

NEW LEGISLATION

February 27, 2012

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

Temp. No.	Introduced	Committee	Description
A-21	2/27/12	P&Z	An ordinance approving the site plan related to construction of a 52,500 square foot grocery store at 2226 State Road (Parcel No. 02-00205) and declaring an emergency.
A-22	2/27/12	Fin	An ordinance authorizing payment of the moral claim of John and Betty Stebbins as approved by the Claims Commission, and declaring an emergency.
A-23	2/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "Non-Pool Power Sales Schedule" with American Municipal Power, Inc., and declaring an emergency.
A-24	2/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with the Metropolitan Regional Service Council dba Northeast Ohio Network for Educational Technology ("NEOnet") for the purchase of IP telephony and voicemail services for a period not to exceed five years, and declaring an emergency.

A-25	2/27/12	PA	A resolution expressing support for and urging passage of Issue 8, the Cuyahoga Falls City School District tax levy, at the primary election to be held on March 6, 2012, and declaring an emergency.
A-26	2/27/12	CD	A resolution establishing the State Road Community Reinvestment Area pursuant to Sections 3735.65 through 3735.70 of the Ohio Revised Code, describing the boundaries thereof, designating a housing officer, making certain related findings, and declaring an emergency.

CALENDAR

February 27, 2012

The following legislation will be up for passage at the Council Meeting on February 27, 2012.

Temp. No.	Introduced	Committee	Description
A-9	2/13/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the installation of a new roof at Fire Station 4, located at 3089 Northampton Road, and declaring an emergency.
A-10	2/13/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of an 8" water main with a 12" water main in Front Street between Broad Boulevard and Sackett Avenue, and declaring an emergency.
A-11	2/13/12	Fin	An ordinance levying special assessments for the repair or replacement of sidewalks and drive approaches in the Sidewalk and Drive Approach Repair and Replacement District, for the year 2011, and declaring an emergency.
A-12	2/13/12	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract without competitive bidding with Vance Outdoors, Inc. dba Vance's Shooters Supplies for the trade-in and purchase of rifles for use in the Police Department, and declaring an emergency.

A-13	2/13/12	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts without competitive bidding with Motorola, Inc. for the maintenance of the Public Safety Regional Dispatch System Equipment, and declaring an emergency.
A-14	2/13/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the resurfacing and/or repair of various streets in the City of Cuyahoga Falls, and declaring an emergency.
A-15	2/13/12	PI	A resolution creating for the year 2012 the Sidewalk and Drive Approach Repair or Replacement Assessment District consisting of such streets, alleys, or public roadways that are within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments thereupon, and declaring an emergency.
A-16	2/13/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or repair of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

A-17	2/13/12	PI	An ordinance authorizing and directing the appropriation of certain interests in real property abutting the intersection of State Road at Bath Road, necessary for the improvement of State Road, and declaring an emergency.
A-18	2/13/12	PA	A resolution authorizing the Director of Public Service to apply for and accept a grant from the Summit/Akron Solid Waste Management Authority, and declaring an emergency.
A-19	2/13/12	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-20	2/13/12	CD	An ordinance authorizing the Mayor to enter into a modification of Contract No. 6712 with Superior Environmental Corporation, and declaring an emergency.

PENDING LEGISLATION

February 27, 2012

Temp. No.	Introduced	Committee	Description
A-9	2/13/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the installation of a new roof at Fire Station 4, located at 3089 Northampton Road, and declaring an emergency.
A-10	2/13/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of an 8" water main with a 12" water main in Front Street between Broad Boulevard and Sackett Avenue, and declaring an emergency.
A-11	2/13/12	Fin	An ordinance levying special assessments for the repair or replacement of sidewalks and drive approaches in the Sidewalk and Drive Approach Repair and Replacement District, for the year 2011, and declaring an emergency.
A-12	2/13/12	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract without competitive bidding with Vance Outdoors, Inc. dba Vance's Shooters Supplies for the trade-in and purchase of rifles for use in the Police Department, and declaring an emergency.
A-13	2/13/12	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts without competitive bidding with Motorola, Inc. for the maintenance

of the Public Safety Regional Dispatch System Equipment, and declaring an emergency.

A-14 2/13/12 PI

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the resurfacing and/or repair of various streets in the City of Cuyahoga Falls, and declaring an emergency.

A-15 2/13/12 PI

A resolution creating for the year 2012 the Sidewalk and Drive Approach Repair or Replacement Assessment District consisting of such streets, alleys, or public roadways that are within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments thereupon, and declaring an emergency.

A-16 2/13/12 PI

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or repair of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

A-17 2/13/12 PI

An ordinance authorizing and directing the appropriation of certain interests in real property abutting the intersection of State Road at Bath Road, necessary for the improvement of State Road, and declaring an emergency.

