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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 73 - 2014

7
8 AN ORDINANCE AUTHORIZING THE PURCHASE OF THE MILL
9 POND PROPERTY OWNED BY FIRST AKRON DEVELOPMENT
10 CORPORATION TO ASSIST IN REDEVELOPMENT BY MENARD,
11 INC. TO CREATE JOB AND EMPLOYMENT OPPORTUNITIES, TO
12 PROTECT OPEN SPACE AND TO CREATE RECREATIONAL AND
13 STORM WATER MANAGEMENT OPPORTUNITIES; AND
14 DECLARING AN EMERGENCY.
15
16

17 WHEREAS, the City has agreed to purchase the Mill Pond property ("Property"),
18 which consists of approximately 24.0082 acres, to protect open space and to create
19 recreational and storm water management opportunities; and
20

21 WHEREAS, in connection with the City's purchase of the Property to protect open
22 space and create recreational and storm water management opportunities, Menard, Inc.
23 will create approximately 140 new job and employment opportunities and invest
24 \$8,500,000 in land and building improvements at/near the former Giant Eagle site on
25 Graham Road which will soon become vacant; and
26

27 WHEREAS, Council finds and determines that the purchase of the Property is in
28 the public interest and serves the public good and will improve the economic welfare of
29 the citizens of Cuyahoga Falls.
30

31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
32 Falls, County of Summit and State of Ohio, that:
33

34 Section 1. This Council hereby finds and determines that the purchase of the
35 Property from First Akron Development Corporation is necessary for the public purposes
36 of creating job and employment opportunities and improving the economic welfare of the
37 people, to protect open space and to create recreational and storm water management
38 opportunities.
39

40 Section 2. This Council approves the purchase of the Property as set forth in
41 Exhibit A attached hereto and made a part of this ordinance. The amount of the purchase
42 shall not exceed \$600,000 plus other costs associated with the purchase of the property,
43 including but not limited to survey costs, recording fees, title company fees, title
44 insurance and taxes. The Mayor and Director of Community Development are hereby
45 authorized to execute a Purchase, Sale and Development Agreement in substantially the
46 form on file with the Clerk, together with such revisions or additions thereto as are
47 approved by the Mayor, Director of Community Development and Director of Law, and

48 are consistent with the objectives and requirements provided in this ordinance. The Mayor
49 is authorized to accept such deed or deeds as is necessary to carry out such Agreement,
50 and the Mayor and Director of Community Development, Director of Finance, Director of
51 Law, and other City officials, as appropriate, are authorized to provide such information
52 and to execute, certify or furnish such other documents, and do all other things as are
53 necessary for and incidental to carrying out said purchase of Property pursuant to the
54 Agreement.
55

56 Section 3. The transaction set forth in Section 2 of this ordinance is contingent
57 upon: (1) First Akron Development Corporation and Menard, Inc. closing their real estate
58 transaction for 9.3 acres; (2) completion of environmental studies that are acceptable to
59 the City; and (3) the City and Menard, Inc. entering into an agreement for job creation
60 related to the intended development of a retail facility on the proposed Menard site on
61 Graham Road, Cuyahoga Falls, Ohio.
62

63 Section 4. It is found and determined that all formal actions of this Council
64 concerning and relating to the passage of this ordinance were taken in an open meeting
65 of this Council and that all deliberations of this Council and of any committees that
66 resulted in those formal actions were in meetings open to the public, in compliance with
67 all legal requirements including Chapter 107 of the Codified Ordinances.
68
69

70 Section 5. This ordinance is hereby declared to be an emergency measure
71 necessary for the preservation of the public peace, health, safety, convenience and welfare
72 of the City, and for the further reasons that it is necessary to purchase the Property as
73 soon as possible to create job and employment opportunities, and to enhance the
74 availability of open space, recreational and storm water management opportunities, and
75 provided it receives the affirmative vote of two-thirds of the members elected or appointed
76 to Council, it shall take effect and be in force immediately upon its passage and approval
77 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
78 by law.
79

80
81 Passed:

8/11/2014

82 
83 President of Council

84 
85 Clerk of Council

86
87
88
89 Approved

8-12-2014

90 
91 Mayor

92 7/14/14

O:\2014ords\A-78 Menards Substitute _ 2 Ordinance.docx

Exhibit A

GBC DESIGN, INC.

