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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2017

6  
7 AN ORDINANCE ESTABLISHING ANNUAL APPROPRIATIONS OF  
8 MONEY FOR THE CURRENT EXPENSES, CAPITAL  
9 EXPENDITURES AND OTHER EXPENSES OF THE CITY OF  
10 CUYAHOGA FALLS FOR THE FISCAL YEAR ENDING DECEMBER  
11 31, 2018, AND DECLARING AN EMERGENCY.

12  
13 WHEREAS, Ohio Revised Code §5705.38 requires local taxing authorities to pass an annual  
14 appropriations measure classified so as to set forth the amounts appropriated to each office,  
15 department and division of the taxing authority; and

16  
17 WHEREAS, Article VI, Section 6 of the City Charter requires the Mayor to submit an estimated  
18 budget for the coming fiscal year showing the requested allotments of the appropriations and  
19 estimated income for each office or department for the calendar year.

20  
21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
22 Summit and State of Ohio, that:

23  
24 Section 1. In order to provide for the current expenses, capital expenditures, and other  
25 expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2018, the sums  
26 summarized in Exhibit A, which is attached hereto incorporated herein by reference, are hereby  
27 appropriated and authorized for encumbrance and/or expenditure as provided therein.

28  
29 Section 2. The fund transfers set forth in detail in Exhibit A2, and incorporated herein by  
30 reference, are hereby authorized and approved.

31  
32 Section 3. The budget for each office and department of the City is hereby determined and  
33 approved as set forth in Exhibit B, which is attached hereto and incorporated herein by reference,  
34 and the expenditures authorized therein, and the amount authorized, shall be made in accordance  
35 with the line items identified in Exhibit B, and any disbursements within any line item set forth in  
36 Exhibit B may be paid out of the appropriations made therefor.

37  
38 Section 4. No transfers of sums shall be made between departments. Transfers of sums from  
39 one line item listed in Exhibit B to another line item, within the same department, at any time within  
40 the fiscal year which exceed in the aggregate seven percent (7%) of the amount originally  
41 appropriated in the line item from which the transfer is made, or \$10,000.00, whichever is less, shall  
42 be prohibited unless authorized by ordinance or resolution of Council.

43  
44 Section 5. Any amounts encumbered in a fiscal year prior to fiscal year 2018 in any and all  
45 funds of the City, are hereby re-appropriated for the purpose of expenditure in 2018 or thereafter.

46  
47 Section 6. All funds not individually listed in this ordinance but included in the 2018  
48 Alternative Tax Budget Information of the City of Cuyahoga Falls and included in the Amended  
49 Official Certificate of Estimated Resources for 2017 as issued by the County of Summit Budget  
50 Commission are hereby appropriated for the purpose of encumbrance and/or expenditure.

51  
52 Section 7. Any other ordinances or resolutions or portions of ordinances and resolutions  
53 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
54 herewith and which have not previously been repealed are hereby ratified and confirmed.

55  
56 Section 8. It is found and determined that all formal actions of this Council concerning and  
57 relating to the passage of this ordinance were taken in an open meeting of this Council and that all  
58 deliberations of this Council and of any committees that resulted in those formal actions were in  
59 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the  
60 Codified Ordinances.  
61

62        Section 9. This ordinance is hereby declared to be an emergency measure necessary for the  
63 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
64 Falls and the inhabitants thereof for the reason that authority is required for the payment of  
65 operating, other and capital expense of the City of Cuyahoga Falls and provided it receives the  
66 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and  
67 be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
68 and be in force at the earliest period allowed by law.

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71 Passed: \_\_\_\_\_

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

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\_\_\_\_\_  
Clerk of Council

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79 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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83 11/6/17

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2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2017

6  
7 AN ORDINANCE AUTHORIZING THE CITY OF CUYAHOGA  
8 FALLS TO TRANSFER REAL PROPERTY FORMERLY KNOWN AS  
9 THE MUD RUN GUN CLUB TO THE COMMUNITY  
10 IMPROVEMENT CORPORATION OF CUYAHOGA FALLS TO  
11 FACILITATE THE REDEVELOPMENT OF THE PROPERTY, AND  
12 DECLARING AN EMERGENCY.  
13

14  
15 WHEREAS, pursuant to Chapter 1724 of the Ohio Revised Code, and as authorized by  
16 Resolution No. 40-1970, the Community Improvement Corporation of Cuyahoga Falls, Ohio (CIC)  
17 was duly designated by the City of Cuyahoga Falls, Ohio as the City’s agency for industrial,  
18 commercial, and civic development in the City of Cuyahoga Falls; and  
19

20 WHEREAS, one of the many goals of the CIC is to strive for assisting the economic growth  
21 in the Cuyahoga Falls community; and  
22

23 WHEREAS, under Ohio Revised Code Chapter 1724, the City of Cuyahoga Falls may  
24 designate the CIC as its agent in order to sell, lease, transfer or dispose of property; and  
25

26 WHEREAS, in 1999, the City acquired property located at 333 Pleasant Meadow  
27 Boulevard, Cuyahoga Falls Ohio (P.N.35-01540); and  
28