A-18	2/13/12	PA	A resolution authorizing the Director of Public Service to apply for and accept a grant from the Summit/Akron Solid Waste Management Authority, and declaring an emergency.
A-19	2/13/12	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-20	2/13/12	CD	An ordinance authorizing the Mayor to enter into a modification of Contract No. 6712 with Superior Environmental Corporation, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE APPROVING THE SITE PLAN RELATED
10 TO CONSTRUCTION OF A 52,500 SQUARE FOOT
11 GROCERY STORE AT 2226 STATE ROAD (PARCEL NO.
12 02-00205) AND DECLARING AN EMERGENCY.
13

14
15 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
16 that all affirmative decisions made by the Planning Commission be submitted to
17 Council, and

18
19 WHEREAS, site plan review by the Planning Commission is required for the
20 construction of all new buildings in excess of 8,000 SF in the City of Cuyahoga
21 Falls, Ohio, and

22
23 WHEREAS, on February 22, 2012, the Planning Commission approved the
24 major site plan for the construction of a 52,500 square foot grocery store at 2226
25 State Road, within the City of Cuyahoga Falls, Ohio,

26
27 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
28 Falls, County of Summit, and State of Ohio, that:

29
30 Section 1. This Council approves the site plan for the construction of a
31 52,500 square foot grocery store at 2226 State Road (Parcel No. 02-00205),
32 Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls General Development
33 Code regulations as stipulated in the Codified Ordinances of the City of Cuyahoga
34 Falls and as approved by the Planning Commission as per the plans and final
35 stipulations contained in File P-01-12-SP (depiction of site plan and north elevation
36 attached hereto as Exhibit "A").
37

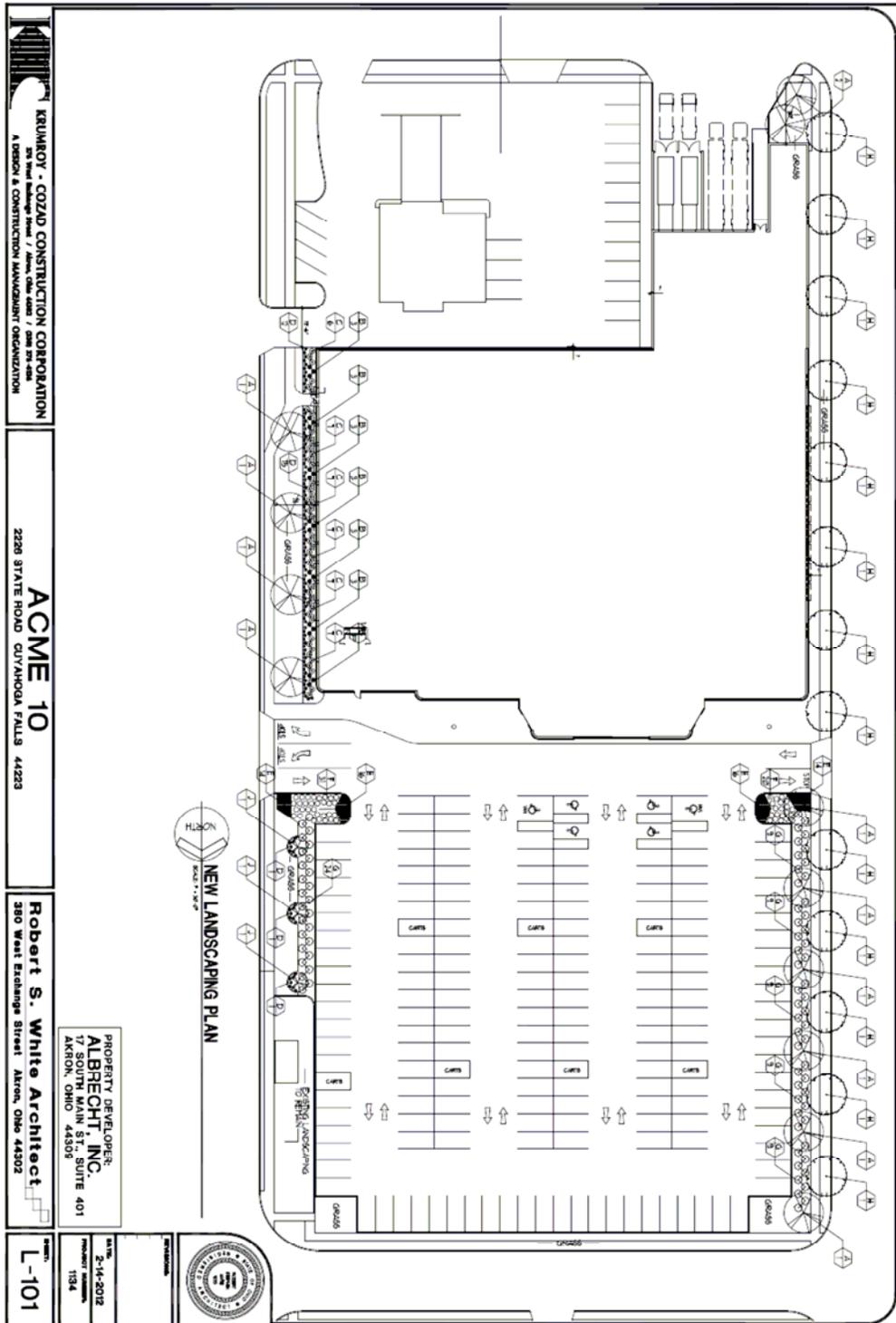
38 Section 2. Any other ordinances or resolutions or portions of ordinances and
39 resolutions inconsistent herewith are hereby repealed, but any ordinances and
40 resolutions not inconsistent herewith and which have not previously been repealed
41 are hereby ratified and confirmed.
42