565 White Pond Drive • Akron, OH 44320-1123 • Phone 330-836-0228 • Fax 330-836-5782 • www.GBCdesign.com

June 26, 2014

LEGAL DESCRIPTION

First Akron Development Corporation
Cuyahoga Falls, Ohio
Lot Split Parcel – 24.0082 Acres

Situated in the City of Cuyahoga Falls, County of Summit, State of Ohio and known as being part of Original Lot 17 and part of Original Lot 27 of former Northampton Township, also known as being part of the lands now or formerly owned by First Akron Development Corporation as recorded in Deed Volume 4006, Page 181 of the Summit County records, also known as being part of the lands now or formerly owned by First Akron Development Corporation as recorded in Reception No. 55453810 of the Summit County records and more fully described as follows:

Beginning at a 5/8" capped rebar (GBC Design, Inc.) found at the northeasterly corner of Lot 3 of Kaye Subdivision as recorded in Reception #55056619 of the Summit County records;

Thence S 89° 43' 38" W, along the northerly line of said Lot 3 of Kaye Subdivision, a distance of 186.68 feet to a 5/8" capped rebar (GBC Design, Inc.) found, which is the True Place of Beginning for the parcel of land herein described;

Thence continuing S 89° 43' 38" W, along the northerly line of said Lot 3 of Kaye Subdivision, a distance of 49.74 feet to a point in Mud Run;

Thence S 27° 24' 38" W, along the westerly line of said Lot 3 of Kaye Subdivision, a distance of 75.00 feet to a point in Mud Run;

Thence S 51° 15' 38" W, continuing along the westerly line of said Lot 3 of Kaye Subdivision, a distance of 62.00 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence S 26° 23' 38" W, continuing along the westerly line of said Lot 3 of Kaye Subdivision, a distance of 107.15 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence S 50° 12' 12" W, along the northerly line of Falls Catholic Credit Union Inc. as recorded in Reception #54735364 of the Summit County records, also along the northerly line of lands now or formerly owned by Family Video Movie Club, Inc. as recorded in Reception #54762522 of the Summit county records, a distance of 276.83 feet to a point in Mud Run;

Thence S 63° 15' 22" W, continuing along the northerly line of said Family Video Movie Club, Inc. lands, a distance of 99.00 feet to a point in Mud Run on the westerly line of said Original Lot 17;

Thence N 01° 05' 05" W, along the westerly line of said Original Lot 17, also being the easterly line of lands now or formerly owned by Family Video Movie Club, Inc. as recorded in Reception #54762520 of the Summit county records, a distance of 71.61 feet to a point (witnessed by a capped rebar (L. Butterworth RLS5196) found S 60° 43' 28" W, 1.47');

Thence N 60° 43' 28" E, along a southerly line of People Care Park as recorded in Plat Cabinet "C", Slides 376-377 of the Summit County records, a distance of 130.49 feet to a capped rebar (Bock & Clark) found;

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Thence N 33° 05' 48" E, continuing along a southerly line of said People Care Park, a distance of 493.17 feet to a point in Mud Run;

Thence N 47° 13' 48" W, along a northerly line of said People Care Park, a distance of 108.68 feet to a capped rebar (Campbell & Assoc., Inc.) found;

Thence S 86° 25' 08" W, continuing along a northerly line of said People Care Park, a distance of 220.65 feet to a point (witnessed by a capped rebar (Bock & Clark) found S 09° 23' 31" E, 0.19");

