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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. 6 - 2012

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9 A RESOLUTION CREATING FOR THE YEAR 2012 THE
10 SIDEWALK AND DRIVE APPROACH REPAIR OR
11 REPLACEMENT ASSESSMENT DISTRICT CONSISTING OF
12 SUCH STREETS, ALLEYS, OR PUBLIC ROADWAYS THAT
13 ARE WITHIN THE CORPORATE LIMITS OF THE CITY OF
14 CUYAHOGA FALLS, DECLARING THE NECESSITY OF
15 REPAIRING OR REPLACING THE SIDEWALKS AND DRIVE
16 APPROACHES ABUTTING ON SUCH STREETS, ALLEYS OR
17 PUBLIC ROADWAYS WITHIN SAID CORPORATE LIMITS
18 AND PROVIDING THE METHOD FOR LEVYING SPECIAL
19 ASSESSMENTS THEREUPON, AND DECLARING AN
20 EMERGENCY.

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22 WHEREAS, it is the opinion of this Council that certain sidewalks and drive approaches
23 abutting on the streets, alleys or public roadways within the City of Cuyahoga Falls are in
24 disrepair,

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

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29 Section 1. The Sidewalk and Drive Approach Repair or Replacement Assessment
30 District is hereby created for the year 2012 consisting of those streets, alleys or public
31 roadways as are within the corporate limits of the City of Cuyahoga Falls.

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33 Section 2. It is hereby declared that the repair or replacement of sidewalks and drive
34 approaches abutting on necessary streets, alleys and public roadways within the Sidewalk
35 and Drive Approach Repair or Replacement District is necessary and will be of general
36 benefit within the City and of special benefit to property owners abutting said sidewalks
37 and drive approaches.

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39 Section 3. Property abutting the necessary streets, alleys and public roadways
40 receiving sidewalk repair or replacement within the District may be assessed by the linear
41 foot of abutting sidewalk at the rate of one-half of the total cost of installing or adjusting a
42 linear foot of sidewalk, with the remainder of such cost to be paid by the City. Property
43 abutting the necessary streets, alleys and public roadways receiving drive approach repair
44 or replacement within the District may be assessed by the square foot of drive approach at
45 the rate of one-half of the total cost of installing or adjusting a square foot of drive
46 approach, with the remainder of such cost to be paid by the City.

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48 Section 4. The assessment to be levied may be paid in full within thirty (30) days
49 from the levy thereof in the office of the City Director of Finance, and all assessments
50 thereof remaining unpaid at the expiration of said thirty (30) days shall be certified by the
51 Clerk of Council to the County Fiscal Officer to be placed by her on the tax duplicate and
52 collected in two (2) semi-annual installments.
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54 Section 5. Notice to the owners thereof shall be given by publishing the resolution
55 establishing a sidewalk and drive approach repair or replacement district and setting forth
56 the portion of the cost to be assessed, once each week for two weeks in a newspaper
57 published and of general circulation to the City.
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59 Section 6. If an owner objects to an assessment, he shall file his objections in writing
60 with the Clerk of Council within ten (10) days after the last publication of the resolution as
61 provided in Section 915.03 of the Codified Ordinances of the City of Cuyahoga Falls,
62 thereupon, Council shall consider such objections and if they are found to be well taken,
63 may remit such portion of the assessment against the property of the objecting owner as is
64 deemed just or may determine by resolution that a portion or portions of the work
65 described in the ordinance adopted pursuant to Sections 915.01 or 915.02 shall not be
66 done. Any deficiency arising from such remitter may be made up from any fund of the City
67 available for the public improvement of streets or by contributions from the owners desiring
68 that the work be done.
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70 Section 7. After the expiration of the time within which objections may be filed under
71 Section 915.04 of the codified Ordinances of the City of Cuyahoga Falls and the disposition
72 of objections, the Director of Public Service may proceed with the work mentioned in
73 Sections 915.01 and 915.02 of the Codified Ordinances of the City of Cuyahoga Falls or if
74 proceeding by contract, the legislative authority shall authorize the Service Director to
75 advertise and take bids for the awarding of the necessary contracts subject to any
76 determination by the Council that a portion or portions of such work shall not be done
77 pursuant to Section 915.04 of the Codified Ordinances of the City of Cuyahoga Falls.
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79 Section 8. It is found and determined that all formal actions of this Council
80 concerning and relating to the adoption of this resolution were adopted in an open meeting
81 of this Council and that all deliberations of this Council and of any of its Committees that
82 resulted in such formal action were in meetings open to the public in compliance with all
83 legal requirements including, to the extent applicable, Chapter 107 of the Codified
84 Ordinances.
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86 Section 9. This resolution is hereby declared to be an emergency measure necessary
87 for the preservation of the public peace, health, safety, convenience and welfare of the City
88 of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote
89 of two thirds of the members elected or appointed to Council, it shall take effect and be in
90 force at the earliest period allowed by law.
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94 Passed: 2-27-12

Mark Shroy
President of Council

Catherine J. Mearham
Clerk of Council

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102 Approved: 2/28/12

Robert
Mayor