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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 78 - 2014

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT AND/OR  
9 CONTRACTS, WITHOUT COMPETITIVE BIDDING, WITH  
10 PERRIN ASPHALT & CONCRETE COMPANY FOR EMERGENCY  
11 PAVEMENT REPAIRS TO A PORTION OF GRAHAM ROAD, AND  
12 DECLARING AN EMERGENCY.

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14 WHEREAS, on July 27, 2014, the 16-inch water main in Graham Road failed at a point  
15 abutting 102 Graham Road, requiring immediate excavation and repair; and

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17 WHEREAS, Ohio Revised Code §735.051 authorizes this Council to waive formal  
18 competitive bidding and advertising for contracts where there is a real and present  
19 emergency arising in connection with the operation and maintenance of a municipally-  
20 owned utility; and

21  
22 WHEREAS, there exists a real and present emergency in connection with damage to the  
23 pavement of Graham Road between 96 and 138 Graham Road, due to the aforementioned  
24 water main failure, such that normal competitive bidding for the pavement repair contract  
25 cannot 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 Falls,  
28 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 contract  
31 and/or contracts without competitive bidding with Perrin Asphalt & Concrete Company for  
32 emergency repair to approximately 500 linear feet of the pavement of Graham Road, from  
33 96 to 138 Graham Road, as a result of water main failure on July 27, 2014.

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

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39 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
40 inconsistent herewith and which have not previously been repealed are hereby ratified and  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

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43 Section 4. It is found and determined that all formal actions of this Council concerning  
44 and relating to the adoption of this ordinance were adopted in an open meeting of this  
45 Council, and that all deliberations of this Council and of any of its committees that resulted  
46 in such formal action, were in meetings open to the public, in compliance with all legal  
47 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.  
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49 Section 5. This ordinance is hereby declared to be an emergency measure necessary for  
50 the preservation of the public peace, health, safety, convenience and welfare of the City of  
51 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary  
52 to make timely emergency repairs to the pavement on Graham Road, and provided it  
53 receives the affirmative vote of two thirds of the members elected or appointed to Council, it  
54 shall take effect and be in force immediately upon its passage and approval by the Mayor;  
55 otherwise it shall take effect and be in force at the earliest period allowed by law.

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57 Passed: 9/22/2014 Mary Ellen Pyke  
58 President of Council

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60 Dana Cain  
61 Clerk of Council

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63 Approved: 9-23-2014 [Signature]  
64 Mayor

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66  
67 9/8/14