43 Section 3. It is found and determined that all formal actions of this Council
44 concerning and relating to the adoption of this ordinance were adopted in an open
45 meeting of this Council, and that all deliberations of this Council and of any of its
46 committees that resulted in such formal action, were in meetings open to the
47 public, in compliance with all legal requirements, to the extent applicable,
48 including Chapter 107 of the Codified Ordinances.
49



NORTH ELEVATION

SCALE: 3/32" = 1'-0"



NEW LANDSCAPING PLAN

KRUMHOY - COZAD CONSTRUCTION CORPORATION
 225 West Exchange Street / Akron, Ohio 44302 / (330) 291-4288
 A DESIGN & CONSTRUCTION MANAGEMENT ORGANIZATION

ACME 10
 2228 STATE ROAD CUYAHOGA FALLS 44223

Robert S. White Architect
 380 West Exchange Street Akron, Ohio 44302

PROPERTY DEVELOPER:
ALBRECHT INC.
 1515 S. MAIN ST. SUITE 401
 AKRON, OHIO 44305

DATE: 2-14-2012
 PROJECT NUMBER: 1134
L-101



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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE AUTHORIZING PAYMENT OF THE
10 MORAL CLAIM OF JOHN AND BETTY STEBBINS AS
11 APPROVED BY THE CLAIMS COMMISSION, AND
12 DECLARING AN EMERGENCY.

13
14 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit
15 and State of Ohio, that:

16
17 Section 1. The Director of Finance is hereby authorized to pay the moral claim of
18 John R. and Betty J. Stebbins in the amount of \$1,123.68 as approved by the Claims
19 Commission on February 13, 2012.

20
21 Section 2. The Director of Finance is hereby authorized and directed to make
22 payment for same from the Sanitation Fund, line item Other Operations.

23
24 Section 3. Any other ordinances and resolutions or portions of ordinances and
25 resolutions inconsistent herewith are hereby repealed, but any ordinances and
26 resolutions or portions of ordinances and resolutions not inconsistent herewith and
27 which have not previously been repealed are hereby ratified and confirmed.

28
29 Section 4. It is found and determined that all formal actions of this Council
30 concerning and relating to the adoption of this ordinance were adopted in an open
31 meeting of this Council and that all deliberations of this Council and of any of its
32 committees that resulted in such formal action were in meetings open to the public, in
33 compliance with all legal requirements including Chapter 107 of the Codified
34 Ordinances.

35
36 Section 5. This ordinance is hereby declared to be an emergency measure
37 necessary for the preservation of the public peace, health, safety, convenience and
38 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
39 receives the affirmative vote of two-thirds of the members elected or appointed to
40 Council, it shall take effect and be in force immediately upon its passage and approval
41 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
42 by law.

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45 Passed: _____

President of Council

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Clerk of Council

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53 Approved: _____

Mayor

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56 2/27/12

57 O:\2012ords\Moral Claim Payment John & Betty Stebbins.doc

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO AN ENERGY
9 PURCHASE AGREEMENT KNOWN AS THE "NON-
10 POOL POWER SALES SCHEDULE" WITH AMERICAN
11 MUNICIPAL POWER, INC., AND DECLARING AN
12 EMERGENCY.
13
14

15 WHEREAS, the City owns and operates an electric utility system for the sale
16 of electric power and associated energy for the benefit of its citizens and
17 taxpayers; and
18

19 WHEREAS, in order to satisfy the electric energy requirements of its electric
20 utility system, the City has heretofore purchased electric capacity and energy
21 from American Municipal Power, Inc. ("AMP"), of which the City is a Member;
22 and
23

24 WHEREAS, pursuant to Ord. No. 127-2005, AMP and the City have entered
25 into a Master Services Agreement ("MSA"), which sets forth general terms and
26 conditions under which, among other things, AMP may sell and the City may
27 purchase electric capacity and energy and other services through Schedules to
28 the MSA; and
29

30 WHEREAS, in furtherance of this purpose, AMP has committed to and will
31 negotiate with one or more reputable and financially sound third party power
32 suppliers to enter into an agreement(s) to purchase electric power and/or
33 energy in various megawatt ("MW") or megawatt hour ("MWh") blocks for a term
34 beginning on January 1, 2014 and ending December 31, 2014, all of which will
35 provide an economical source of electric power and/or energy (herein "Long
36 Term Power Purchase(s)") for the City; and
37

38 WHEREAS, AMP, on behalf of the City, desires to purchase from third party
39 supplier(s) and then to resell the power and energy available from these Long
40 Term Power Purchase(s) on a long term basis to the City at contract cost
41 (excluding any taxes, transmission costs, replacement power, losses, congestion
42 costs, purchased power security costs, or AMP service fees) not to exceed
43 \$45.00 per MWh for 7x24 purchases; and
44

45 WHEREAS, AMP, has prepared and delivered to the City the form of a 2014
46 Non-Pool Power Sales Schedule, pursuant to which the City may purchase
47 power and/or energy; and
48