Thence N 51° 33' 10" W, continuing along a northerly line of said People Care Park, a distance of 210.11 feet to a capped rebar (Bock & Clark) found;

Thence S 79° 22' 59" W, continuing along a northerly line of said People Care Park, a distance of 175.75 feet to a bent capped rebar (Bock & Clark) found;

Thence N 69° 58' 57" W, continuing along a northerly line of said People Care Park, a distance of 134.80 feet to a capped rebar (Bock & Clark) found;

Thence S 49° 38' 47" W, continuing along a northerly line of said People Care Park, passing over a capped rebar (Bock & Clark) found at 75.48 feet, a distance of 117.29 feet to a point;

Thence along the centerline of Cleveland-Akron Road (A.K.A. State Road, S.R. 8, C.H. 16) width varies, along the arc of a circle curving to the right having a central angle of 26° 43' 55", a radius of 1909.86 feet, a tangent of 453.79 feet, a chord of 883.00 feet, a chord bearing of N 10° 15' 19" W, and an arc length of 891.06 feet to point;

Thence N 89° 23' 35" E, along the southerly line of lands now or formerly owned by Emidio & Sons as recorded in Reception #55940312 of the Summit County records, passing over a 1" bent iron pipe found at 40.09 feet, a distance of 831.12 feet to a point (witnessed by a 1" bent rebar found N 89° 23' 35" E, 0.22");

Thence S 00° 39' 45" E, along the westerly line of lands now or formerly owned by Emidio & Sons as recorded in Reception #55940328 of the Summit County records, a distance of 151.86 feet to a 1" bar w/dimple found;;

Thence N 57° 10' 12" E, along a southerly line of said Emidio & Sons lands, a distance of 275.00 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence N 67° 19' 13" E, continuing along a southerly line of said Emidio & Sons lands, a distance of 110.00 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence N 86° 49' 48" E, continuing along a southerly line of said Emidio & Sons lands, a distance of 100.00 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence N 82° 07' 18" E, continuing along a southerly line of said Emidio & Sons lands, a distance of 113.00 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence N 60° 46' 18" E, continuing along a southerly line of said Emidio & Sons lands, a distance of 211.06 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence N 00° 59' 40" W, along the easterly line of said Emidio & Sons lands, a distance of 356.34 feet to a 5/8" capped rebar (GBC Design, Inc.) found;

Thence N 89° 03' 05" E, along the southerly line of East Bath Road (C.H. 48) width varies, a distance of 50.00 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 00° 59' 40" E, along a new line of division, a distance of 386.21 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 60° 46' 18" W, along a new line of division, a distance of 250.39 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 82° 07' 18" W, along a new line of division, a distance of 124.48 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 86° 49' 48" W, along a new line of division, a distance of 93.46 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 67° 19' 13" W, along a new line of division, a distance of 96.96 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 57° 10' 12" W, along a new line of division, a distance of 381.12 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 26° 17' 41" E, along a new line of division, a distance of 397.53 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 69° 23' 58" E, along a new line of division, a distance of 253.47 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 41° 26' 08" E, along a new line of division, a distance of 115.12 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 69° 32' 43" E, along a new line of division, a distance of 97.79 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 74° 27' 33" E, along a new line of division, a distance of 123.00 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 56° 20' 05" E, along a new line of division, a distance of 118.90 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 87° 02' 04" E, along a new line of division, a distance of 165.15 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 52° 52' 38" E, along a new line of division, a distance of 320.21 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 00° 31' 54" W, along the westerly line of Meadowood Apartments Subdivision as recorded in Plat Cabinet "A", Slides 346-348 of the Summit County records, a distance of 103.13 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 73° 46' 38" W, along a new line of division, a distance of 184.72 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 41° 41' 34" W, along a new line of division, a distance of 179.23 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence N 88° 51' 55" W, along a new line of division, a distance of 108.06 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 32° 29' 44" W, along a new line of division, a distance of 143.26 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 76° 39' 07" W, along a new line of division, a distance of 100.45 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

