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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. 1 - 2015

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8
9 A RESOLUTION CREATING FOR THE YEAR 2015 A SIDEWALK AND
10 DRIVE APPROACH REPAIR OR REPLACEMENT DISTRICT
11 CONTAINING SUCH STREETS, ALLEYS, OR PUBLIC ROADWAYS
12 WITHIN THE CORPORATE LIMITS OF THE CITY OF CUYAHOGA
13 FALLS, DECLARING THE NECESSITY OF REPAIRING OR
14 REPLACING THE SIDEWALKS AND DRIVE APPROACHES
15 ABUTTING ON SUCH STREETS, ALLEYS OR PUBLIC ROADWAYS
16 WITHIN SAID CORPORATE LIMITS AND PROVIDING THE METHOD
17 FOR LEVYING SPECIAL ASSESSMENTS, AND DECLARING AN
18 EMERGENCY.

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

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

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27 Section 1. A Sidewalk and Drive Approach Repair or Replacement District is hereby created for
28 the year 2015 containing those streets, alleys or public roadways within the corporate limits of the
29 City of Cuyahoga Falls, and declaring the necessity of repairing or replacing the sidewalks and
30 drive approaches abutting on such streets, alleys or public roadways, and to provide the method
31 for levying assessments and the right to object to or appeal said assessment.

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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 and
35 Drive Approach Repair or Replacement District is necessary and will be of general benefit within
36 the City and of special benefit to property owners abutting said sidewalks and drive approaches.

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

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46 Section 4. The assessment to be levied may be paid in full within thirty (30) days from the levy
47 thereof in the office of the Director of Finance, and all assessments thereof remaining unpaid at the
48 expiration of said thirty (30) days shall be certified by the Clerk of Council to the Summit County
49 Fiscal Officer to be placed by her on the tax duplicate and collected in two (2) semi-annual
50 installments.

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52 Section 5. Notice to the owners thereof shall be given by publishing the resolution establishing
53 a sidewalk and drive approach repair or replacement district and setting forth the portion of the

54 cost to be assessed, once each week for two weeks in a newspaper published and of general
55 circulation to the City.

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57 Section 6. If an owner objects to an assessment, he shall file his objections in writing with the
58 Clerk of Council within ten (10) days after the last publication of the resolution as provided in
59 Section 915.03 of the Codified Ordinances of the City of Cuyahoga Falls, thereupon, Council shall
60 consider such objections and if they are found to be well taken, may remit such portion of the
61 assessment against the property of the objecting owner as is deemed just or may determine by
62 resolution that a portion or portions of the work described in the ordinance adopted pursuant to
63 Sections 915.01 or 915.02 shall not be done. Any deficiency arising from such remitter may be
64 made up from any fund of the City available for the public improvement of streets or by
65 contributions from the owners desiring that the work be done.

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67 Section 7. After the expiration of the time within which objections may be filed under Section
68 915.04 of the Codified Ordinances of the City of Cuyahoga Falls and the disposition of objections,
69 the Director of Public Service may proceed with the work mentioned in Sections 915.01 and 915.02
70 of the Codified Ordinances of the City of Cuyahoga Falls or if proceeding by contract, the legislative
71 authority shall authorize the Director of Public Service to advertise and take bids for the awarding
72 of the necessary contracts subject to any determination by the Council that a portion or portions of
73 such work shall not be done pursuant to Section 915.04 of the Codified Ordinances of the City of
74 Cuyahoga Falls.

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76 Section 8. It is found and determined that all formal actions of this Council concerning and
77 relating to the adoption of this resolution were adopted in an open meeting of this Council and that
78 all deliberations of this Council and of any of its Committees that resulted in such formal action
79 were in meetings open to the public in compliance with all legal requirements including, to the
80 extent applicable, Chapter 107 of the Codified Ordinances.

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82 Section 9. This resolution is hereby declared to be an emergency measure necessary for the
83 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
84 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the
85 members elected or appointed to Council, it shall take effect and be in force at the earliest period
86 allowed by law.

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91 Passed: 1/26/2015

Mary Ellen Pyke
President of Council

David Quinn
Clerk of Council

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99 Approved: 1-27-15

[Signature]
Mayor