49 WHEREAS, AMP has provided and will continue to provide appropriate
50 personnel and information regarding the Long Term Power Purchase(s) to the

51 City, as the Director of Public Service deems necessary or appropriate, to enable
52 the City to evaluate the benefits and risks of the Long Term Power Purchase(s),
53 to take actions contemplated by the terms hereinafter set forth and to
54 determine that the same are in the public interest,
55

56 NOW THEREFORE, BE IT ORDAINED by the Council of the City of
57 Cuyahoga Falls, County of Summit, State of Ohio, that:
58

59 Section 1. The Director of Public Service is authorized to enter into an
60 energy purchase agreement known as the “2014 Non-Pool Power Sales
61 Schedule” between the City and AMP, substantially in the form on file with the
62 Clerk in Council File No. _____, including Exhibits thereto.
63

64 Section 2. The Director of Public Service is hereby authorized to (i)
65 acquire under the 2014 Non-Pool Power Sales Schedule, authorized above,
66 power and energy from one or more Long Term Power Purchase(s), each with a
67 term beginning on January 1, 2014 and ending December 31, 2014, and with a
68 third party contract price (excluding any taxes, transmission costs, replacement
69 power, losses, congestion costs, purchased power security costs, or AMP service
70 fees) not to exceed \$45.00 per MWh for 7x24 purchases, from AMP. The
71 Director of Public Service is further authorized to execute and deliver any and
72 all documents necessary to participate in one or more Long Term Power
73 Purchase(s), pursuant to the conditions set forth herein for a term beginning on
74 January 1, 2014 and ending December 31, 2014, as set forth in the 2014 Non-
75 Pool Power Sales Schedule; provided, however, that the total MW for all such 7
76 x 24 purchases under the 2014 Non-Pool Power Sales Schedule shall not exceed
77 10 MW.
78

79 Section 3. If any section, subsection, paragraph, clause or provision or
80 any part thereof of this ordinance shall be finally adjudicated by a court of
81 competent jurisdiction to be invalid, the remainder of this ordinance shall be
82 unaffected by such adjudication and all the remaining provisions of this
83 ordinance shall remain in full force and effect as though such section,
84 subsection, paragraph, clause or provision or any part thereof so adjudicated to
85 be invalid had not, to the extent of such invalidity, been included herein.
86

87 Section 4. Any other ordinances and resolutions or portions of ordinances
88 and resolutions inconsistent herewith are hereby repealed, but any ordinances
89 and resolutions or portions of ordinances and resolutions not inconsistent
90 herewith and which have not previously been repealed are hereby ratified and
91 confirmed.
92

93 Section 5. It is found and determined that all formal actions of this
94 Council concerning and relating to the passage of this ordinance were taken in
95 an open meeting of this Council and that all deliberations of this Council and of
96 any committees that resulted in those formal actions were in meetings open to
97 the public, in compliance with all legal requirements including Chapter 107 of
98 the Codified Ordinances.
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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
9 CONTRACTS WITHOUT COMPETITIVE BIDDING WITH
10 THE METROPOLITAN REGIONAL SERVICE COUNCIL
11 dba NORTHEAST OHIO NETWORK FOR
12 EDUCATIONAL TECHNOLOGY (“NEOnet”) FOR THE
13 PURCHASE OF IP TELEPHONY AND VOICEMAIL
14 SERVICES FOR A PERIOD NOT TO EXCEED FIVE
15 YEARS, AND DECLARING AN EMERGENCY.

16
17 WHEREAS, the Metropolitan Regional Service Council is a public agency and a
18 political subdivision of the State of Ohio, organized as a Council of Governments
19 under Chapter 167 of the Ohio Revised Code (“R.C.”), pursuant to the authority of
20 R.C. §3301.075 ; and

21
22 WHEREAS, pursuant to R.C. §735.053, purchase contracts between the City
23 and other political subdivisions of the State are exempt from competitive bidding
24 requirements otherwise provided in the Code,

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

28
29 Section 1. The Director of Public Service is hereby authorized to enter into a
30 contact or contracts, without competitive bidding, with the Metropolitan Regional
31 Service Council dba Northeast Ohio Network for Educational Technology
32 (“NEOnet”), on basis of its proposal dated January 19, 2012, for the purchase of IP
33 telephony and voicemail services, including all hardware and software, for a period
34 not to exceed five years.

35
36 Section 2. The Director of Finance is hereby authorized and directed to
37 make payment for same from Capital Projects Fund, Line Item Capital Outlay.

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

43
44 Section 4. It is found and determined that all formal actions of this Council
45 concerning and relating to the adoption of this ordinance were adopted in an open
46 meeting of this Council and that all deliberations of this Council and of any of its
47 committees that resulted in such formal action were in meetings open to the
48 public, in compliance with all legal requirements including Chapter 107 of the
49 Codified Ordinances.

