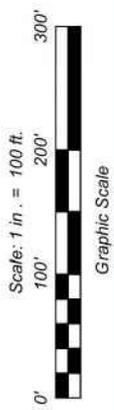
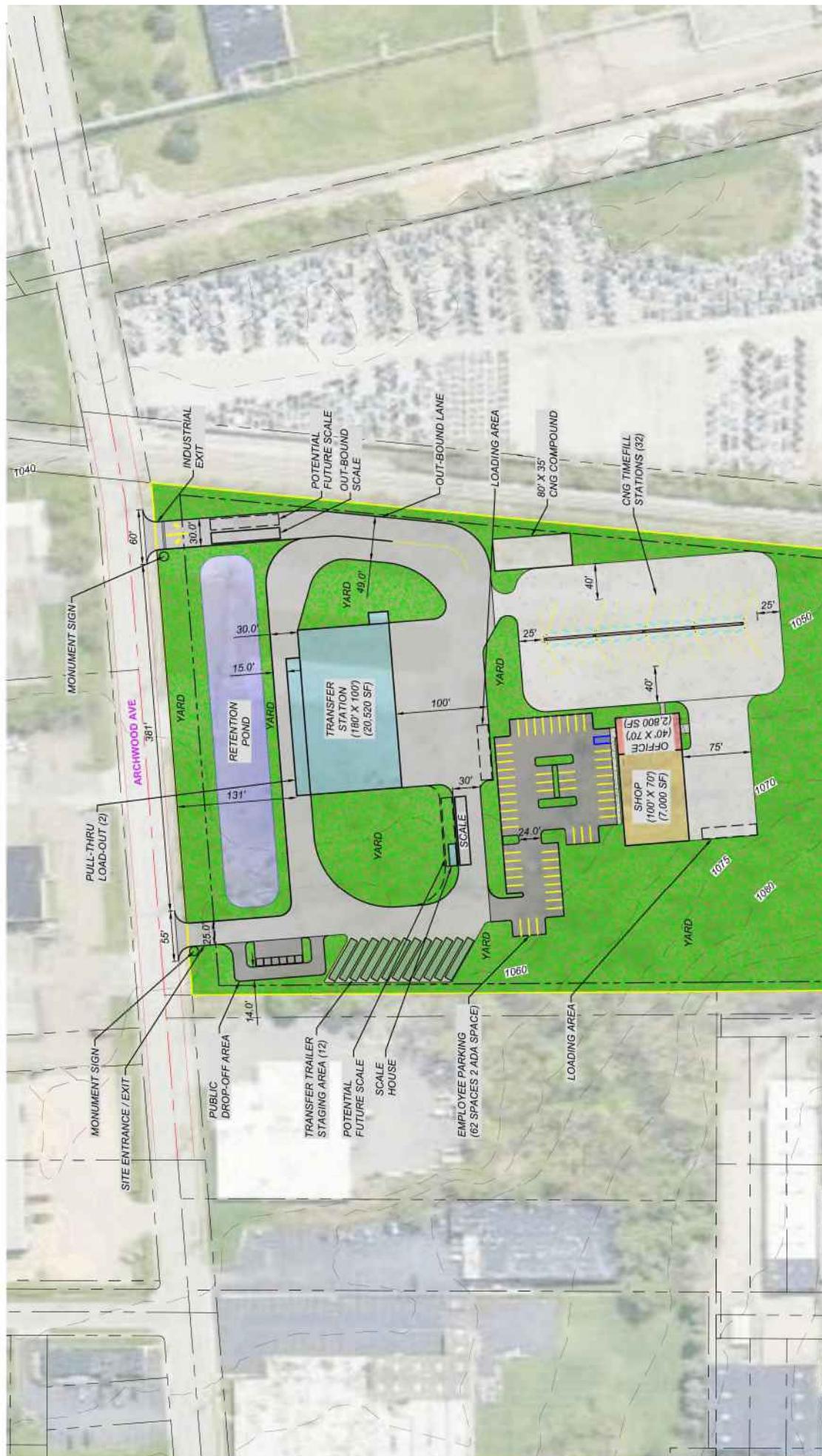


