

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 RESOLUTION NO. 2 - 2013  
7  
8

9 A RESOLUTION CREATING FOR THE YEAR 2013 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.  
19

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,  
23

24 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls, County of  
25 Summit and State of Ohio, that:  
26

27 Section 1. A Sidewalk and Drive Approach Repair or Replacement District is hereby created for  
28 the year 2013 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.  
32

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.  
37

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 linear 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.  
45

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 City Director of Finance, and all assessments thereof remaining unpaid  
48 at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County  
49 Auditor to be placed by him on the tax duplicate and collected in two (2) semi-annual installments.  
50

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

55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102

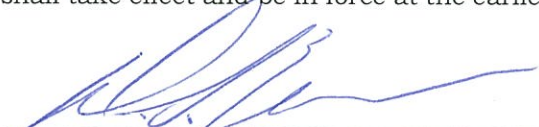
Section 6. If an owner objects to an assessment, he shall file his objections in writing with the Clerk of Council within ten (10) days after the last publication of the resolution as provided in Section 915.03 of the Codified Ordinances of the City of Cuyahoga Falls, thereupon, Council shall consider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

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

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

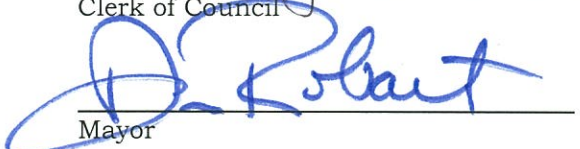
Section 9. This resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members elected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

Passed: 1-28-13

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Cathleen J. Meacham  
Clerk of Council

Approved: 1/29/13

  
\_\_\_\_\_  
Mayor