

3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 60 - 2015

7
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
9 A LEASE AGREEMENT OR AGREEMENTS WITH ARKAY
10 PROPERTIES, LLC AND METRO PARKS SERVING SUMMIT
11 COUNTY BOARD OF COMMISSIONERS, AND DECLARING AN
12 EMERGENCY.
13

14 WHEREAS, Arkay Properties, LLC (Arkay) and Metro Parks Serving Summit County
15 Board of Commissioners NKA Summit Metro Parks (Metro Parks) are owners of certain
16 parcels of land on Front Street (Parcels); and
17

18 WHEREAS, the City desires to construct a parking lot, trailhead and other
19 improvements on the Parcels for use as access to the Cuyahoga Falls Chestnut Trailhead;
20 and
21

22 WHEREAS, Arkay desires to utilize a portion of the parking spaces to be constructed by
23 the City for its building located at 1701 Front Street; and
24

25 WHEREAS, Metro Parks desires to utilize the Parcels as public access to the Cuyahoga
26 Falls Chestnut Trailhead.
27

28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
29 County of Summit and State of Ohio, that:
30

31 Section 1. The Mayor is hereby authorized to enter into a lease agreement or
32 agreements with Arkay Properties, LLC and Metro Parks Serving Summit County Board of
33 Commissioners NKA Summit Metro Parks for property located on Front Street (Parcel
34 Number 020382) and a vacant lot on Front Street (Parcel Number 0220483) in Cuyahoga
35 Falls, Ohio, as set forth in Exhibits A and B, respectively, attached hereto and made a part
36 of this ordinance.
37

38 Section 2. Any other ordinance and resolutions or portions of ordinances and
39 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
40 or portions of ordinances and resolutions not inconsistent herewith and which have not
41 previously been repealed are hereby ratified and confirmed.
42

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

49 Section 4. This ordinance is hereby declared to be an emergency measure necessary
50 for the preservation of the public peace, health, safety, convenience and welfare of the City
51 of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote
52 of two thirds of the members elected or appointed to Council, it shall take effect and be in
53 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect
54 and be in force at the earliest period allowed by law.

55
56
57 Passed: 7/27/2015

May Ellen Pyke
President of Council

58
59
60
61
62

David Quinn
Clerk of Council

63
64 Approved: 7-28-15

[Signature]
Mayor

65
66
67 7/13/15
68 O:\2015 ords\Front St Lease Sub.doc

DESCRIPTION OF ACCESS AND PARKING EASEMENT

0.164 ACRES (7145.8 S.F.)

KNOW ALL MEN BY THESE PRESENTS, THAT ARKAY Properties, LLC tract of land as conveyed in Reception Number 56036608 of the Summit County Recorders records, hereinafter called the Grantor, for the consideration of One Dollar (\$1.00) and other good and valuable consideration received to Grantor's full satisfaction, does hereby grant to THE CITY OF CUYAHOGA FALLS, OHIO, its successors, licensees and assigns, the right to construct, maintain, repair and re-construct a driveway, parking lot and trail for the following purposes which include but are not limited to access through and parking on a strip of land more fully described as follows:

Commencing at an iron pin found on the southeasterly right of way line of Front Street at the southwesterly corner of a 0.67 acre tract of land presently in the name of Community Improvement Corp. of Cuyahoga Falls and begin the TRUE POINT OF BEGINNING for the parcel herein described;

Thence S 65°27'51" E along a northerly line of the Grantor and the southerly line of the said Community Improvement Corp. of Cuyahoga Falls tract, a distance of 111.08 feet to an iron pin found;

Thence S 33°21'41" W along a easterly line of the Grantor and the westerly line of a tract of land presently in the name of The Board of Park Commissioners of Akron Metropolitan Park District, a distance of 68.42 feet to an iron pin found;

Thence N 65°18'54" W along a southerly line of the Grantor and the northerly line of said Board of Park Commissioners tract, a distance of 100.69 feet to an iron pin found on the southeasterly right of way of Front Street;

Thence N 24°37'36" E along the Grantors westerly line and the southeasterly right of way of Front Street, a distance of 67.35 feet to the TRUE POINT OF BEGINNING for the Easement herein described and containing 0.164 acres of land (7145.8 sq. ft.) as prepared by Leland B. Dillworth, Professional Surveyor (P.S. 7481) in July, 2015.