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Section 5. This ordinance 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 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 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

2/27/12

O:\2012ords\VOIP services purchase

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. - 2012

7
8 A RESOLUTION EXPRESSING SUPPORT FOR AND
9 URGING PASSAGE OF ISSUE 8, THE CUYAHOGA
10 FALLS CITY SCHOOL DISTRICT TAX LEVY, AT THE
11 PRIMARY ELECTION TO BE HELD ON MARCH 6,
12 2012, AND DECLARING AN EMERGENCY.
13

14
15 WHEREAS, the Cuyahoga Falls City School District has caused a proposed tax
16 levy to be placed on the March 6, 2012 primary election ballot as Issue 8, and
17

18 WHEREAS, funds generated by the five-year, 4.75-mill levy are necessary to
19 help fund the current expenses of the Cuyahoga Falls City School District, and
20

21 WHEREAS, the proposed levy, if passed, will not increase any taxes, but is a
22 renewal of an existing levy first passed in 2002, and which was renewed by the
23 electorate in 2007, and
24

25 WHEREAS, the passage and renewal of this levy in 2002 and 2007
26 demonstrates the abiding support that the Cuyahoga Falls City School District has
27 in the community at large, and
28

29 WHEREAS, the sustained value and appeal of housing in communities is
30 directly related to the success of the school districts, and
31

32 WHEREAS, the Cuyahoga Falls City School District has consistently provided
33 excellent academic, co-curricular and extracurricular programming for its
34 students, and
35

36 WHEREAS, the uncertainty of state funding for public education continues to
37 place a burden on the district's ability to maintain said programs and services,
38

39 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga
40 Falls, County of Summit and State of Ohio, that:
41

42 Section 1. This Council expresses its support for the Cuyahoga Falls City School
43 District and urges the passage of Issue 8 at the March 6, 2012 primary election.
44

45 Section 2. It is found and determined that all formal actions of this Council
46 concerning and relating to the adoption of this resolution were adopted in an open
47 meeting of this Council and that all deliberations of this Council and of any of its
48 committees that resulted in such formal action were in meetings open to the
49 public, in compliance with all legal requirements including Chapter 107 of the
50 Codified Ordinances.
51

52 Section 3. This resolution is hereby declared to be an emergency measure
53 necessary for the preservation of the public peace, health, safety, convenience and

54 welfare of the City of Cuyahoga Falls and the inhabitants thereof and provided it
55 receives the affirmative vote of two-thirds of the members elected or appointed to
56 Council, it shall take effect and be in force immediately upon its passage and
57 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
58 period allowed by law.

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Passed: _____
President of Council

Clerk of Council

Approved _____
Mayor

2/27/12
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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. - 2012

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9 A RESOLUTION ESTABLISHING THE STATE ROAD
10 COMMUNITY REINVESTMENT AREA PURSUANT TO
11 SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO
12 REVISED CODE, DESCRIBING THE BOUNDARIES,
13 THEREOF, DESIGNATING A HOUSING OFFICER, MAKING
14 CERTAIN RELATED FINDINGS, AND DECLARING AN
15 EMERGENCY.

16
17 WHEREAS, this Council desires to pursue all reasonable and legitimate incentive
18 measures to assist and encourage development in specific areas of the City of Cuyahoga
19 Falls that have not enjoyed reinvestment from remodeling or new construction; and

20
21 WHEREAS, this Council has caused a survey of housing within its jurisdiction,
22 including the area of the proposed State Road Community Reinvestment Area, to be
23 prepared by the Community Development Department, which survey has been
24 completed and is tentatively dated February 22, 2012; and

25
26 WHEREAS, the maintenance of existing and construction of new structures in the
27 proposed State Road Community Reinvestment Area would serve to encourage
28 economic stability, maintain real property values, and generate new employment
29 opportunities; and

30
31 WHEREAS, the remodeling of existing structures and the construction of new
32 structures in this Community Reinvestment Area constitutes a public purpose for
33 which real property exemptions may be granted;

34
35 NOW THEREFORE, BE IT RESOLVED by the City of Cuyahoga Falls, County of
36 Summit, Ohio, that:

37
38 Section 1. The State Road Community Reinvestment Area (“State Road CRA”) is
39 hereby established within the boundaries described in Exhibit A and as graphically
40 depicted in Exhibit B, both of which are attached hereto and incorporated as if fully
41 rewritten herein.

42
43 Section 2. This Council finds and determines that the findings of the Housing
44 Survey tentatively dated February 22, 2012 are authoritative and such findings are
45 incorporated as if fully rewritten herein.

46
47 Section 3. This Council further finds and determines that the State Road CRA
48 constitutes an area in which housing facilities or structures of historical significance
49 are located, and in which new housing construction and repair of existing facilities or
50 structures has been discouraged. This Council intends to authorize real property tax
51 exemptions for new investment as authorized under Ohio Revised Code (“R.C.”)
52 §3735.65 *et seq.*, and as further limited in this Resolution, for the purpose of
53 incentivizing new construction and remodeling in the State Road CRA.
54

55 Section 4. The Director of Community Development is hereby designated the
56 Housing Officer for the State Road CRA. The Housing Officer shall be responsible for
57 verifying that any application for tax exemption under R.C. §3735.67 meets the
58 requirements for the exemption under the Code and this Resolution.
59

