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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 RESOLUTION NO. 20 - 2012

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7 A RESOLUTION CONSENTING TO THE IMPROVEMENT OF  
8 HOWE AVENUE FROM MAIN STREET TO BUCHHOLZER  
9 BOULEVARD WITHIN THE CITY OF CUYAHOGA FALLS, BY  
10 THE STATE OF OHIO, AUTHORIZING FINANCIAL  
11 COOPERATION THEREFOR, AND DECLARING AN  
12 EMERGENCY.

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14 WHEREAS, the State of Ohio has identified the need for and proposes the improvement  
15 of Howe Avenue from Main Street to Buchholzer Boulevard,

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17 WHEREAS, Ohio Revised Code §5521.01 specifies that the consent of this Council is  
18 required prior to the improvement of a state highway within the City’s corporate limits,

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

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23 Section 1. This Council hereby consents to the improvement of Howe Avenue from Main  
24 Street to Buchholzer Boulevard, pursuant to the plans and specifications developed and  
25 included as part of the project identified as PID No. 93819, SUM-Howe Avenue [CR602], by  
26 the State of Ohio, Dept. of Transportation (“ODOT”), which project shall include the removal  
27 and replacement of pavement, signage, light poles, and storm sewers as needed to  
28 reconstruct the roadway.

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30 Section 2. This Council’s consent is granted with the following understanding:

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- 32 A. The City will participate in the cost of eligible right-of-way and
- 33 construction activities at a minimum of twenty percent (20%) of total
- 34 cost. Any costs above the fund manager’s stated federal maximums will
- 35 be the responsibility of the City. This includes the construction contract
- 36 and construction engineering.
- 37 B. The City will further agree to pay One Hundred Percent (100%) of the
- 38 cost of those features requested by the City which are determined by the
- 39 State and Federal Highway Administration to be unnecessary for the
- 40 Project.
- 41 C. The City will agree to acquire and/or make available to ODOT, in
- 42 accordance with current State and Federal regulations, all necessary
- 43 right-of-way required for the described project. The City will agree to be
- 44 responsible for all utility accommodations, relocation, and
- 45 reimbursement and will agree that all such accommodations, relocation
- 46 and reimbursements shall comply with the current provisions of 23 CFR
- 47 Chapter 645 and the ODOT Utilities Manual.
- 48 D. Upon completion of the described project, and unless otherwise agreed
- 49 upon, the City will agree to: (1) provide adequate maintenance for the
- 50 project in accordance will all applicable state and federal law including,
- 51 but not limited to 23 USC §116, (2) provide ample financial provisions, as
- 52 necessary, for maintenance of the described project, (3) maintain the
- 53 right-of-way, keeping it free of obstructions, and (4) hold said right-of-way
- 54 inviolate for public highway purposes.

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56 Section 3. The Clerk of Council is hereby directed to transmit to the Director of  
57 Transportation a certified copy of this Ordinance.  
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59 Section 4. It is found and determined that all formal actions of this Council concerning  
60 and relating to the adoption of this resolution were adopted in an open meeting of this  
61 Council, and that all deliberations of this Council and of any of its committees that resulted  
62 in such formal action, were in meetings open to the public, in compliance with all legal  
63 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.  
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65 Section 5. This resolution is hereby declared to be an emergency measure necessary for  
66 the preservation of the public peace, health, safety, convenience and welfare of the City of  
67 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary  
68 to permit timely and appropriate development of this property, and provided it receives the  
69 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
70 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it  
71 shall take effect and be in force at the earliest period allowed by law.  
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76 Passed: 9-24-12

Mark Mang  
President of Council

Cathleen J. Meacham  
Clerk of Council

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84 Approved: 9/26/12

D. Robart  
Mayor

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86 9/10/12

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