

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 94 - 2013

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO
8 ENTER INTO A CONTRACT WITH THE BOARD OF
9 PARK COMMISSIONERS OF METRO PARKS SERVING
10 SUMMIT COUNTY FOR THE DONATION TO SAID
11 BOARD OF CERTAIN REAL PROPERTY NO LONGER
12 NEEDED FOR ANY MUNICIPAL PURPOSE, AND
13 DECLARING AN EMERGENCY.

14
15 WHEREAS, the City owns certain real property being a portion of 2065 Theiss
16 Road (Parcel No. 35-05213), hereinafter the "Property," that is no longer needed for
17 municipal purposes; and

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19 WHEREAS, the portion of the Property that is no longer needed for municipal
20 purposes is a 9.3212 acre parcel defined and depicted as "Parcel A" on the lot split
21 plat prepared by Registered Surveyor Robert S. Parks, dated December 12, 2013
22 and attached hereto as Exhibit "A," and

23
24 WHEREAS, Article I, Section 2 of the City Charter, adopted pursuant to Art.
25 XVIII, Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make
26 exception to the competitive bidding procedures set forth in the Revised Code,

27
28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
29 Falls, County of Summit and State of Ohio, that:

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31 Section 1. Notwithstanding and as an exception to Section 721.03 of the Ohio
32 Revised Code, the Mayor is hereby authorized to enter into a contract without
33 competitive bidding with the Board of Park Commissioners of Metro Parks Serving
34 Summit County ("Board") for the donation, or sale at a nominal price, to said
35 Board, of the real property described as "Parcel A" in the lot split plat attached
36 hereto as Exhibit "A." This Council hereby finds and determines that "Parcel A" is
37 no longer needed for any municipal purpose. The conveyance instrument
38 authorized by this Ordinance shall provide that the use of "Parcel A" shall be
39 limited in perpetuity to non-commercial park purposes as reasonably determined
40 by the Board.

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43 and resolutions inconsistent herewith are hereby repealed, but any ordinances and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45 and which have not previously been repealed are hereby ratified and confirmed.

46
47 Section 3. It is found and determined that all formal actions of this Council
48 concerning and relating to the passage of this ordinance were taken in an open
49 meeting of this Council and that all deliberations of this Council and of any

50 committees that resulted in those formal actions were in meetings open to the
51 public, in compliance with all legal requirements including Chapter 107 of the
52 Codified Ordinances.

53

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

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63 Passed: 12/23/13

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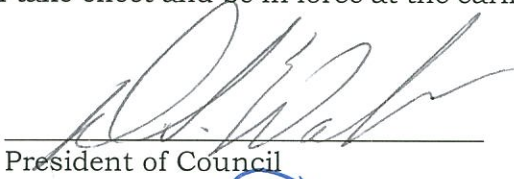
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Approved 12/26/13



President of Council



Clerk of Council



Mayor

12/23/13

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| LINE | BEGINNING | BEARING | FOOTING | RADIUS | ARC LENGTH | CURVED LENGTH |
|------|------------|---------------|---------|---------|------------|---------------|
| 1 | 100+00.00 | S 89°54'35" E | 134.4 | 954.43 | 26.66 | 26.66 |
| 2 | 100+26.66 | N 20°12'34" E | 134.4 | 954.43 | 26.66 | 26.66 |
| 3 | 100+53.32 | N 28°08'31" E | 97.50 | 1143.92 | 14.90 | 14.90 |
| 4 | 100+68.22 | N 22°30'34" E | 64.95 | 1143.92 | 14.90 | 14.90 |
| 5 | 100+83.12 | N 63°18'37" E | 150.73 | 1620.72 | 18.96 | 18.96 |
| 6 | 100+102.08 | N 63°18'37" E | 150.73 | 1620.72 | 18.96 | 18.96 |

Parcel B

Shaded in the City of Cuyahoga Falls, County of Summit and State of Ohio and known as being part of original Northampton Township, Lot 68 and more fully described as follows:

Being a 3/4" x 1/4" iron pipe found at the Northwest corner of said lot 68 on the centerline of Healy Road, 60' right of way beginning at the point herein specified:

Thence South 00 Degrees 45 Minutes 21 Seconds East a distance of 635.81 feet to a capped rebar set at the true face of the pipe herein specified

Thence, continuing along Parke's North line, South 00 Degrees 45 Minutes 21 Seconds East a distance of 635.81 feet to a 1/4" x 1/4" iron pipe found at the Northwest corner of land now or formerly owned by Doug and Termy Labor as recorded in Map No. 319260117 of the Summit County Recorder's Office.

Thence, along Laura's North line South 88 Degrees 54 Minutes 25 Seconds West a distance of 823.48 feet to a capped rebar hand, 40 cap "Wilson".

Thence, continuing along Labor's North line North 67 Degrees 29 Minutes 54 Seconds West a distance of 603.51 feet to the centerline of Healy Road, 60' right of way

Thence, along said centerline and a curve to the right having the following properties

Delta 01 Degrees 36 Minutes 41 Seconds
 Chord Bearing North 26 Degrees 12 Minutes 34 Seconds East
 Thence along the arc a distance of 28.86 feet

Thence, continuing along said centerline, North 31 Degrees 00 Minutes 55 Seconds East a distance of 211.57 feet to the PC of a curve to the left having the following properties

Delta 11° 53' 00"
 Chord Bearing North 28 Degrees 08 Minutes 35 Seconds East
 Thence along the arc a distance of 114.90 feet

Thence, along a new station line North 82 Degrees 43 Minutes 58 Seconds East a distance of 742.95 feet to the face of beginning and continuing 9.013 acres, of which 0.2261 acres are in the general right of way of Healy Road, as surveyed by Robert S. Parks, P.S. 7012 in September 2013.

