C5	50°16'45"	30.00'	43.92'	S 40°07'43" E	40.13'

LEGEND  
 ● 5/8" WILD CAP "TOWERON DESIGN GROUP" TO BE SET  
 ■ PROP. MONUMENT BOX WITH 1" IRON PIN TO BE SET



SEE SHEET 5

SEE SHEET 6

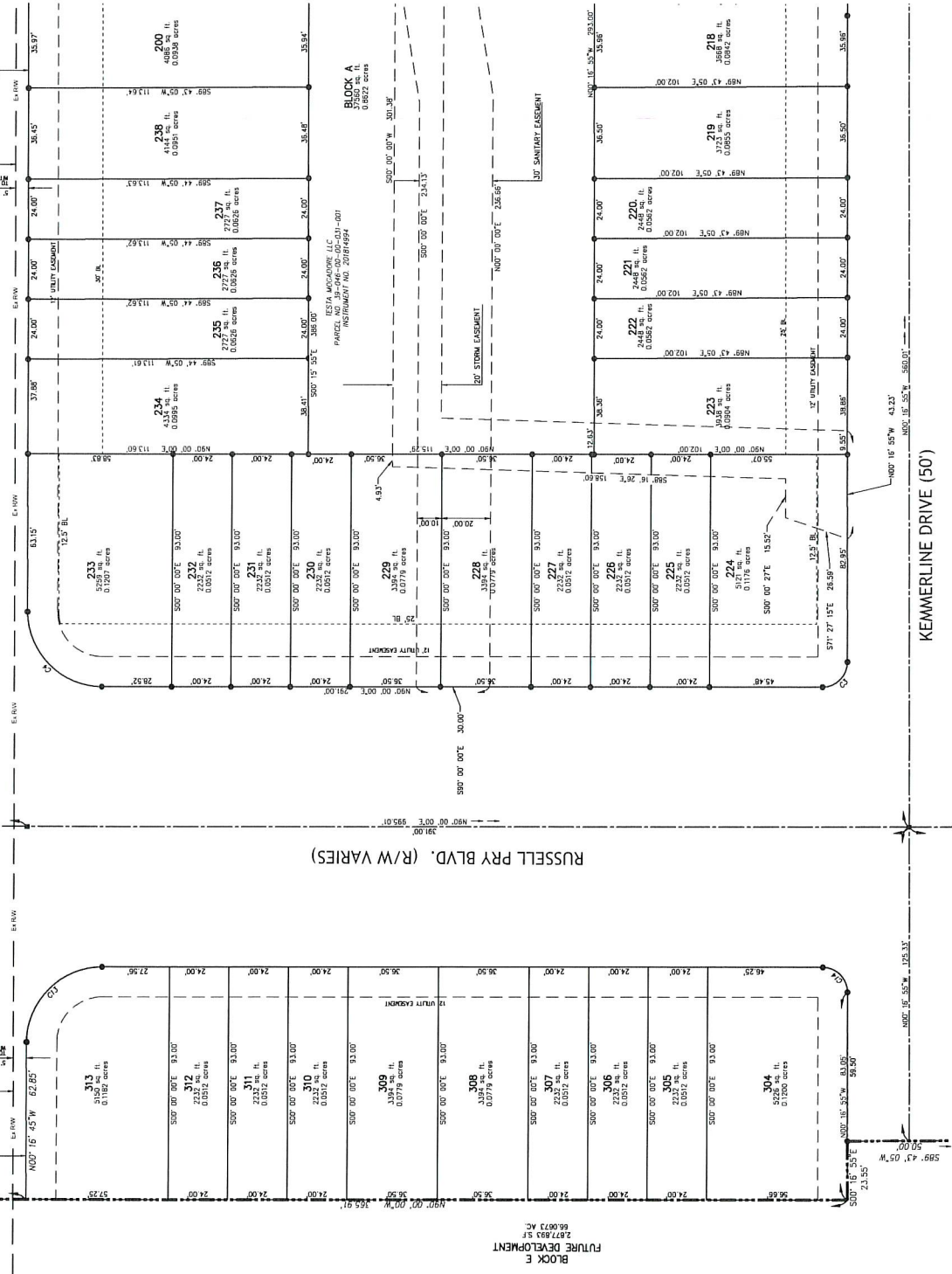


SUMMIT COUNTY  
PORTAGE COUNTY

CLEVELAND AVENUE (SR 532, 60)