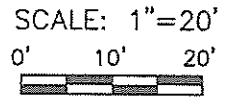
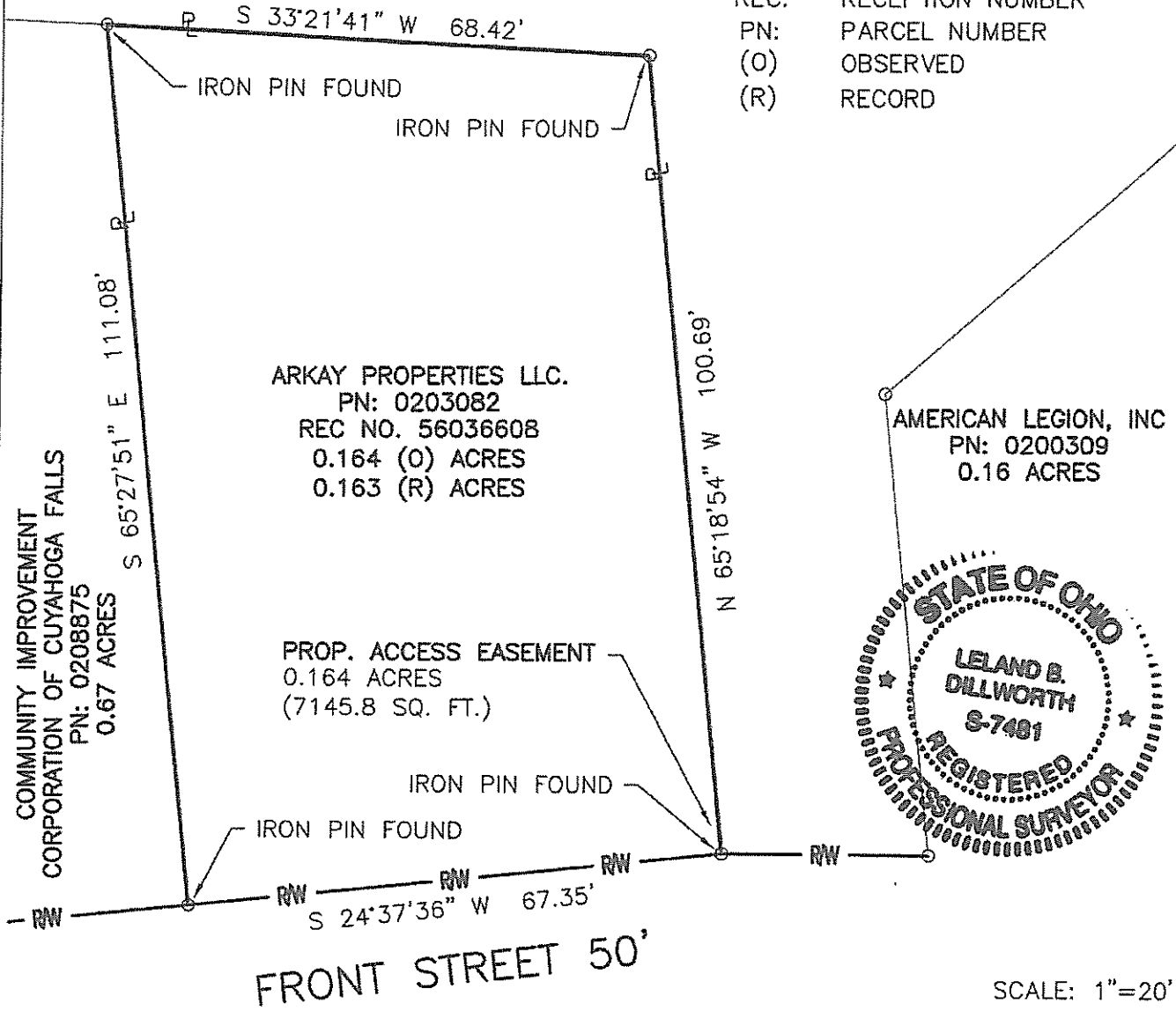
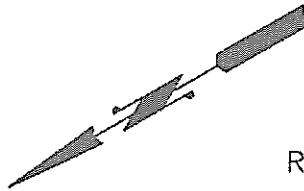
Leland B. Dillworth 7-16-15
Leland B. Dillworth, Professional Surveyor #7481

