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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTUION NO. 12 - 2014

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9 A RESOLUTION CONSENTING TO THE REPAIR OF THE  
10 BAILEY ROAD BRIDGE OVER STATE ROUTE 8 WITHIN THE  
11 CITY OF CUYAHOGA FALLS, BY THE STATE OF OHIO, AND  
12 DECLARING AN EMERGENCY.  
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15 WHEREAS, the State of Ohio has identified the need for and proposes the repair of the  
16 Bailey Road Bridge over State Route 8, in the City of Cuyahoga Falls, and  
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18 WHEREAS, Ohio Revised Code §5521.01 specifies that the consent of this Council is  
19 required prior to the improvement of a state highway within the City’s corporate limits,  
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21 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
22 County of Summit and State of Ohio, that:  
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24 Section 1. This Council hereby consents to the repair of the Bailey Road Bridge over  
25 State Route 8, SFN 7710828, pursuant to the plans and specifications developed and  
26 included as part of the project identified as PID No. 98281, SR8-6.44 by the State of Ohio,  
27 Dept. of Transportation, which project shall include the repair of the Bailey Road Bridge.  
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29 Section 2. This Council’s consent is granted with the following understandings:  
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31 A. The City will agree to pay One Hundred Percent (100%) of the cost of  
32 those features requested by the City which are determined by the State and  
33 Federal Highway Administration to be unnecessary for the Project.  
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35 B. The City agrees that all right-of-way required for the described Project  
36 will be acquired and/or made available in accordance with current state and  
37 federal regulations. The City also understands that right-of-way costs  
38 include eligible utility costs.  
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40 C. Upon completion of the Project, and unless otherwise agreed, the City  
41 shall 1) provide adequate maintenance for the described Project in  
42 accordance with all applicable State and Federal law, including, but not  
43 limited to, 23 USC §116; 2) provide ample financial provisions, as necessary,  
44 for the maintenance of the described Project; 3) maintain the right-of-way,  
45 keeping it free of obstructions; and 4) hold said right-of-way inviolate for  
46 public highway purposes.  
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48 D. The Director of Public Service or the Mayor of the City of Cuyahoga Falls  
49 are empowered on behalf of the City of Cuyahoga Falls to enter into  
50 contracts with the State of Ohio Department of Transportation necessary to  
51 complete the above described Project.  
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53 Section 3. The Clerk of Council is hereby directed to transmit to the Director of  
54 Transportation a certified copy of this Ordinance.  
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56 Section 4. It is found and determined that all formal actions of this Council concerning  
57 and relating to the adoption of this resolution were adopted in an open meeting of this  
58 Council, and that all deliberations of this Council and of any of its committees that resulted  
59  
60 in such formal action, were in meetings open to the public, in compliance with all legal  
61 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.  
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63 Section 5. This resolution is hereby declared to be an emergency measure necessary for  
64 the preservation of the public peace, health, safety, convenience and welfare of the City of  
65 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary  
66 to permit timely and appropriate development of this property, and provided it receives the  
67 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
68 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it  
69 shall take effect and be in force at the earliest period allowed by law.  
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Passed: 7/14/2014

Mary Ellen Lyke  
President of Council

7-15 2014

David C. Jamir  
Clerk of Council

Approved: 7-15 2014

[Signature]  
Mayor