ROADWAY DEDICATION

RUSSELL PRY BLVD. (R/W VARIES)



CURVE DATA

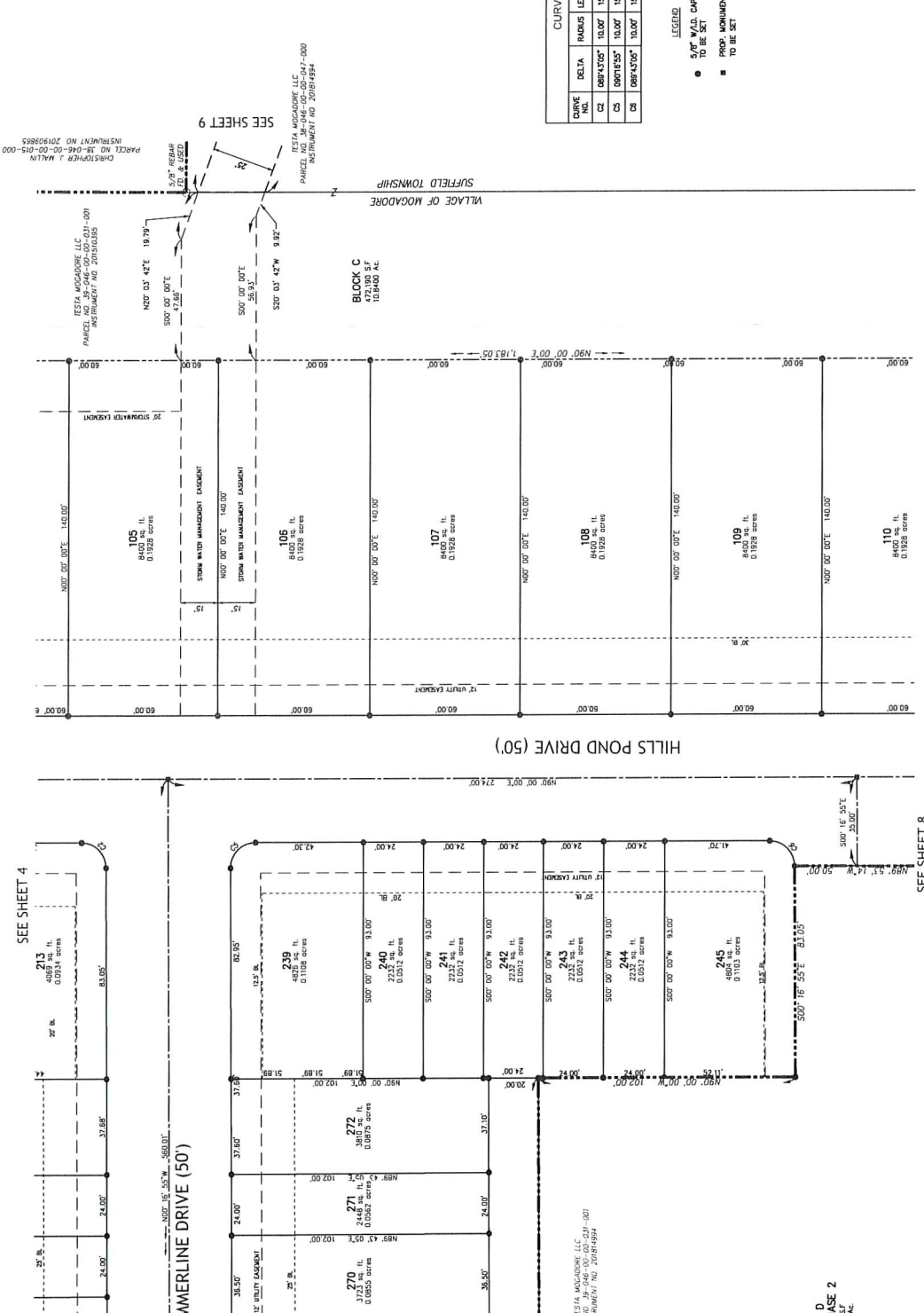
CURVE NO.	DELTA	RADIUS	LENGTH	CH. BEARING	CH. LENGTH
C1	50°16'52"	10.00'	15.78'	S 44°51'30" W	14.18'
C2	50°16'52"	30.00'	46.98'	N 45°02'27" W	42.33'
C3	50°16'52"	10.00'	15.78'	S 44°51'30" W	14.18'
C4	50°16'52"	30.00'	46.98'	N 45°02'27" W	42.33'

