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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. 10 - 2012

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
10 PUBLIC SERVICE TO ENTER INTO A CONTRACT  
11 AND/OR CONTRACTS WITHOUT COMPETITIVE  
12 BIDDING WITH KENMORE CONSTRUCTION CO., INC.  
13 FOR EMERGENCY REPAIRS TO THE ROAD  
14 EMBANKMENT SUPPORTING AKRON-PENINSULA  
15 ROAD NORTH OF IRA ROAD, AND DECLARING AN  
16 EMERGENCY.

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18 WHEREAS, the Cuyahoga River has caused the erosion of the roadway  
19 embankment supporting Akron-Peninsula Road north of Ira Road, requiring  
20 immediate repair, and

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22 WHEREAS, there exists a real and present emergency in connection with the  
23 erosion of the roadway embankment supporting Akron-Peninsula Road north of  
24 Ira Road, such that normal competitive bidding for the repair contract cannot  
25 be accomplished without unreasonable risk to public safety,

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

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30 Section 1. The Director of Public Service is hereby authorized to enter into a  
31 contract and/or contracts without competitive bidding with Kenmore Construction  
32 Co., Inc. for emergency repair to the roadway embankment supporting Akron-  
33 Peninsula Road north of Ira Road.

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35 Section 2. The Director of Finance is authorized to make payment for same  
36 from the Storm Water Utility Fund, line item Capital.

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38 Section 3. Any other ordinances or resolutions or portions of ordinances and  
39 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
40 resolutions not inconsistent herewith and which have not previously been repealed  
41 are hereby ratified and confirmed.

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43 Section 4. It is found and determined that all formal actions of this Council  
44 concerning and relating to the adoption of this ordinance were adopted in an open  
45 meeting of this Council, and that all deliberations of this Council and of any of its  
46 committees that resulted in such formal action, were in meetings open to the  
47 public, in compliance with all legal requirements, to the extent applicable,  
48 including Chapter 107 of the Codified Ordinances.

50        Section 5. This ordinance is hereby declared to be an emergency measure  
51 necessary for the preservation of the public peace, health, safety, convenience and  
52 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
53 that it is immediately necessary to permit timely and appropriate development of  
54 this property, and provided it receives the affirmative vote of two thirds of the  
55 members elected or appointed to Council, it shall take effect and be in force  
56 immediately upon its passage and approval by the Mayor; otherwise it shall take  
57 effect and be in force at the earliest period allowed by law.

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Passed: 1-23-12

Mark Hanz  
President of Council

Catherine J. Meacham  
Clerk of Council

Approved: 1/24/12

D. Ribart  
Mayor

1/9/12  
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