A-85 Presented by the Administration

CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. 73 - 2026

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR THE VACATION OF A PORTION OF ELMWOOD TRAIL RIGHT-OF-WAY AT 3RD STREET BETWEEN PARCEL NO. 0215287 AND PARCEL NO. 0208109, AND DECLARING AN EMERGENCY.

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

WHEREAS, on October 20, 2026, the Planning Commission recommended approval of the vacation of the Elmwood Trail right-of-way at 3rd Street between Parcel No. 0215287 and Parcel No. 0208109; and

WHEREAS, the subject right-of-way serves no public purpose and the vacation of such right-of-way will eliminate any potential future City maintenance; and

WHEREAS, such approval is given subject to all Planning Commission findings and provisions contained in Project File PZ-26-00033.

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

Section 1. City Council approves the vacation plat that is depicted in Attachment A, herein and as fully described in Project File PZ-26-00033, and incorporated into this ordinance.

Section 2. Any other ordinances or resolutions or portions of ordinances or resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

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

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

Passed: 11-9-2026

President of Council

Clerk of Council

Approved: 11-10-2026

Mayor

10/26/26

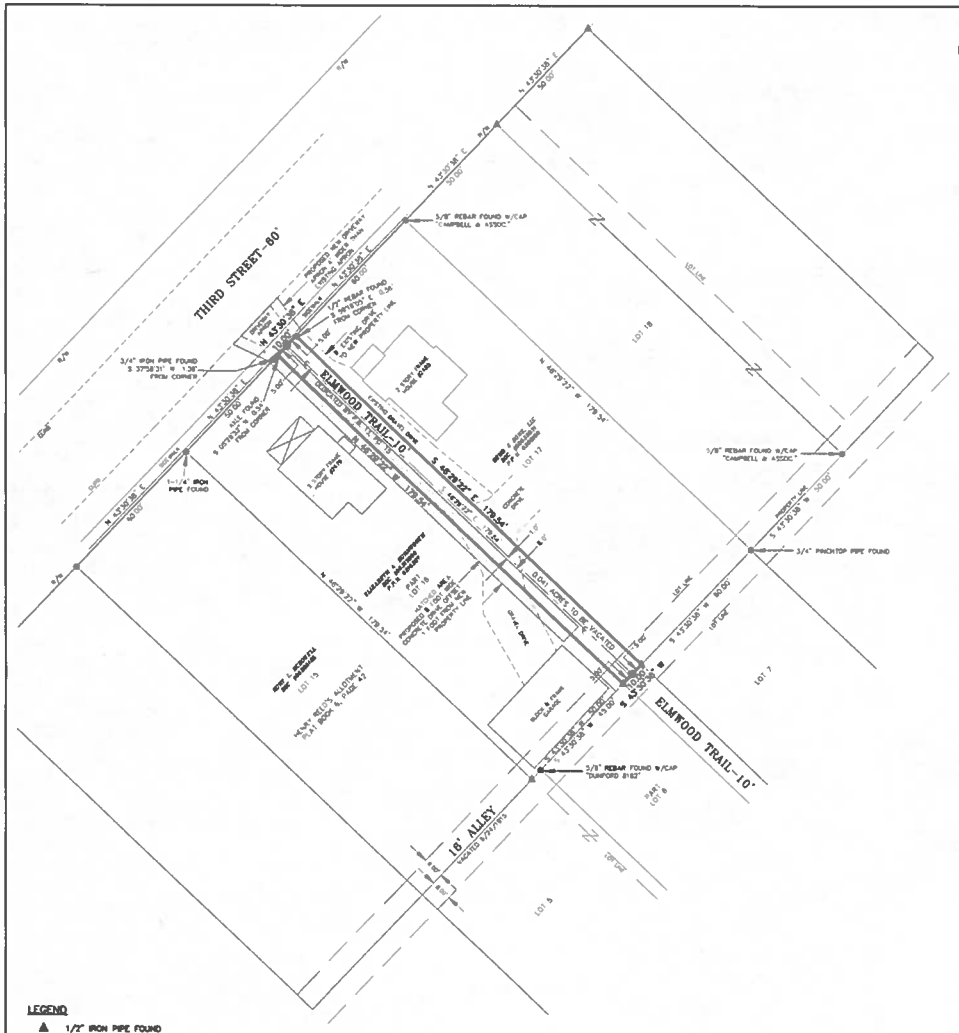
ATTACHMENT A

VACATION PLAT OF PART OF ELMWOOD TRAIL

DEDICATED IN ELMWOOD HEIGHTS ALLOTMENT, RECORDED IN PLAT BOOK 13, PAGE 15

0.041 ACRES TO BE VACATED

LOCATED IN THE CITY OF CUYAHOGA FALLS, SUMMIT COUNTY, OHIO





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OWNER'S CONSENT TO VACATION

THE UNDERSIGNED BEING THE OWNER OF PERMANENT PARCEL NUMBER 0215287, AN ABUTTING PROPERTY TO THE PROPOSED VACATION OF PART OF ELMWOOD TRAIL IN THE CITY OF CUYAHOGA FALLS, COUNTY OF SUMMIT, STATE OF OHIO, DO HEREBY CONSENT TO SAID VACATION AND ACKNOWLEDGE AND AGREE TO THE ALLOCATION OF OWNERSHIP OF LAND AS SHOWN HEREON. I FORMALLY WAIVE THE REQUIRED NOTICE OF INTENT TO VACATE, AND THE VIEWING AND HEARING AS SET FORTH IN R.C. SECTION 5553.05.