60 Section 5. No tax exemption authorized by this Resolution shall be granted for
61 new structures or remodeling that is not consistent with zoning restrictions applicable
62 to the State Road CRA. Only Commercial and Mixed-use developments appropriate in
63 an MU-4 district, as defined in the Development Code (Codified Ordinances Part 11)
64 shall be eligible for tax exemptions under R.C. §3735.67 in the State Road CRA.
65

66 Section 6. All parcels of real property in the State Road CRA are eligible for the
67 tax exemptions authorized in this Resolution, subject to the following. Within the State
68 Road CRA, the percentage of the tax exemption on the increase in the assessed
69 valuation resulting from improvements to commercial and mixed-use real property and
70 the term of those exemptions shall be negotiated on a case-by-case basis in advance of
71 construction or remodeling occurring, subject to the limitations contained in R.C.
72 §3765.67 and hereinafter. Tax exemptions shall be granted for the following types of
73 improvements and for the following periods and exemption percentages:
74

- 75 a. For the remodeling of existing commercial or mixed-use facilities where the cost
76 of remodeling is at least \$25,000: a tax exemption on the amount by which the
77 remodeling increased the assessed value of the structure, not to exceed 12
78 years, and not exceeding 100% of such increase.
79
- 80 b. For new construction of commercial or mixed-use facilities where the cost of
81 construction is at least \$250,000: a tax exemption on the assessed value of the
82 structure, not to exceed 15 years, and not exceeding 100% of such increase.
83

84 Applications for tax exemptions shall be made by the property owner and received by
85 the Housing Officer. Upon completion of the negotiation provided for above, the
86 Housing Officer shall certify the proposed tax exemption for approval by this Council.
87 Each proposed tax exemption approved by the Housing Officer shall be set forth in
88 writing in a tax exemption agreement between the City and the property owner, in the
89 form prescribed in R.C. §3735.671. The agreement shall be effective upon approval of
90 this Council, by ordinance.
91

92 Section 7. All applications for tax exemptions shall comply with the state
93 application fee requirements contained in R.C. §3735.672(C) and each recipient of a tax
94 exemption shall remit to the City the local annual monitoring fee of one percent of the
95 amount of taxes exempted under the agreement, in an amount not less than \$500 and
96 not greater than \$2,500.
97

98 Section 8. Annually, the Tax Incentive Review Council (“TIRC”) established
99 under Section 10 of Ord. No. 69-1997 and Section 8 of Ord. No. 95-2004 shall review all
100 agreements granting exemptions from property taxation entered into pursuant to this
101 Resolution. Upon request of the TIRC, the recipient of a tax exemption shall provide the
102 TIRC with any information necessary to perform its review. The TIRC shall determine
103 whether the owner of the exempted property has complied with the agreement, and may
104 take into consideration any fluctuations in the business cycle unique to the owner’s
105 business. On or before the first day of September each year, the TIRC shall submit to
106 this Council written recommendations for continuation, modification, or cancellation of
107 each agreement.
108

109 Section 9. There is hereby established a Community Reinvestment Area
110 Housing Council for the State Road CRA (“State Road CRA Housing Council”). The
111 council shall be composed of two members appointed by the mayor, two members
112 appointed by this Council, and one member appointed by the City Planning
113 Commission. The majority of the foregoing members shall then appoint two additional
114 members who shall be residents of the City. Terms of the members of the State Road
115 CRA Housing Council shall be for three years. An unexpired term resulting from a
116 vacancy in the council shall be filled in the same manner as the initial appointment was
117 made.

118 The State Road CRA Housing Council shall make an annual inspection of the properties
119 within the State Road CRA for which an exemption has been granted pursuant to this
120 Resolution. Any person aggrieved by a decision of the Housing Officer made under R.C.
121 §§3735.65 to 3735.69 in relation to a parcel of real property within the State Road CRA
122 may appeal to the State Road CRA Housing Council, which shall have the authority to
123 overrule any decision of the Housing Officer.
124

125 Section 10. This Council reserves the right to re-evaluate the designation of the
126 State Road CRA after December 31, 2015, at which time this Council may rescind the
127 designation or suspend the consideration of any new applications for tax exemptions
128 under R.C. §3735.67, pending further review.
129

130 Section 11. It is found and determined that all formal actions of this Council
131 concerning and relating to the adoption of this resolution were adopted in an open
132 meeting of this Council and that all deliberations of this Council and of any of its
133 committees that resulted in such formal action were in meetings open to the public, in
134 compliance with all legal requirements including Chapter 107 of the Codified
135 Ordinances.
136

137 Section 12. This resolution is hereby declared to be an emergency measure
138 necessary for the preservation of the public peace, health, safety, convenience and
139 welfare of the City of Cuyahoga Falls and the inhabitants thereof and provided it
140 receives the affirmative vote of two-thirds of the members elected or appointed to
141 Council, it shall take effect and be in force immediately upon its passage and approval
142 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
143 by law.
144
145

146 Passed: _____
147 _____
148 President of Council
149

150 _____
151 Clerk of Council
152

153
154
155 Approved: _____
156 _____
157 Mayor
158

Boundary Description: State Road CRA

The extended State Road CRA is bounded as follows:

Beginning at the most southerly intersection of the centerline of State Road with the corporate boundary between the city of Cuyahoga Falls and the City of Akron. This point will henceforth be referred to as the starting point.