Beats of bearing a 1/4" to an assumed station and used to locate original only.

All pins set are no. 5 rebar, 30 inches long with 40 cap 7012

PARCEL A

Shaded in the City of Cuyahoga Falls, County of Summit and State of Ohio and known as being part of original Northampton Township, Lot 68 and more fully described as follows:

Beginning at a "x" iron pipe found at the Northwest corner of said lot 68 on the centerline of Healy Road, 60' right of way and being the true right of way for the parcel herein described:

Thence South 00 Degrees 45 Minutes 21 Seconds East, along the West line of land now or formerly owned by Parke Family Limited Liability Company as recorded in Reception number 25672285 of the Summit County Recorder's Office, a distance of 628.81 feet to a capped rebar set bearing over a capped rebar set at 30.00 feet

Thence along a new station line South 82 Degrees 42 Minutes 56 Seconds West a distance of 742.95 feet to the centerline of Healy Rd, 60' right of way, passing over a capped rebar set at 207.24 feet.

Thence, along said center line and a curve to the left having the following properties

Delta 6 Degrees 29 Minutes 17 Seconds
 Chord Bearing North 22 Degrees 01 Minutes 34 Seconds East
 Thence along the arc a distance of 25.78 feet, across a right of way monument found bearing North 71 Degrees 13 Minutes 04 Seconds West of 29.50 feet, also across a right of way monument found S 71 Degrees 01 Minutes 55 Seconds East of 2017 feet

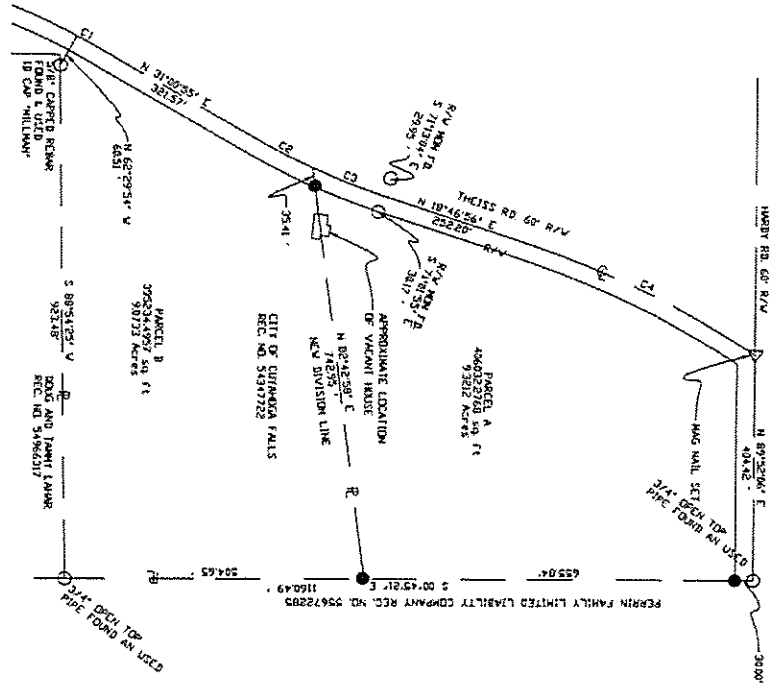
Thence, continuing along said centerline, North 18 Degrees 46 Minutes 56 Seconds East a distance of 323.20 feet to the PC of a curve to the South 14°32'27" East
 Delta 15 Degrees 20 Minutes 02 Seconds
 Chord Bearing North 26 Degrees 26 Minutes 57 Seconds East
 Thence along the arc a distance of 430.96 feet to the centerline of Healy Road, 60' right of way and a flag was set

Thence along the centerline of Healy Road, North 89 Degrees 52 Minutes 06 Seconds East a distance of 404.24 feet to the True Face of Healy Road, 75' x 7012 in September 2013.

Beats of bearing a 1/4" to an assumed station and used to locate original only.

All pins set are no. 5 rebar, 30 inches long with 40 cap 7012

B-118



Robert S. Parks

I CERTIFY THAT I HAVE MADE A SURVEY ON THE GROUND AND THAT THIS PLAN IS A REPRESENTATION OF THE SURVEY. I HAVE SET OR FOUND THE PINS AND MARKS AND THAT THE SAME IS AN ACCURATE REPRESENTATION THEREOF.

DATA USED
 DEEDS AND OFFICIAL RECORDS AS NOTED
 ROAD RECORD THEISS RD CIL 192 SEC. A
 SUMMIT COUNTY TAX MAPS

BASIS OF BEARINGS
 BEARINGS ARE TO AN ASSUMED MERIDIAN AND USED TO DEFINE ANGLES ONLY

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A SURVEY AND SEARCH FOR ENCUMBRANCES OR RIGHTS THAT MAY AFFECT THE SAME.

ROBERT S. PARKS SURVEYING
 328 JADE BLVD.
 STREETSBORO, OH
 330-329-4992

DRAWN BY: RSP
 CHECKED BY: RSP
 DRAWING FILE: R201313200505CF THEISS.DWG
 PLOT DATE: 12/12/13

LOT SPLIT
 FOR THE CITY OF CUYAHOGA FALLS
 PART OF LOT 68
 ORIGINAL NORTHAMPTON TOWNSHIP
 NOW THE CITY OF CUYAHOGA FALLS

| | |
|-----------|-----------|
| JOB NO. | CF THEISS |
| REVISIONS | |
| DATE | |
| BY | |
| FOR | |