- LEGEND
- 5/8" W/D. CAP EMERSON DESIGN GROUP TO BE SET
  - PROP. MONUMENT BOX WITH 1" IRON PIN TO BE SET

SEE SHEET 4

SEE SHEET 7





CURVE DATA					
CURVE NO.	DELTA	RADIUS	LENGTH	CH. BEARING	CH. LENGTH
C1	089°3'05"	10.00'	15.66'	S 43°52'27" E 14.11'	14.11'
C2	000°16'55"	10.00'	15.70'	S 44°51'33" W 14.16'	14.16'
C3	089°3'05"	10.00'	15.66'	N 43°52'27" W 14.11'	14.11'

LEGEND  
 ● 5/8" W.I.D. CAP TOWNSON DESIGN GROUP  
 ○ TO BE SET  
 ■ PROP. MONUMENT BOX WITH 1" IRON PIN  
 □ TO BE SET

SEE SHEET 9  
 RESTA MODOADORE LLC  
 INSTRUMENT NO. 201615250  
 PARCEL NO. 19-046-00-00-000  
 CHRISTOPHER J. MALLIN  
 INSTRUMENT NO. 201939885

SEE SHEET 7  
 RESTA MODOADORE LLC  
 INSTRUMENT NO. 201615250  
 PARCEL NO. 19-046-00-00-000

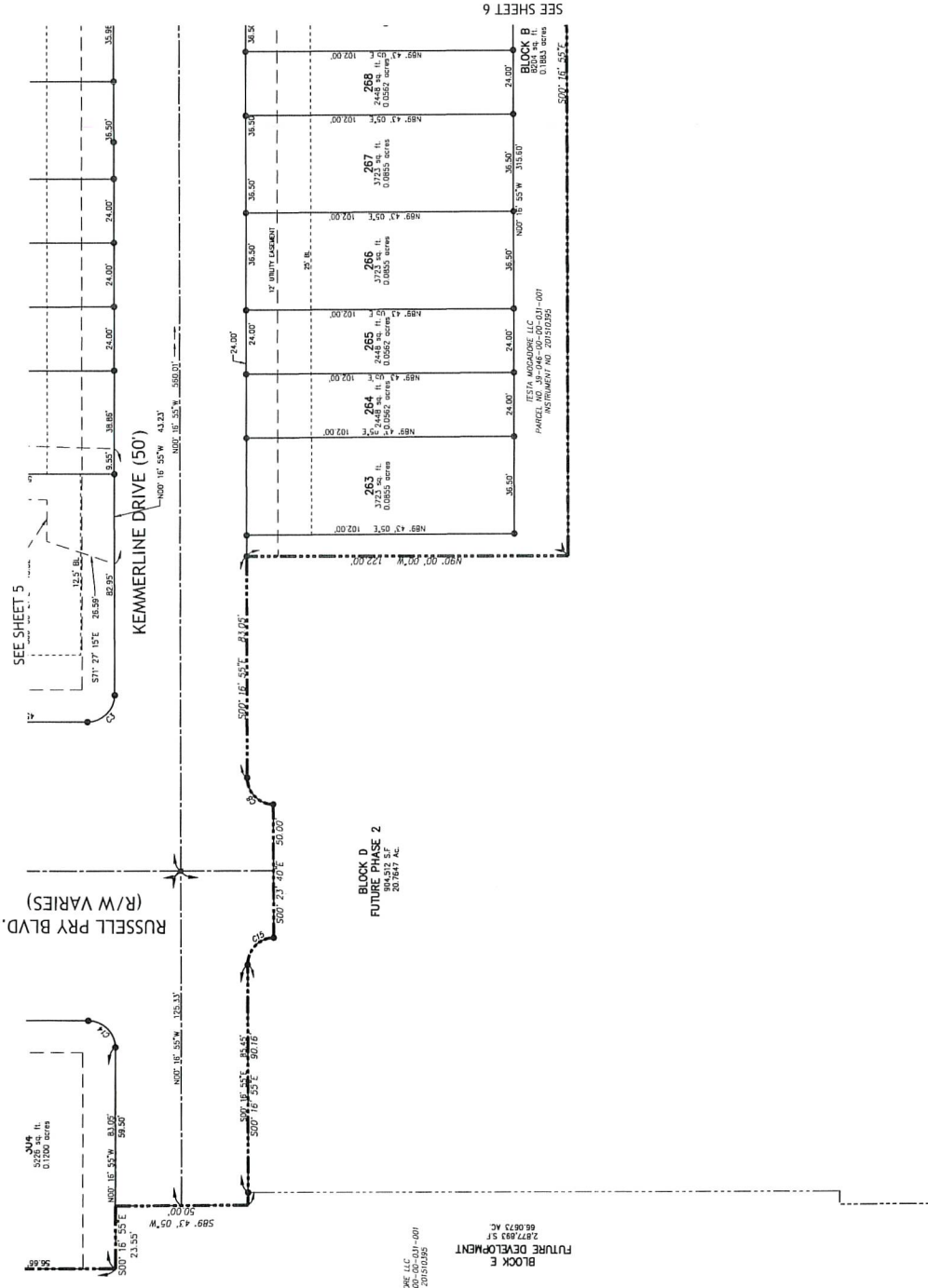
SEE SHEET 8  
 RESTA MODOADORE LLC  
 INSTRUMENT NO. 201615250  
 PARCEL NO. 19-046-00-00-000