EXHIBIT A

METROPARKS SERVING
SUMMIT COUNTY BOARD
OF COMMISSIONERS
PN: 0220483
87.92 ACRES

LEGEND

- EX. MONUMENT (AS NOTED)
- ℙ PROPERTY LINE
- R/W RIGHT OF WAY
- REC. RECEPTION NUMBER
- PN: PARCEL NUMBER
- (O) OBSERVED
- (R) RECORD



Leland B. Dillworth
LELAND B. DILLWORTH
PROFESSIONAL SURVEYOR #7481
DATE: 7-16-15

THRASHER
4150 BELDEN VILLAGE STREET
CANTON, OH 44718
PHONE 330-491-8170

0.164 ACRE ACCESS EASEMENT			
FRONT STREET CUYAHOGA FALLS OHIO			
CITY OF CUYAHOGA FALLS			
7-15-2015	SCALE 1:20	REVISED N/A	STA. N/A

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CAD FILE: R:\030-2516 - Cuyahoga Falls Chestnut Trailhead\Survey\CUYAHOGA TRAIL EASEMENT.dwg PLOT DATE/TIME: 7/16/2015 - 9:55am

Inverse With Area

2ND EASEMENT

Wed Jul 15 11:14:24 2015

PntNo	Bearing	Distance	Northing	Easting	Description
			533716.58	2246569.69	
	N 24°37'36.50" E	67.35			
			533777.80	2246597.75	
	S 65°27'51.10" E	111.08			
			533731.67	2246698.80	
	S 33°21'41.20" W	68.42			
			533674.53	2246661.18	
	N 65°18'54.13" W	100.69			
			533716.58	2246569.69	

Closure Error Distance> 0.0000
Total Distance Inversed> 347.54

Area: 7145.8 Sq. Feet, 0.2 Acres
0.164

DESCRIPTION OF ACCESS EASEMENT

0.060 ACRES (2601 S.F.)

KNOW ALL MEN BY THESE PRESENTS, THAT The Board of Park Commissioners of Akron Metropolitan Park District, a.k.a. Metro Park Serving Summit County, hereinafter called the Grantor, for the consideration of One Dollar (\$1.00) and other good and valuable consideration received to Grantor's full satisfaction, does hereby grant to THE CITY OF CUYAHOGA FALLS, OHIO, its successors, licensees and assigns, the right to construct, maintain, repair and re-construct a driveway and trail for the following purposes which include but are not limited to access through a strip of land more fully described as follows:

Commencing at an iron pin found on the southeasterly right of way line of Front Street at the southwesterly corner of a 0.163 acre tract of land presently in the name of ARKAY Properties, LLC and begin the TRUE POINT OF BEGINNING for the parcel herein described;

Thence S 65°18'54" E along a northerly line of the Grantor and the southerly line of the said ARKAY Properties tract, a distance of 100.69 feet to an iron pin found;