**EXHIBIT A**

Site Plan dated May 30, 2024



**WM**  
 WM ARRON ECO CENTER  
 1400 E ARCHWOOD AVE, ARRON, OH 44306  
 CONCEPTUAL SITE PLAN

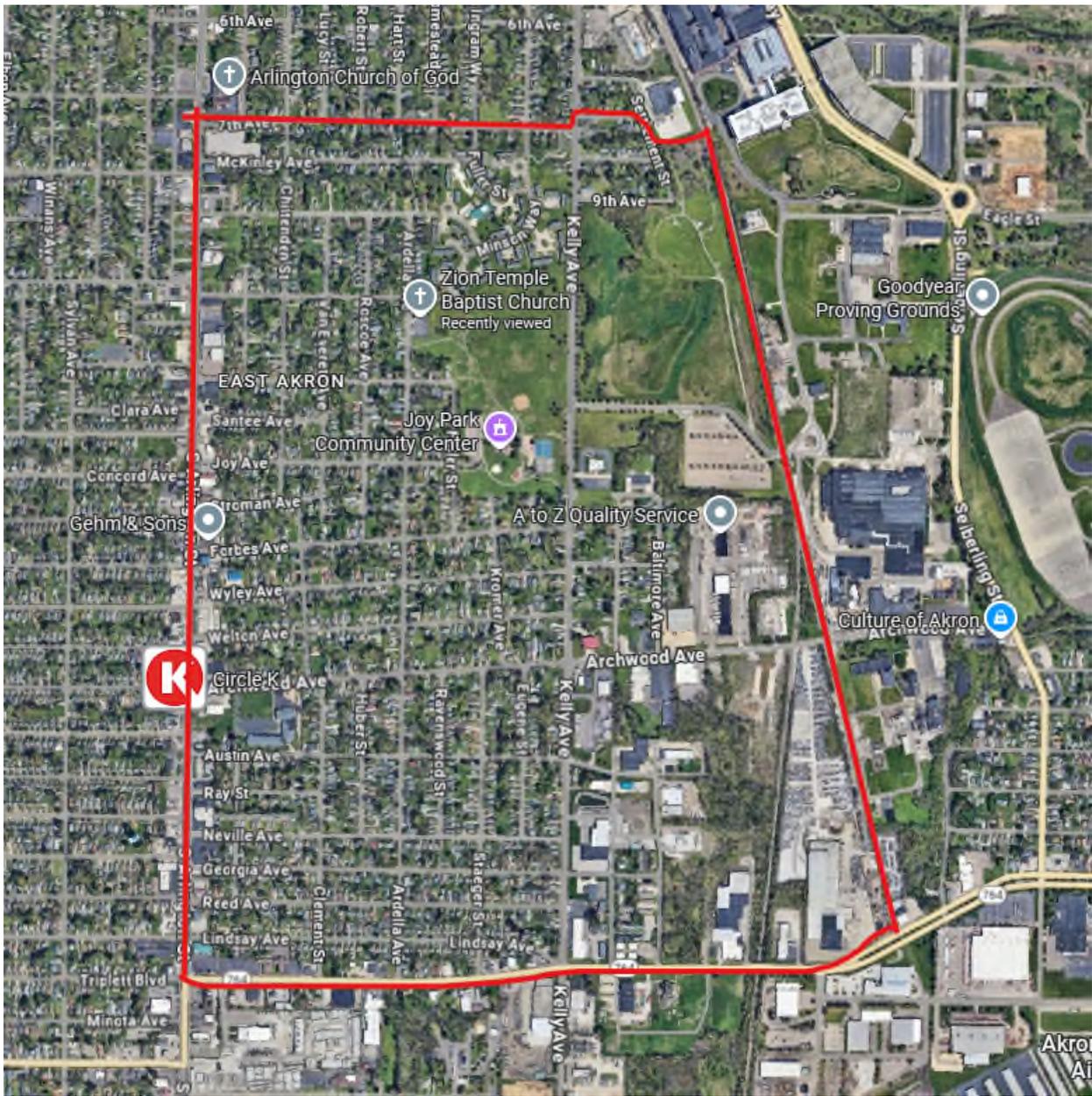
SHEET NO.  
**C1.2**  
 09/20/2024

DATE	DESCRIPTION	APPROVED BY	DATE

**EXHIBIT B**

**Joy Park Neighborhood  
(outlined in red)**

By way of clarification, the area outlined below includes the properties on both sides of 7<sup>th</sup> Street, South Arlington Street, Settlement St., and Triplett Ave.



**EXHIBIT C**

Ordinance 368-2024

PLANNING & ECONOMIC DEVELOPMENT

September 20, 2024

10-3

Davis, Hannah, Sommerville

Requested by Department of Planning and Urban Development

SUBSTITUTE OFFERED AS AMENDMENT

City Planning Commission PC-2024-31-CU

Offered By: FUSCO

ORDINANCE NO. 368 -2024 authorizing a Conditional Use to construct and operate a refuse and recycling transfer station and trash hauling business at 1400 E. Archwood Avenue; and declaring an emergency.

The streets involved are E. Archwood Avenue and Underwood Avenue.

WHEREAS, WM of Ohio, has petitioned Council for a Conditional Use of property described in Section 1 hereof; and

WHEREAS, under the provisions of Section 153.460-.492 of the Code of Ordinances, the Akron City Planning Commission, at its meeting on August 16, 2024, under file PC-2024-31-CU has reviewed the Conditional Use described in Section 1 hereof; and

WHEREAS, the Planning Staff has found the requested Conditional Use to be consistent with the standards established in Section 153.474; and

WHEREAS, Council, after public notice and hearing, is of the opinion that the Conditional Use described in Section 1 hereof is in the public interest and serves the public good.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That WM of Ohio, whose address is 720 East Butterfield Rd., 4th Floor, Lombard, IL 60148, holder of option of the following property described in EXHIBIT A, attached, be and is hereby authorized to under the provisions of Section 153.460-.492 of the Code of Ordinances of Akron, Ohio, to construct a refuse and recycling center and trash hauling business at 1400 E. Archwood Avenue, based on plans to be filed in the office of the City Planning Commission entitled "Overview Conceptual Site Plan; Dated: 05/30/24" and subject to the following conditions:

- (1) That a landscape planting and fencing plan which conforms to the "Akron Development Guide" as referred to in Section 153.300-.310 of the Zoning Code be submitted to the Department of Planning and Urban Development for its review of compliance with said guide, and that the landscaping and fencing be installed and maintained as shown on the approved plan.
(2) That the Petitioner submit a storm water management plan to control the run-off, siltation and sedimentation during construction and to control the run-off after the development is completed. This plan is to be consistent with all the requirements of Section 192.101-.114 of the Code of Ordinances and is to be subject to the approval of the Bureau of Engineering and submitted prior to the issuance of any building permits.