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Thence N 67° 21' 35" W, along a new line of division, a distance of 136.34 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

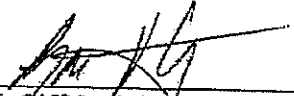
Thence S 63° 12' 48" W, along a new line of division, a distance of 257.29 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

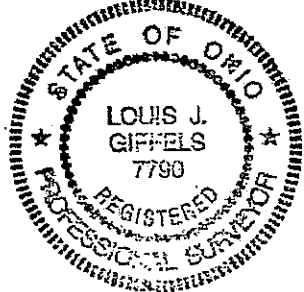
Thence S 37° 11' 29" E, along a new line of division, a distance of 193.83 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 03° 30' 50" W, along a new line of division, a distance of 192.05 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;

Thence S 22° 52' 38" W, along a westerly line of lands now or formerly owned by 101 Kappa Drive Association as recorded in Deed Volume 7180, Page 86 of the Summit County records, a distance of 116.73 feet to the True Place of Beginning and containing 24.0082 Acres of land (13.1782 Acres in Original Lot 17 & 10.8300 Acres in Original Lot 27), more or less, as surveyed in June, 2014 by Louis J. Giffels, Registered Surveyor No. 7790 with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations or easements of record.

**Basis of bearing for this survey is the Ohio State Plane Coordinate System NAD83, Grid North.

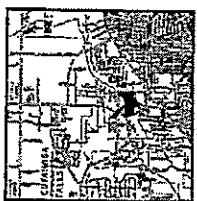

Louis J. Giffels, P.S. Reg. No. 7790



THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS. THE CITY OF CHICAGO AND THE STATE OF ILLINOIS ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



DATE: 11/15/11
 PROJECT: [REDACTED]
 SHEET: 1 OF 1



NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	LOT 1	10,000	0.23
2	LOT 2	10,000	0.23
3	LOT 3	10,000	0.23
4	LOT 4	10,000	0.23
5	LOT 5	10,000	0.23
6	LOT 6	10,000	0.23
7	LOT 7	10,000	0.23
8	LOT 8	10,000	0.23
9	LOT 9	10,000	0.23
10	LOT 10	10,000	0.23
11	LOT 11	10,000	0.23
12	LOT 12	10,000	0.23
13	LOT 13	10,000	0.23
14	LOT 14	10,000	0.23
15	LOT 15	10,000	0.23
16	LOT 16	10,000	0.23
17	LOT 17	10,000	0.23
18	LOT 18	10,000	0.23
19	LOT 19	10,000	0.23
20	LOT 20	10,000	0.23
21	LOT 21	10,000	0.23
22	LOT 22	10,000	0.23
23	LOT 23	10,000	0.23
24	LOT 24	10,000	0.23
25	LOT 25	10,000	0.23
26	LOT 26	10,000	0.23
27	LOT 27	10,000	0.23
28	LOT 28	10,000	0.23
29	LOT 29	10,000	0.23
30	LOT 30	10,000	0.23
31	LOT 31	10,000	0.23
32	LOT 32	10,000	0.23
33	LOT 33	10,000	0.23
34	LOT 34	10,000	0.23
35	LOT 35	10,000	0.23
36	LOT 36	10,000	0.23
37	LOT 37	10,000	0.23
38	LOT 38	10,000	0.23
39	LOT 39	10,000	0.23
40	LOT 40	10,000	0.23
41	LOT 41	10,000	0.23
42	LOT 42	10,000	0.23
43	LOT 43	10,000	0.23
44	LOT 44	10,000	0.23
45	LOT 45	10,000	0.23
46	LOT 46	10,000	0.23
47	LOT 47	10,000	0.23
48	LOT 48	10,000	0.23
49	LOT 49	10,000	0.23
50	LOT 50	10,000	0.23

