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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 55 - 2015
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9 AN ORDINANCE CONSENTING TO THE IMPROVEMENT OF
10 THE PAVEMENT ALONG STATE ROUTE 8 WITHIN THE CITY
11 OF CUYAHOGA FALLS, BY THE STATE OF OHIO, USING
12 MICROSURFACING TECHNOLOGY, AUTHORIZING
13 FINANCIAL COOPERATION THEREOF, AND DECLARING AN
14 EMERGENCY.
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17 WHEREAS, the State of Ohio has identified the need for and proposes the improvement
18 of a portion of the public highway, including necessary ancillary work, in the City of
19 Cuyahoga Falls, said portion of highway within the municipal corporation limits being
20 hereinafter referred to as the Improvement, and described as follows:
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22 The improvement of the pavement along State Route 8 within
23 the corporation limits of the City of Cuyahoga Falls, including
24 necessary ancillary work; and
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26 WHEREAS, Ohio Revised Code §5521.01 specifies that the consent of this Council is
27 required prior to the improvement of a state highway within the City's corporate limits,
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29 NOW, THEREFORE, BE IT ORDINED by the Council of the City of Cuyahoga Falls,
30 County of Summit and State of Ohio, that:
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32 Section 1. This Council hereby consents to improvement of the pavement along State
33 Route 8 within the City of Cuyahoga Falls, PID 84658, Sum-SR0008-4.30, using
34 Microsurfacing Technology, including necessary ancillary work; and
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36 Section 2. This Council's consent is granted with the following understandings:
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38 A. The City will agree to pay One Hundred Percent (100%) of the cost of
39 those features requested by the City which are determined by the State and
40 Federal Highway Administration to be unnecessary for the Project.
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42 B. The City agrees that all right-of-way required for the described Project will
43 be acquired and/or made available in accordance with current state and
44 federal regulations. The City also understands that right-of-way costs
45 include eligible utility costs.
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47 C. Upon completion of the Project, and unless otherwise agreed, the City
48 shall 1) provide adequate maintenance for the described Project in
49 accordance with all applicable State and Federal law, including, but not
50 limited to, 23 USC §116; 2) provide ample financial provisions, as necessary,
51 for the maintenance of the described Project; 3) maintain the right-of-way,
52 keeping it free of obstructions; and 4) hold said right-of-way inviolate for
53 public highway purposes.
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55 D. The Director of Public Service or the Mayor of the City of Cuyahoga Falls
56 are authorized on behalf of the City of Cuyahoga Falls to enter into contracts
57 with the State of Ohio Department of Transportation necessary to complete
58 the above described Project.
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60 Section 3. The Clerk of Council is hereby directed to transmit to the Director of
61 Transportation a certified copy of this Ordinance.

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

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69 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
70 the preservation of the public peace, health, safety, convenience and welfare of the City of
71 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
72 two thirds of the members elected or appointed to Council, it shall take effect and be in force
73 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and
74 be in force at the earliest period allowed by law.

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Passed: 7/27/2015

Mary Ellen Lyke
President of Council

David Conner
Clerk of Council

Approved: 7-28-15

[Signature]
Mayor

7/13/15