- (3) That the location and sizes of points of ingress and egress be subject to the approval of the Traffic Engineer.
- (4) That all walkways, driveways, and parking areas be hard surfaced and curbed to Bureau of Engineering specifications.
- (5) That the Petitioner, at his total expense, install, restore and repair curbing, sidewalks, abandoned driveway cuts and approaches along E. Archwood Avenue and comply with Section 98.21 of the Code of Ordinances.
- (6) That the Petitioner provide adequately dustproofed off-street parking for construction workers and off-street storage space for materials and equipment during construction.
- (7) That the structures and layout of the development conform substantially to the approved plans; however, minor changes may be approved by the Department of Planning and Urban Development.
- (8) That all exterior building facade, wall and other surfaces at the property shall be kept in good repair, in a safe condition, and, if constructed of a non-weatherproof material, or if currently coated by stucco, paint or other treatment, or if required to be coated by the Building Code, shall be protected against decay from the elements, and shall be uniformly coated by paint or other treatment, free of chips, cracks, flaking, chalking, peeling or exposed underlying surfaces, and shall be free of holes, cracks, or broken, loose or decaying materials.
- (9) That the construction material of the exterior walls of the structures shall be subject to the approval of the Department of Planning and Urban Development.
- (10) That any projections above the roof line of the structure, excepting parapets or chimneys, be adequately screened to the satisfaction of the Department of Planning and Urban Development.
- (11) That the outside storage of scrap, trash, or recyclable material be prohibited.
- (12) That the outdoor yard areas be kept free of trash and litter.
- (13) That the odor suppression systems remain operable and in use at all times.
- (14) That all public utility services be installed underground, and their locations suitably marked for safety.
- (15) That the hours of the operation shall be limited to 4:00am to 8:00pm Monday through Friday, and 6:00am to 12:00pm on Saturdays. Saturday hours can be extended to 4:00am to 8:00pm on weeks with inclement weather and holidays, at the discretion of the Service Director.

- (16) That the outside storage of route trucks and containers be screened from view by either solid fencing or dense landscaping to be incorporated in Item (1), subject to the approval of the Department of Planning and Urban Development.
- (17) That all exterior lighting on the Petitioner's property, if any, be installed so as not to impair in any way the safe movement of traffic on any street or highway or so as not to intrude on the surrounding properties.
- (18) That the number, size, and location of all exterior signs shall be subject to the approval of the Department of Planning and Urban Development, and these signs shall conform to Section 153.345-.375 of the Zoning Code.
- (19) That the Petitioner, at his total expense, install fire hydrants and/or a fire alarm system to the satisfaction of the Fire Department.
- (20) That the City of Akron shall retain its 15-foot easement for a storm trunk sewer across the property. That no building or grade changes shall occur within this easement and that the City shall be held harmless for damages to private improvements as a result of any repair or relocation of this sewer.
- (21) That the Petitioner shall comply with all Ohio EPA siting, permitting, bonding and monitoring requirements.
- (22) That the Conditional Use be subject to annual renewal by the City Planning Commission. This requirement for annual renewal may be removed by the Planning Commission three years after completion of the project.
- (23) That to ensure development as shown on the approved plans, a Performance Bond be placed with the Department of Planning and Urban Development at 100% of the estimated cost of the following:
  - (a) Landscaping installation as referred to in Item (1) above.
  - (b) Hardsurfacing installation as referred to in Item (4) above.
- (24) That as a prerequisite to the issuance of any building or grading permit incident hereto, the following be submitted to the City:
  - (a) Bond as referred to in Item (20) above.
  - (b) Landscape plan as referred to in Item (1) above.
  - (c) Storm water management plan as referred to in Item (2) above.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety for the reason that the refuse and recycling transfer station and trash hauling business will consolidate and replace outdated facilities on Fountain Street and Exeter Road, and if this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed October 21, 2024

