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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. 59 - 2014

8
9 AN ORDINANCE AUTHORIZING THE VACATION PLAT FOR
10 SECTIONS OF PORTAGE TRAIL AND SECOND STREET
11 ASSOCIATED WITH BUILDING ENCROACHMENTS AT 140
12 PORTAGE TRAIL AND AN AMENDMENT TO AN ACCESS
13 AGREEMENT FOR PARCEL 02-07052 AND DECLARING AN
14 EMERGENCY.

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16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the
17 Planning Commission be submitted to Council, and

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19 WHEREAS, the Planning Commission is required to review and approve all street vacation
20 plats/ special easements within the City of Cuyahoga Falls, Ohio, and

21
22 WHEREAS, on June 17, 2014 the Planning Commission approved the vacation plat for part of
23 Portage Trail and Second Street associated with building encroachments at 140 Portage Trail and
24 encroachments of a drive-through lane, retaining wall and fence associated with a public walkway
25 easement on city-owned parcel 02-07052, within the City of Cuyahoga Falls, and

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27 WHEREAS, the City is vacating 1.2 feet and .4 feet onto the public right-of-way on the
28 northwest corner of 140 Portage Trail and .2 feet onto the public right-of-way on the northeast
29 corner of the real property due to building encroachments.

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31 WHEREAS, the City is amending a 2005 access agreement (Summit County Document
32 55211420) with First Akron Development Corporation that will allow the continued encroachment
33 of an existing drive-through lane, retaining wall and fence on a city owned public walkway on
34 parcel 02-07052.

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

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39 Section 1. The City Council approves the vacation plat for part of Portage Trail and Second
40 Street associated with building encroachments at 140 Portage Trail and drive-through lane,
41 retaining wall and fence encroachments associated with a city-owned public walkway easement on
42 Parcel 02-07052, as approved by the Planning Commission and as outlined in File MSP-14-00026.

43
44 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
45 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
46 herewith and which have not previously been repealed are hereby ratified and confirmed.

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48 Section 3. It is found and determined that all formal actions of this Council concerning and
49 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and
50 that all deliberations of this Council and of any of its committees that resulted in such formal
51 action, were in meetings open to the public, in compliance with all legal requirements, to the extent
52 applicable, including Chapter 107 of the Codified Ordinances.

53
54 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
55 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga

56 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely
57 and appropriate development of this property, and provided it receives the affirmative vote of two
58 thirds of the members elected or appointed to Council, it shall take effect and be in force
59 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
60 force at the earliest period allowed by law.

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63 Passed: 7/14/2014

Mary Ellen Pyke
President of Council

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69 Approved: 7-15-2014

Basil @ Quinn
Clerk of Council

[Signature]
Mayor

Figure 1 - Existing Encroachments



