

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 28 - 2014

6
7 AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO GRANT AN EASEMENT TO
9 MCDONALD'S REAL ESTATE COMPANY,
10 MCDONALD'S USA, LLC RUBBER CITY ARCHES
11 GRAHAM, LLC OR ANY OF THEIR AFFILIATES FOR
12 THE CONTINUED LOCATION AND MAINTENANCE
13 OF ITS BUSINESS IDENTIFICATION SIGN, AND
14 DECLARING AN EMERGENCY.

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16 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
17 Summit and State of Ohio, that:

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19 Section 1. The Mayor is hereby authorized to execute a settlement
20 agreement in the case of *City of Stow v. McDonald's Real Estate Company, et. al,*
21 Summit County Court of Common Pleas, Probate Division Case No. Case No.
22 2013 CV 00083.

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24 Section 2 The Director of Public Service be and is hereby authorized and
25 directed to enter into an agreement with McDonald's Real Estate Company for
26 the purpose of granting to said company an easement for the continued location
27 and maintenance of its business identification sign. The easement shall be
28 effective for as long as McDonald's Real Estate Company, McDonald's USA LLC,
29 Rubber City Arches Graham, LLC or any of their affiliates own the property
30 located at 1040 Graham Road, Cuyahoga Falls, Summit County, Ohio (PPN
31 0210459) and only if a McDonald's franchise continues to operate at that
32 location.

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34 Section 3. Council hereby waives the competitive bidding requirements of
35 R.C. 723.121 and finds that the easement property is not needed at this time
36 for use as part of the traveled portion of the right of way.

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38 Section 4. Any other ordinances and resolutions or portions of ordinances
39 and resolutions inconsistent herewith are hereby repealed, but any ordinances
40 and resolutions or portions of ordinances and resolutions not inconsistent
41 herewith and which have not previously been repealed are hereby ratified and
42 confirmed.

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44 Section 5. It is found and determined that all formal actions of this
45 Council concerning and relating to the adoption of this ordinance were adopted
46 in an open meeting of this Council and that all deliberations of this Council and
47 of any of its committees that resulted in such formal action were in meetings
48 open to the public, in compliance with all legal requirements including Chapter
49 107 of the Codified Ordinances.

51 Section 6. This ordinance is hereby declared to be an emergency measure
52 necessary for the preservation of the public peace, health, safety, convenience
53 and welfare of the City of Cuyahoga Falls, and provided it receives the
54 affirmative vote of two-thirds of the members elected or appointed to Council, it
55 shall take effect and be in force immediately upon its passage and approval by
56 the Mayor; otherwise it shall take effect and be in force at the earliest period
57 allowed by law.

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60 Passed: 3/24/2014

Mary Ellen Pyke
President of Council

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66 Approved: 3-26-14

Daniel C. Cavin
Clerk of Council

[Signature]
Mayor

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69 2/24/14
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