BLOCK D  
 FUTURE PHASE 2  
 INSTRUMENT NO. 201841584  
 PARCEL NO. 19-046-00-00-000

SEE SHEET 4  
 RESTA MODOADORE LLC  
 INSTRUMENT NO. 201615250  
 PARCEL NO. 19-046-00-00-000



GRAPHIC SCALE IN FEET  
SCALE: 1" = 20'



SEE SHEET 6

RESTA, MADAGASCAR, LLC  
PARCEL NO. 39-146-00-00-001-001  
INSTRUMENT NO. 201510395

RESTA, MADAGASCAR, LLC  
PARCEL NO. 39-146-00-00-001-001  
INSTRUMENT NO. 201510395

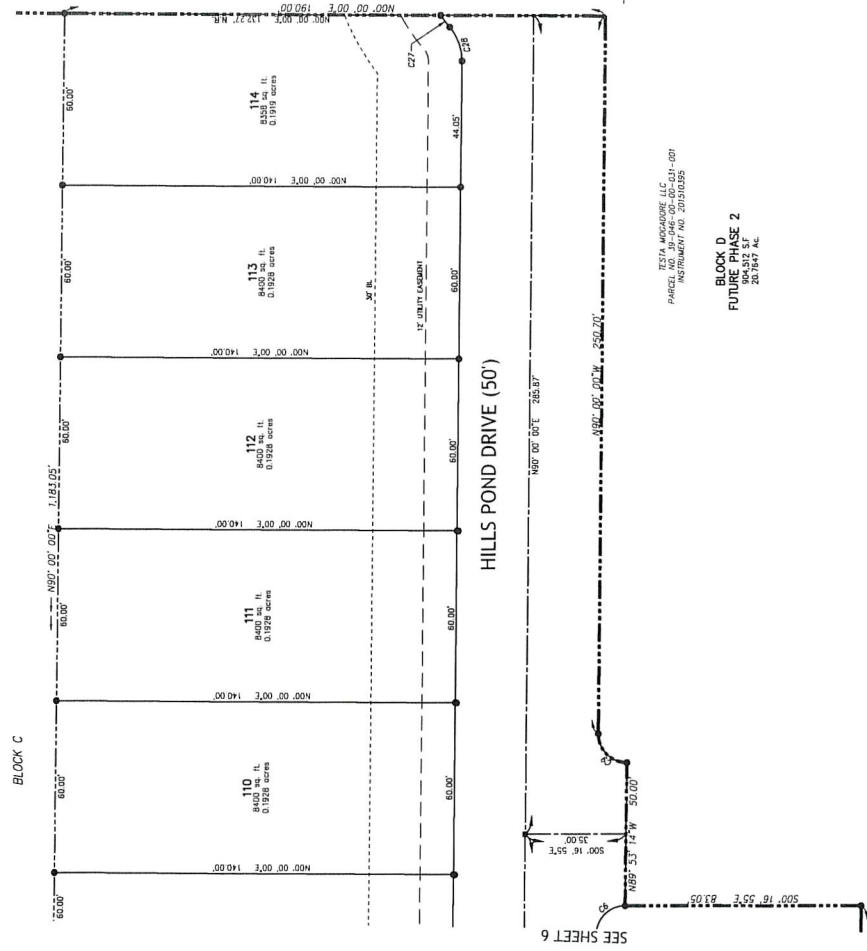
CURVE NO.	DELTA	RADIUS	LENGTH	DL BEARING	DL LENGTH
C3	68°16'55"	10.00'	15.76'	S 44°51'33" W	14.18'
C7	68°16'55"	10.00'	15.76'	N 44°51'33" E	14.18'
C8	68°16'55"	10.00'	15.86'	S 45°08'27" E	14.11'
D14	68°16'55"	10.00'	15.86'	S 45°08'27" E	14.11'
D15	68°16'55"	10.00'	15.76'	N 44°51'33" E	14.18'

LEGEND

- 3/8" W/12 CAP "DIVISION, OXBOX GROUP" TO BE SET
- PROP. MONUMENT BOX WITH 1" IRON PIN TO BE SET



TESTA MCGUIRE LLC  
 PARCEL NO. 24-146-00-00-047-000  
 INSTRUMENT NO. 20181894



TESTA MCGUIRE LLC  
 PARCEL NO. 24-146-00-00-047-000  
 INSTRUMENT NO. 20181894

BLOCK D  
 FUTURE PHASE 2  