*Wanda R. Biviano*  
Clerk of Council

*Ray Sammell*  
President of Council

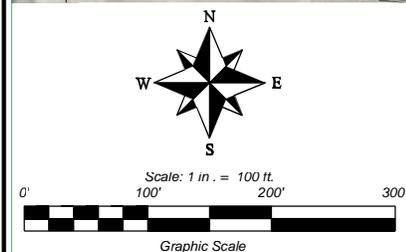
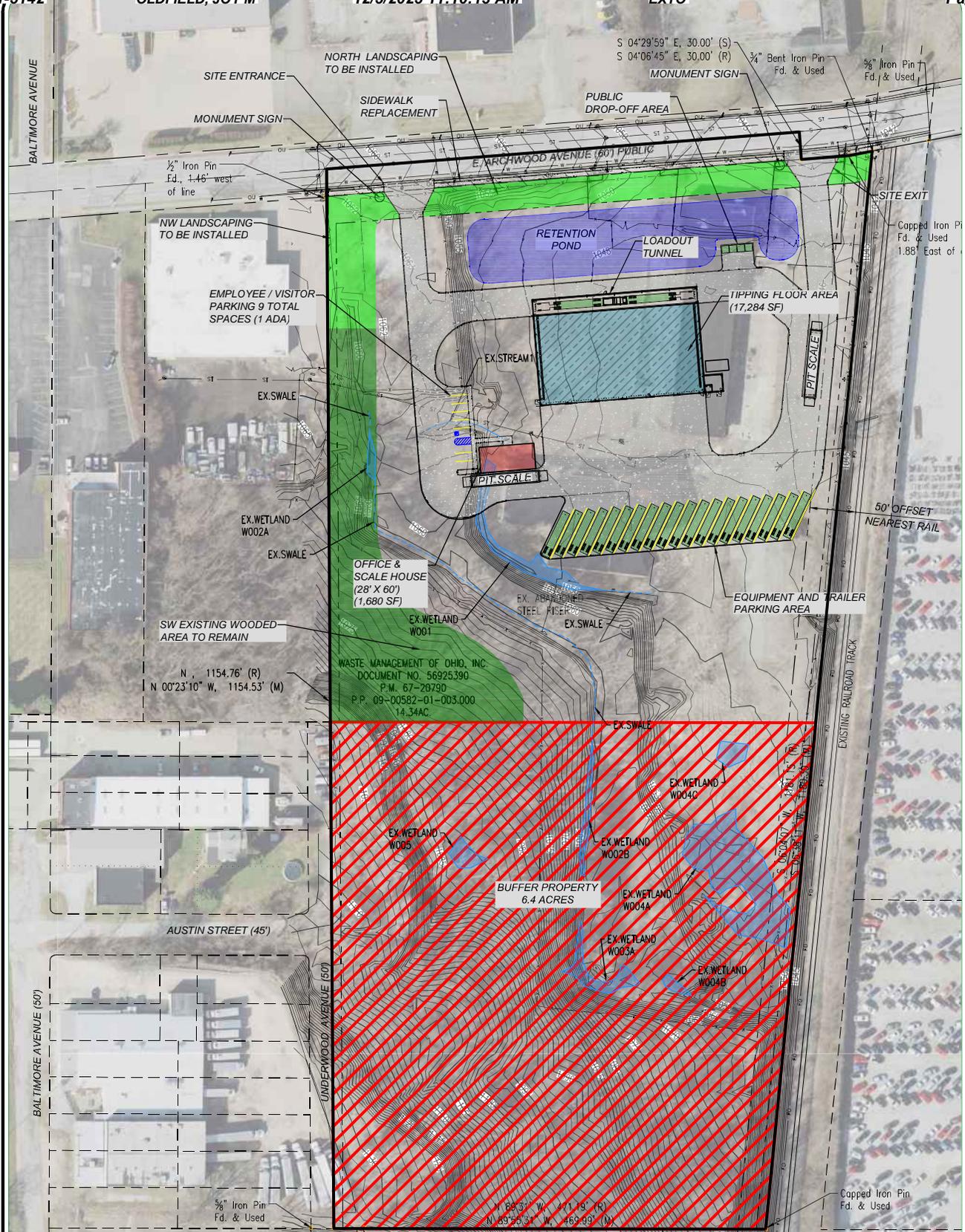
Approved October 22nd, 2024

*Sh. Mude*  
MAYOR

RECEIVED  
2024 SEP 20 PM 1:26  
AKRON CITY COUNCIL

**EXHIBIT D**

Revised Site Plan, dated September 29, 2025  
and Areas for landscaping and parking



**LEGEND:**

- EXISTING WOODLAND TO BE PRESERVED
- PROPOSED LANDSCAPING
- WETLANDS
- TIPPING FLOOR AREA
- BUFFER PROPERTY

<p>ISSUE DATE: 09/29/2025 SCALE: 1"=100' CTR INT: 1'</p> <p>SURVEYED BY: DEI CHECKED BY: DEI</p> <p>DRAWN BY: DEI APPROVED BY: DEI</p>	<p>REV: _____ DATE: _____ DESCRIPTION: _____</p> <p>OWN BY: _____ DES BY: _____ CHK BY: _____ APP BY: _____</p>	<p><b>WM</b></p> <p>PROJECT: WM AKRON ECO CENTER 1400 E ARCHWOOD AVE, AKRON, OH 44306</p>	<p>SHEET NO: 1/1</p> <p>JOB NO: ENG-2349</p>
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**Tavia Galonski, Summit County Clerk of Courts**