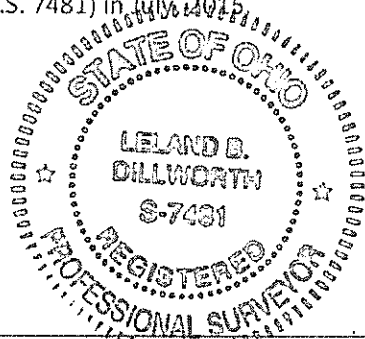
Thence along the new access easement line the following two (2) courses:

- 1) S 56°59'44" W, a distance of 35.16 feet to a point;
- 2) N 83°42'11" W, a distance of 20.00 feet to a point on the Grantors southwesterly line and the northeasterly line of a 0.16 acre tract of land presently in the name of American Legion, Inc. ;

Thence along a southerly line of the Grantor and northerly line of the said American Legion tract the following two (2) courses:

- 1) N 10°18'15" W, a distance of 12.49 feet to an iron pin found;
- 2) N 65°25'30" W, a distance of 58.49 feet to an iron pin found on the southeasterly right of way of Front Street;

Thence N 30°43'25" E along the Grantors westerly line and the southeasterly right of way of Front Street, a distance of 26.05 feet to the TRUE POINT OF BEGINNING for the Easement herein described and containing 0.060 acres of land (2601 sq. ft.) as prepared by Leland B. Dillworth, Professional Surveyor (P.S. 7481) in July 2015.



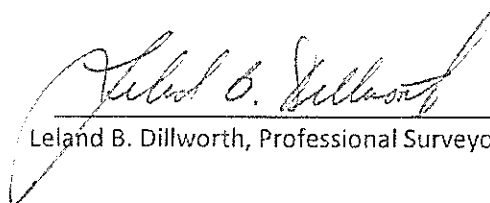
 7-16-15
Leland B. Dillworth, Professional Surveyor #7481

EXHIBIT B

CAD FILE: R:\030-2516 - Cuyahoga Falls Chestnut Trailhead\Survey\CUYAHOGA TRAIL EASEMENT.dwg PLOT DATE/TIME: 7/16/2015 - 9:54am