 2018184 AC.

CURVE DATA					
CURVE NO.	DELTA	RADIUS	LENGTH	DL BEARING	DL LENGTH
C1	089°43'02"	10.00'	15.68'	N 45°08'27" W	14.11'
C2	090°19'58"	10.00'	15.78'	S 44°51'33" W	14.16'
C3	089°43'02"	10.00'	15.68'	N 45°08'27" W	14.11'
C4	094°52'28"	62.00'	5.27'	N 51°19'14" E	5.27'
C5	041°07'01"	18.00'	12.92'	N 89°26'30" E	12.64'
C6	181°36'13"	62.00'	196.55'	N 40°17'54" W	123.99'

- LEGEND
- 5/8" W/D. CAP "INWARD DESIGN GROUP" TO BE SET
  - PROP. MONUMENT BOX WITH 1" IRON PIN TO BE SET





PORTAGE COUNTY BOARD  
PARCEL NO. 35-046-00-001-000  
DEED VOL. 1175, PG. 631

STORMWATER MANAGEMENT EASEMENT  
3.2623 acres

BLOCK C  
472,193 S.F.  
10.8400 AC.

RESTA MOCADORE LLC  
PARCEL NO. 35-046-00-001-000  
INSTRUMENT NO. 2018-0384

CHRISTOPHER J. MALIN  
PARCEL NO. 35-046-00-001-000  
INSTRUMENT NO. 2018-0385

- LEGEND
- 6" P.V. CAP "ENVIRON. DESIGN GROUP" TO BE SET
  - PROP. MONUMENT BOX WITH 1" IRON PIN TO BE SET

SUFFERED TOWNSHIP  
VILLAGE OF MOCADORE

RESTA MOCADORE LLC  
PARCEL NO. 35-046-00-001-000  
INSTRUMENT NO. 2018-0384

SEE SHEET 6