CONCEPTUAL SITE PLAN

2: Work Sheet of the Engineering Drawing 2149, with the name of the Engineer, Engineer, Architect, or Surveyor, shall be signed and sealed by the Engineer, Architect, or Surveyor, and shall be filed with the County Clerk of Courts, Summit County, Ohio, on or before the date of the filing of the drawing.

**EXHIBIT E**

Deed Restriction

## DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (this “Declaration”) is made by WASTE MANAGEMENT OF OHIO, INC., an Ohio corporation, whose address is 41100 Plymouth Rd., Suite 170, Plymouth, MI 48170, Attn. Area Vice President (hereinafter referred to as “Declarant”) and is effective as of the \_\_\_\_ day of \_\_\_\_\_, 2025 (the “Effective Date”).

### RECITALS

A. Declarant owns in fee simple certain real Premises situated in the City of Akron, County of Summit, State of Ohio assigned Permanent Parcel Number 67-20790 (hereinafter referred to as the “Premises”), as described in the legal description attached hereto and marked as Exhibit “A” and incorporated herein;

B. Declarant and City of Akron, Ohio, J.W. Didado Electric, LLC, Joyce A. Kephart, Joann Ellis, Kelly Avenue Property, LLC, Austin Ave., LLC, M&M Safety Solutions, LLC, Traffic Safety Solutions, LLC, 1051 Kelly Ave. II, LLC, Mark A. Ward, Barbara G. Ward, and Zion Temple Baptist Church of Akron, Ohio (“Beneficiaries”) are parties to a settlement agreement (the “Settlement Agreement”) dated \_\_\_\_\_, 2025, related to litigation in the Summit County Court of Common Pleas, specifically Case No. CV-2024-11-5142 (consolidated with Case No. CV-2024-11-5172), and as further identified in the consent judgment entry dated \_\_\_\_\_, 2025.

C. Under the terms of the Settlement Agreement, Declarant has agreed in writing to impose certain restrictions upon the portion of the Premises (hereinafter referred to as the “Buffer Property”), as described in legal description attached here to marked as Exhibit “B” and incorporated herein; and

D. Declarant, for its own benefit, for the benefit of the Beneficiaries and for the benefit of Declarant’s and the Beneficiaries’ successors and assigns, desires to establish the restrictions herein set forth with respect to the Buffer Property and the use, development, and conduct thereof set forth herein for so long as a refuse transfer station is operating on the Premises.

E. The foregoing Recitals are incorporated in and made a part of this Declaration.

NOW, THEREFORE, in consideration of the above Recitals and the covenants, conditions, and restrictions contained in this Declaration, Declarant hereby declares, covenants, and agrees

that the Buffer Property and all present and future owners, occupants, tenants, and subtenants of the Buffer Property shall be and hereby are subject to the terms, covenants, restrictions, and conditions set forth in this Declaration so that the Buffer Property shall be owned, maintained, kept, leased, and used in full compliance with and subject to this Declaration; and the Declarant, on behalf of itself and its successors and assigns, covenants and agrees as follows:

### ARTICLE I – COVENANTS AND RESTRICTIONS

Section 1. The Buffer Property shall remain in its existing undeveloped state, no portion of its existing natural buffering shall be removed, nor shall any part of the Buffer Property be developed, directly or indirectly, in a manner inconsistent with its use as natural buffering, unless such natural buffering poses a threat to life or property as determined by an arborist or other qualified expert.