Thence "N 89° W" along the southerly line of parcel 0218507 and the southerly corporate boundary of said Cuyahoga Falls approximately 92 feet to the southwesterly property corner of said parcel;

Thence "N 89° W" along the southerly line of parcel 0205322 and the southerly corporate boundary of said Cuyahoga Falls approximately 329 feet to the southwesterly property corner of said parcel;

Thence northwesterly on a curve along said parcel westerly line approximately 292 feet.

Thence "N 61° E" along said parcel northerly line approximately 315 feet to the southwesterly corner of parcel 0210006;

Thence "N 1° W" along the westerly property line of said parcel and parcel 0217898 approximately 337 feet to the centerline of Grant Avenue;

Thence "N 88° E" along the centerline of said Grant approximately 218 feet to the intersection of the centerline of said Grant Avenue with the easterly line of a service court extended;

Thence "N 1° W" along the easterly line of said service court and westerly line of multiple parcels with the southern most parcel being 0219536 and the northern most parcel being 0218047 approximately 1775 feet to the centerline of Sackett Avenue;

Thence "N 86° W" along the centerline of said Sackett Avenue approximately 590 feet to the intersection of the centerline of said Sackett Avenue and the centerline of 23rd street;

Thence "N 75° W" along the centerline of said Sackett Avenue approximately 615 feet to the intersection of the centerline of said Sackett Avenue and the westerly line extended of parcel 0202023;

Thence "N 22° W" along said parcel westerly line approximately 147 feet to the northwesterly corner of said parcel;

Thence "N 69° E" along the northerly line of said parcel and parcel 0214748 approximately 270 feet to the westerly line of parcel 0206116;

Thence "N 6° W" along the westerly line of said parcel and parcels 0206105, 0206107, and 0206101 approximately 503 feet to the northeasterly corner of parcel 0206109;

Thence "N 89° W" along said parcel southerly line approximately 61 feet;

Thence northerly "N 2° W" along said parcel westerly line approximately 96 feet;

Thence "S 89° E" along said parcel and parcels 0206101 and 0206108 northerly line approximately 178 feet;

Thence "N 2° W" along parcel 0206115 westerly line approximately 207 feet to the centerline of Broad Boulevard;

Thence "N 89° E" along the centerline of said Broad Boulevard approximately 508 feet to the centerline intersection of said Broad Boulevard and 23rd street;

Thence "N 2° W" along the centerline of said 23rd street approximately 205 feet;

Thence "N 87° E" along the northerly line of parcel 0216712 approximately 165 feet to the easterly line of a service court;

Thence "N 1° E" along said line and the westerly line of multiple parcels with the southern most parcel being 0215923 and the northern most parcel being 0206289 approximately 448 feet to the centerline of Marcia Boulevard;

Thence "N 87° W" approximately 165 feet to the centerline intersection of said Marcia Boulevard and 23rd Street;

Thence "N 1° W" along the centerline of said 23rd street approximately 631 feet to the centerline intersection of said 23rd street and Shaw Avenue;

Thence "N 87° E" along the centerline of said Shaw Avenue approximately 165 feet to the intersection of said Shaw Avenue with the easterly line of a service court extended;

Thence "N 1° E" along the easterly line of said service court and westerly line of multiple parcels with the southern most parcel being 0200072 and the northern most parcel being 0218277 approximately 2225 feet to the intersection of the easterly line of said service court with the southerly line of parcel 3503189;

Thence "N 89° W" along said parcel and parcels 3500413 and 3502835 southerly line approximately 625 feet to the southwesterly corner of said parcel 3502835;

Thence "N 2° W" along said parcel line approximately 150 feet to the southerly line of parcel 3503367;

Thence "S 88° W" along said parcel line southerly line approximately 160 feet to the westerly line of said parcel;

Thence "N 1° E" along said parcel 3503367 westerly line approximately 620 feet to the centerline of Portage Trail;

Thence "S 52° W" along the centerline of said Portage Trail approximately 475 feet to the intersection of the centerline of said Portage Trail with the westerly line of parcel 3504014;

Thence "N 1° E" along the westerly line of said parcel approximately 635 feet to the northwesterly corner of said parcel;

Thence "S 89° E" approximately 164 feet along the northerly line to the northeasterly corner of said parcel;

Thence "S 1° E" approximately 76 feet along the easterly line to an intersection with the northwesterly corner of said parcel;

Thence "N 51° E" along said parcel 3504006 northerly line approximately 985 feet to the northwesterly corner of parcel 3503716;

Thence "N 73° E" along said parcel 3503716 northerly line with approximately 71 feet to the intersection with the westerly line of parcel 3503501;

Thence "N 1° E" along said parcel and parcel 3503502 westerly line approximately 303 feet to the northwesterly corner of said parcel 3503502;

Thence "N 87° E" approximately 69 feet along said parcel 3503502 northerly line to an intersection with the southwesterly corner of parcel 3503714;

Thence "N 1° E" along said parcel westerly line approximately 153 feet to an intersection with the southerly line of parcel 3503190;

Thence westerly on a curve along the southerly line of said parcel 3503190 and parcel 3501226 approximately 447 feet to the southwesterly corner of parcel 3501226;