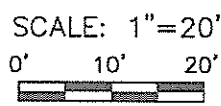
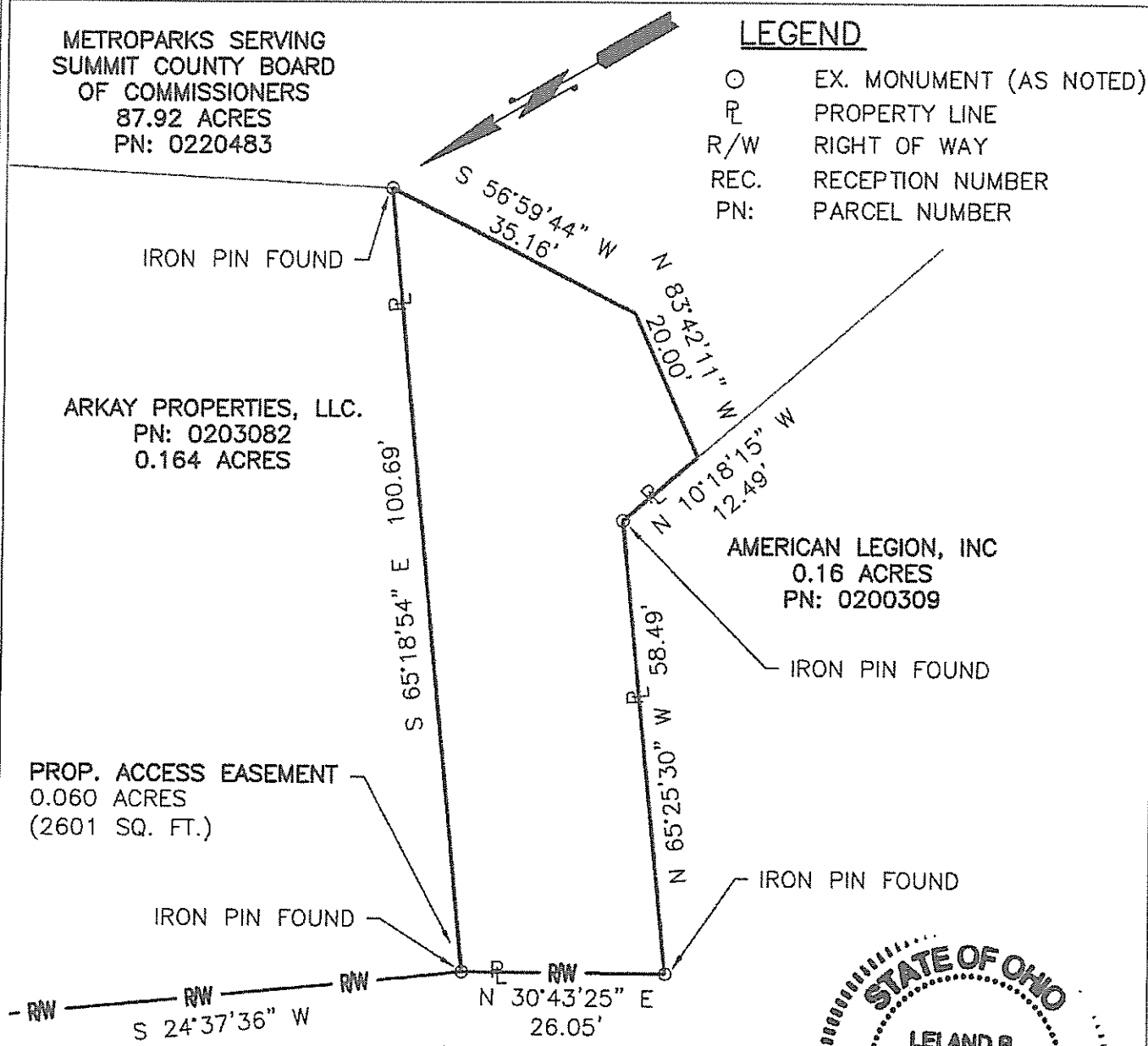
METROPARKS SERVING
SUMMIT COUNTY BOARD
OF COMMISSIONERS
87.92 ACRES
PN: 0220483

ARKAY PROPERTIES, LLC.
PN: 0203082
0.164 ACRES

PROP. ACCESS EASEMENT
0.060 ACRES
(2601 SQ. FT.)

LEGEND

- EX. MONUMENT (AS NOTED)
- ℓ PROPERTY LINE
- R/W RIGHT OF WAY
- REC. RECEPTION NUMBER
- PN: PARCEL NUMBER



Leland B. Dillworth
 LELAND B. DILLWORTH
 PROFESSIONAL SURVEYOR #7481
 DATE: 7-16-15

THRASHER
 4150 BELDEN VILLAGE STREET
 CANTON, OH 44718
 PHONE 330-491-8170

0.060 ACRE ACCESS EASEMENT			
FRONT STREET CUYAHOGA FALLS OHIO			
CITY OF CUYAHOGA FALLS			
7-15-2015	SCALE 1:20	REVISED N/A	STA. N/A

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Inverse With Area

Fri May 01 11:18:56 2015

PntNo	Bearing	Distance	Northing	Easting	Description
101			533751.20	2247931.28	
	S 65°18'54.13" E	100.69			
105			533709.15	2248022.77	
	S 56°59'43.84" W	35.16			
PP			533689.99	2247993.28	
	N 83°42'10.54" W	20.00			
PP			533692.19	2247973.40	
	N 10°18'15.46" W	12.49			
103			533704.48	2247971.17	
	N 65°25'30.42" W	58.49			
102			533728.81	2247917.98	
	N 30°43'24.73" E	26.05			
101			533751.20	2247931.28	

Closure Error Distance> 0.0000

Total Distance Inversed> 252.89

Area: 2600.9 Sq. Feet, 0.1 Acres

0.06 AC