### ARTICLE II - COVENANTS

Section 1. **Notice upon Conveyance.** Each instrument hereafter conveying any interest in the Buffer Property or any portion thereof shall contain a notice of this Declaration, including the recorded location (recording references) for this instrument. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDERS OFFICE ON \_\_\_\_\_, 2025, IN [DOCUMENT \_\_\_\_, or BOOK \_\_\_\_, PAGE \_\_\_\_].-

### ARTICLE III MISCELLANEOUS

Section 1. **Enforcement.** This Declaration and the covenants and rights hereunder are intended to benefit the parties to the Settlement Agreement and their respective successors and assigns, and thus, this Declaration may be enforced by any party to the Settlement Agreement, including their respective successors and assigns.

Section 2. **Covenants Running with the Land; Amendments.** This Declaration and the covenants and rights hereunder are intended to be, and shall be construed as, covenants (and not conditions) and shall be binding upon, and inure to the benefit of, the Declarant hereunder and its respective successors and assigns; and the same shall run with the land and be binding upon the Buffer Property for so long as a refuse transfer station is in operation on the Premises. This Declaration may be amended or revised only by means of a written instrument which, in order to be effective, shall be executed by the parties that have the authority to amend the Settlement Agreement.

Section 3. **Subordination of Mortgages.** Any mortgagee(s) of all or any portion of the Buffer Property shall, by recording its mortgage, be deemed to acknowledge and agree for itself and its successors and assigns (a) that its mortgage shall be subject and subordinate to this Declaration, as amended and modified from time to time and (b) to execute and deliver such instruments as may be reasonably requested by an owner of the Buffer Property or any party to the Settlement Agreement for the purposes of evidencing such subordination.

Section 4. **Merger.** There shall be no merger of the rights created by this Declaration with the fee estate of any portion of the Buffer Property by reason of the fact that the same entity or person may acquire or hold, directly or indirectly, the rights created hereby and the fee estate or any interest in both. By accepting title to any portion of the Buffer Property and therefore becoming an owner thereof, said owner agrees to be bound by the terms and conditions contained in this Declaration.

Section 5. **Governing Law.** This Declaration shall be governed by, and construed in accordance with, the laws of the State of Ohio.

Section 6. **Relationship of Parties.** Nothing contained herein shall be deemed or construed by the Declarant and any owner of the Buffer Property, the parties to the Settlement Agreement, or by any third party as creating the relationship of principal and agent or of partnership or joint venture between the Declarant and any such owner or third party.

Section 7. **Headings.** Sections and paragraph headings in this Declaration are for convenience or reference only and shall not affect the interpretation or construction of the provisions hereof.

Section 8. **Severability.** Invalidation of any of the provisions contained in this Declaration or the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person, and the same shall remain in full force and effect.

*(signatures on following pages)*

IN WITNESS WHEREOF, Declarant has executed this Declaration on the day and year first above written.

\_\_\_\_\_  
WASTE MANAGEMENT OF OHIO, INC.,  
an Ohio corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

SS:

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, the subscriber, a Notary Public in and for said county, personally came WASTE MANAGEMENT OF OHIO, INC., an Ohio corporation, by \_\_\_\_\_, its \_\_\_\_\_, and acknowledged the signing thereof to be its voluntary act and deed. This is an acknowledgment clause. No oath or affirmation was administered to the signer.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

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

This instrument prepared by:

Danielle M. Easton, Esq.  
Tucker Ellis LLP  
950 Main Avenue, Suite 1100  
Cleveland, OH 44115  
(216) 592-5000

EXHIBIT "A"

TO

## DECLARATION OF RESTRICTIONS

## BUFFER PROPERTY

The land referred to herein below is situated in the County of Summit, in the State of Ohio, and in the City of Akron and bounded and described as follows:

Known as being part of Lot 2, Tract 2, formerly Springfield Township, and bounded and described as follows:

Beginning in the center line of East Archwood Avenue, N. 85° 53' 15" E. 938.94 feet from the intersection of the center line of East Archwood Avenue with the west line of said Lot No, 2 and Tract 2, which is also the center line of Kelly Avenue;