Thence northerly on a curve along said parcel approximately 685 feet to the northwesterly corner of parcel 3501226;

Thence "S 89° E" along said parcel northerly line approximately 152 feet to an intersection with the southwesterly corner of parcel 3502124;

Thence "N 1° E" along said parcel 3502124 westerly line approximately 132 feet to the northwesterly corner of said parcel;

Thence "N 88° E" along said parcel 3502124 northerly line approximately 66 feet to an intersection with the southwesterly corner of parcel 3502126;

Thence "N 4° W" along parcel 3502126 westerly line approximately 132 feet to an intersection with the southerly line of parcel 3502125;

Thence "N 84° W" along parcel 3502125 southerly line approximately 57 feet to the southwesterly corner of said parcel;

Thence "N 9° E" along parcel 3502125 westerly line approximately 266 feet to an intersection with the southerly line of parcel 3500540;

Thence easterly on a curve along parcel 3500540 southerly line approximately 547 feet to the centerline of state road;

Thence southerly along a curve approximately 2588 feet along the centerline of State Road to the intersection of said State Road and Schiller Avenue;

Thence "N 89° W" along the centerline of said Schiller Avenue approximately 330 feet to the intersection of said Schiller Avenue and Wright Street;

Thence "S 1° E" along the centerline of said Wright Street approximately 289 feet to the intersection of said Wright Street and Byrd Avenue;

Thence "S 87° W" along the centerline of Said Byrd Avenue approximately 55 feet;

Thence "S 1° W" along the easterly line of parcels 0207832, 0212745, and 0215936 approximately 450 feet to the southeasterly corner of said parcel 0215936;

Thence "N 87° W" along said parcel southerly line approximately 60 feet to the northeast corner of parcel 0213511;

Thence "S 1° E" approximately 150 feet along said parcel 0213511 easterly line to the centerline of Maitland Ave;

Thence "N 89° E" approximately 400 feet along the centerline of said Maitland to its centerline intersection with 21st street;

Thence "S 23° W" approximately 645 feet along the centerline of said 21st street to the intersection of 21st street and Valley Road;

Thence "S 89° W" approximately 170 feet along the centerline of said Valley Road to the westerly line of State Road Alley extended;

Thence "S 1° E" along the westerly line of State Road Alley and the easterly line of multiple parcels with the northerly most parcel being 0216025 and the southerly most parcel being 0216613 approximately 733 feet to the southeasterly corner said parcel 0216613;

Thence "N 89° E" approximately 125 feet to the northeasterly corner of parcel 0214353;

Thence "S 1° E" approximately 145 feet along the easterly line of said parcel 0214353 and parcels 0207653, 0207655, and 0207654 to the centerline of Phelps Avenue;

Thence "N 89° W" approximately 130 feet along the centerline of said Phelps Avenue to the westerly line of State Road Alley extended;

Thence "S 1° W" along the westerly line of said State Road Alley and easterly line of multiple parcels with the northern most parcel being 0207109 approximately 555 feet to a point on said Alley westerly line;

Thence "S 88° E" approximately 120 feet along the northerly line of parcel 0208361 to the northeasterly corner of said parcel;

Thence southerly along a curve approximately 440 feet along said parcel and parcel 0208362, 0207651, 0207652 and 0212277 easterly line to the southeasterly corner of said parcel 0212277;

Thence "N 89° W" approximately 120 feet along said parcel southerly line to the northeasterly corner of parcel 0215581;

Thence "S 1° E" approximately 1725 feet along the easterly line of multiple parcels that front to State Road to the southeasterly corner of parcel 0216789;

Thence "N 86° E" approximately 110 feet along the northerly line of parcel 0202788 to the northeasterly corner of said parcel;

Thence "S 3° E" approximately 142 feet along said parcel easterly line to the centerline of Sackett Avenue;

Thence "N 88° E" along the centerline of said Sackett approximately 110 feet to the centerline intersection of said Sackett Avenue and 20th street;

Thence southerly along a curve approximately 1900 feet along the centerline of said 20th street to the southerly line extended of parcel 0208169;

Thence "S 89° W" approximately 168 feet along said parcel and parcel 0213734 southerly line to the northeasterly corner of parcel 0200121;

Thence "S 1° W" approximately 200 feet along said parcel and parcels 0200120 and 0200122 easterly line to the southeasterly corner of said parcel 0200122;

Thence "S 87° W" approximately 74 feet along said parcel southerly line to the easterly corner of parcel 0200125;

Thence "S 58° W" approximately 12 feet to the northeasterly corner of parcel 0200182;

Thence "S 2° E" approximately 168 feet along said parcel easterly line to the centerline of Highbridge Road;

Thence "N 89° E" approximately 50 feet along the centerline of said Highbridge;

Thence "S 1° E" approximately 175 feet along the easterly line of parcel 0203853 to the southeasterly corner of said parcel; said corner also representing the corporate boundary line between the city of Cuyahoga Falls and the city of Akron;

Thence "N 89° W" approximately 250 feet along said corporate boundary line to the centerline of State Road and the Place of Beginning.

STATE ROAD - PORTAGE TRAIL CRA

