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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. 15 - 2016

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9 A RESOLUTION CREATING FOR THE YEAR 2017 A SIDEWALK AND  
10 DRIVE APPROACH REPAIR AND 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 ABUTTING  
15 ON SUCH STREETS, ALLEYS OR PUBLIC ROADWAYS WITHIN SAID  
16 CORPORATE LIMITS AND PROVIDING THE METHOD FOR LEVYING  
17 SPECIAL ASSESSMENTS, AND DECLARING AN EMERGENCY.

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

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

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25 Section 1. A Sidewalk and Drive Approach Repair or Replacement District is hereby created for  
26 the year 2017 containing those streets, alleys or public roadways within the corporate limits of the  
27 City of Cuyahoga Falls, and declaring the necessity of repairing or replacing the sidewalks and drive  
28 approaches abutting on such streets, alleys or public roadways, and to provide the method for  
29 levying assessments and the right to object to or appeal said assessment.

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

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

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

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49 Section 5. Notice to the owners thereof shall be given by publishing the resolution establishing a  
50 sidewalk and drive approach repair or replacement district and setting forth the portion of the cost  
51 to be assessed, once each week for two weeks in a newspaper published and of general circulation to  
52 the City.

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54 Section 6. If an owner objects to an assessment, he shall file his objections in writing with the  
55 Clerk of Council within ten (10) days after the last publication of the resolution as provided in  
56 Section 915.03 of the Codified Ordinances of the City of Cuyahoga Falls, thereupon, Council shall

57 consider such objections and if they are found to be well taken, may remit such portion of the  
58 assessment against the property of the objecting owner as is deemed just or may determine by  
59 resolution that a portion or portions of the work described in the ordinance adopted pursuant to  
60 Sections 915.01 or 915.02 shall not be done. Any deficiency arising from such remitter may be  
61 made up from any fund of the City available for the public improvement of streets or by  
62 contributions from the owners desiring that the work be done.

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64 Section 7. After the expiration of the time within which objections may be filed under Section  
65 915.04 of the Codified Ordinances of the City of Cuyahoga Falls and the disposition of objections, the  
66 Mayor or his designee may proceed with the work mentioned in Sections 915.01 and 915.02 of the  
67 Codified Ordinances of the City of Cuyahoga Falls or if proceeding by contract, the legislative  
68 authority shall authorize the Mayor or his designee to advertise and take bids for the awarding of  
69 the necessary contracts subject to any determination by the Council that a portion or portions of  
70 such work shall not be done pursuant to Section 915.04 of the Codified Ordinances of the City of  
71 Cuyahoga Falls.

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

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

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86 Passed: 12-27-16

Mary Ellen Pyke  
President of Council

Janice Connors  
Clerk of Council

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95 Approved: 12-28-2016

[Signature]  
Mayor