Thence N. 85° 53' 15" E, along the center line of East Archwood Avenue, 518,25 feet;

Thence S. 4° 06' 45" E. 30 feet to a point in the south line of East Archwood Avenue;

Thence N. 85° 53' 15" E. along the south line of East Archwood Avenue 51.65 feet to an iron pipe at an angle in said south line;

Thence N. 79° 36' 07" E. along the south line of East Archwood Avenue, 25.95 feet to an iron pipe in the westerly right of way line of the westerly right of way of the Baltimore and Ohio Railroad Company;

Thence S. 6° 04' 07" W. along the westerly right of way line of said westerly right of way 1181.15 feet to an iron pipe;

Thence N. 89° 31' W. 471.19 feet to an iron pipe at the southeast corner of the Weston Heights Allotment, the plat of which is recorded in the Recorder's Office of Summit County, Ohio, in Plat Book 27, page 25;

Thence north along the east line of said Weston Heights Allotment and said east line extended north 1154.76 feet to the place of beginning and containing fourteen and 4487/10000 (14.4487) acres of land, but subject to all legal highways.

PPN: 67-20790

**EXHIBIT "B"**  
**TO**  
**DECLARATION OF RESTRICTIONS**  
**BUFFER PROPERTY**

[See attached.]



## DESCRIPTION OF A 6.322 ACRE PARCEL

Situated in the City of Akron, County of Summit and State of Ohio and being part of Lot 2, Tract 2, formerly Springfield Township and being part of a parcel conveyed to Waste Management of Ohio, Inc. (P.M. 67-20790) and recorded in Document No. 56925390 of the Summit County Records, and more fully bounded and described as follows:

**Beginning** at an iron pin found in the centerline of E. Archwood Avenue (60') Public and Kelly Avenue (60'); Thence N 85°30'01" E, a distance of 940.45 feet to a point in the centerline of said E. Archwood Avenue; Thence S 00°23'10" E, along the easterly line of a parcel as conveyed to Sam Chiarappa and recorded in Document No. 54335336 of the Summit County Records, a distance of 602.59 feet to an iron pin set, said pin being the **True Place of Beginning** for the parcel of land herein described;

Course No. 1; Thence S 89°54'10" E, along a new line of division, a distance of 528.16 feet to an iron pin set;

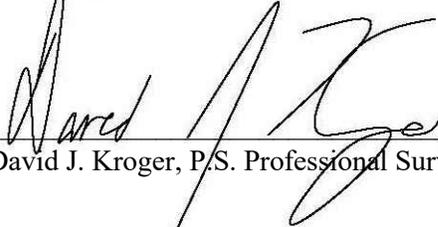
Course No. 2; Thence S 05°38'11" W, along the westerly line of a parcel as conveyed to Metro Regional Transit Authority and recorded in Document No. 54567644 of the Summit County Records, a distance of 554.33 feet to a capped iron pin found;

Course No. 3; Thence N 89°55'31" W, along the northerly line of parcels as conveyed to Pioneer Tool & Die Company (68-58697 & 68-58695) and recorded in O.R. Volume 1714, Page 527 and O.R. Volume 146, Page 767 of the Summit County Official Records, a distance of 469.99 feet to an iron pin set;

Course No. 4; Thence N 00°23'10" W, along the easterly line of the dedicated area of Underwood Avenue (50') as delineated in Plat Book 27, Page 25, a distance of 551.94 feet to the **True Place of Beginning** and containing 6.322 acres of land, more or less, as surveyed by David J. Kroger, P.S., Ohio Registration No. S-8329 in November 2025, but subject to all legal roads, highways, rights of way, easements and leases of record.

The Basis of Bearing is Ohio State Plane Coordinates, North Zone, NAD 1983.

All iron pins set are 30 inch X 3/4 inch round steel bars with plastic caps stamped "DIVERSIFIED ENGINEERING".

  
 \_\_\_\_\_ 12/1/2025  
 David J. Kroger, P.S. Professional Surveyor No. S-8329 Date