ANDREW A. BUSHWORTH — WITNESS
OWNER

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE SIGNED OWNER WHO ACKNOWLEDGED THAT SHE DID SIGN THE FOREGOING INSTRUMENT AND THAT IT WAS HER FREE ACT AND DEED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC — SEAL

OWNER'S CONSENT TO VACATION

THE UNDERSIGNED BEING THE OWNER OF PERMANENT PARCEL NUMBER 0228109, AN ABUTTING PROPERTY TO THE PROPOSED VACATION OF PART OF ELMWOOD TRAIL IN THE CITY OF CUYAHOGA FALLS, COUNTY OF SUMMIT, STATE OF OHIO, DO HEREBY CONSENT TO SAID VACATION ON BEHALF OF DEMO 2 DOME, LLC AND ANY FUTURE SUCCESSORS AND ASSIGNS OF THE SAME, AND ACKNOWLEDGE AND AGREE TO THE ALLOCATION OF OWNERSHIP OF LAND AS SHOWN HEREON. I FORMALLY WAIVE THE REQUIRED NOTICE OF INTENT TO VACATE, AND THE VIEWING AND HEARING AS SET FORTH IN R.C. SECTION 5553.05.

NAME/TITLE — WITNESS
DEMO 2 DOME, LLC

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE SIGNED OWNER WHO ACKNOWLEDGED THAT THEY DID SIGN THE FOREGOING INSTRUMENT AND THAT IT WAS THEIR FREE ACT AND DEED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC — SEAL

APPROVALS:

CITY OF CUYAHOGA FALLS PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CUYAHOGA FALLS, OHIO, THIS_____ DAY OF_____, 202__

PLANNING COMMISSION CHAIRMAN DANIEL M. RICE — PLANNING COMMISSION SECRETARY SANDRA K. LUCASSEN

APPROVED BY THE PLANNING DIRECTOR OF THE CITY OF CUYAHOGA FALLS, OHIO, THIS_____ DAY OF_____, 202__

PLANNING DIRECTOR ROBERT HURTZ

CITY COUNCIL OF CUYAHOGA FALLS

APPROVED BY THE CITY COUNCIL OF CUYAHOGA FALLS, OHIO, AT ITS REGULAR SESSION THIS_____ DAY OF_____, 202__

PRESIDENT OF COUNCIL RUSSELL BALYKO — CLERK OF COUNCIL DANA CAPRILLO

CITY OF CUYAHOGA FALLS ENGINEER

APPROVED BY THE ENGINEER OF THE CITY OF CUYAHOGA FALLS, OHIO THIS_____ DAY OF_____, 202__

CITY ENGINEER TONY DEGAN, P.E.

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 (2011), DETERMINED FROM G.P.S. OBSERVATIONS MADE ON SITE.

DATA USED:

DEEDS OF RECORD AS SHOWN
TAX MAPS: CUYAHOGA FALLS MAP 60 W
HENRY REED'S ALLOTMENT, RECORDED IN PLAT BOOK 6, PAGE 42
ELMWOOD HEIGHTS ALLOTMENT, RECORDED IN PLAT BOOK 13, PAGE 15

SURVEYOR

ALL WORK CONTAINED HEREIN WAS CONDUCTED IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE 4733-37.

POINT DESIGN GROUP, LTD.

TIMOTHY A. UZEL, OHIO P.S. 7865 — DATE 8/7/2026

LEGEND

- ▲ 1/2" IRON PIPE FOUND
- ◉ 5/8" REBAR SET W/CAP "HAMMONTREE & ASSOC LTD"
- ● REBAR OR PIPE FOUND (AS NOTED)
- ℄ CENTER LINE
- R/W RIGHT OF WAY

POINT DESIGN GROUP

REV. BY:	DATE:	DESC.:
REV. BY:	DATE:	DESC.:
REV. BY: JBA	DATE: 10/19/2026	DESC.: REMOVE EASEMENT AND PROPOSED DRIVEWAY
REV. BY: JBA	DATE: 8/28/2026	DESC.: COMMON ACCESS EASEMENT, SIDEWALK, DRIVE APRON
REV. BY: JBA	DATE: 8/24/2026	DESC.: PROPERTY CORNERS

DESN BY: JBA
DRWN BY: TAM
RVWD BY: —
F.D. BK: —
BK PG: —
DATE: 8/7/2026

SCALE: HORIZ: 1"=20'

VACATION PLAT OF PART OF ELMWOOD TRAIL AND COMMON ACCESS EASEMENT FOR PARCELS 0228109 & 0215287
0.041 ACRES TO BE VACATED
LOCATED IN THE CITY OF CUYAHOGA FALLS
SUMMIT COUNTY, OHIO

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