29 WHEREAS, a Phase I Environmental Assessment of the property was not completed prior  
30 to the City’s acquisition which precludes the City’s eligibility for US EPA Brownfield Cleanup  
31 Grant funds; and  
32

33 WHEREAS, Phase I and Phase II Assessments, as well as a remediation investigation,  
34 have since been completed and if the property transfers to the CIC, as a non-profit entity, the CIC  
35 would be eligible to receive these cleanup grant funds; and  
36

37 WHEREAS, to be eligible to receive a cleanup grant, the applicant must be the sole owner  
38 of the site that is the subject of its cleanup grant proposal and must own the site by November  
39 16, 2017; and  
40

41 WHEREAS, the City and its public partners have already invested over \$50,000 in the  
42 planning and design of the trail network including assessing and planning for the remediation of  
43 the former Mud Run Gun Club; and  
44

45 WHEREAS, cleanup of the former Mud Run Gun Club site under this grant is expected to  
46 remediate contamination and health and safety hazards; provide trails for the surrounding  
47 communities; provide additional natural resource protection; provide recreation opportunities  
48 within the Mill Pond-Mud Brook Greenway; and create a one mile trail connecting existing  
49 regional bike lanes of State Road and proposed regional bike lanes/trails on Wyoga Lake Road;  
50 and  
51

52 WHEREAS, the EPA cleanup grant will also enable the City to restore lost economic  
53 benefits including: eliminate blight and return the former Mud Run Gun Club property to a  
54 productive use that generates benefit for the community in the form of alternative transportation  
55 and recreation venues; create an atmosphere that supports adaptive reuse of blighted property  
56 within the community and the City at large; and encourage robust collaboration between the  
57 public and private development sector to complete projects that drive equitable and mutual  
58 benefit for both parties; and  
59

60 WHEREAS, achieving these goals may act as a catalyst for launching elements of local  
61 plans and, as such, redevelopment of brownfields located in Cuyahoga Falls is a high priority in  
62 order to create jobs, restore lost tax revenues, and achieve economic benefits.

63  
64 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
65 County of Summit and State of Ohio, that:

66  
67 Section 1. The real property described in Exhibit A, attached hereto and made a part of  
68 this Ordinance, is hereby determined to be not required by the City of Cuyahoga Falls for its  
69 purposes.

70  
71 Section 2. The use of the above described parcel for redevelopment will assist in  
72 promoting the general welfare of the people of Cuyahoga Falls, Ohio by providing economic  
73 development opportunities, protecting the public health and safety, and providing recreational  
74 opportunities within the Mill Pond-Mud Brook Greenway.

75  
76 Section 3. The Mayor, Director of Community Development, Director of Law, and other  
77 City officials, as appropriate, be and are hereby authorized to execute, certify and/or furnish  
78 other such documents and do all other actions as are necessary to transfer the property to the  
79 Community Improvement Corporation of Cuyahoga Falls for purposes set forth in this ordinance.

80  
81 Section 4. Any other ordinances and resolutions or portions of ordinances and  
82 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions or  
83 portions of ordinances and resolutions not inconsistent herewith and which have not previously  
84 been repealed are hereby ratified and confirmed.

85  
86 Section 5. It is found and determined that all formal actions of this Council concerning  
87 and relating to the adoption of this ordinance were adopted in an open meeting of this Council  
88 and that all deliberations of this Council and of any of its committees that resulted in such formal  
89 action were in meetings open to the public, in compliance with all legal requirements including  
90 Chapter 107 of the Codified Ordinances.

91  
92 Section 6. This ordinance is hereby declared to be an emergency measure necessary for  
93 the preservation of the public peace, health, safety, convenience and welfare of the City of  
94 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of  
95 two-thirds of the members elected or appointed to Council, it shall take effect and be in force  
96 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in  
97 force at the earliest period allowed by law.

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99  
100 Passed: \_\_\_\_\_  
101 \_\_\_\_\_  
102 President of Council

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105 \_\_\_\_\_  
106 Clerk of Council

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108 Approved: \_\_\_\_\_  
109 \_\_\_\_\_  
110 Mayor

111 11/6/17

112 O:\2017ords\Transfer of Mud Run Gun Club to CIC.doc

**EXHIBIT A**

Situated in the City of Cuyahoga Falls, County of Summit and State of Ohio. And being a part of Original Lot 6 in said City and further described as follows: Beginning at an iron pipe found at the northwesterly corner of said O.L. 6; Thence 4\_S 88° 13' 05" E 390.19 feet along the northerly line of O.L. 6 to an iron bar set in said northerly line; Thence South 628.07 feet parallel to the westerly line of said O.L. 6 to an iron bar set at the southeasterly corner of the parcel herein described; Thence N 86° 50' 05" W 390.60 feet parallel to the Grantor's southerly line to an iron bar set in the westerly line of said O.L. 6; Thence North 618.64 feet along the westerly line of said O.L. 6 to the place of beginning and containing 5.5809 acres of land as surveyed in April, 1977 by Kenneth W. Jensen, Registered Surveyor No. 4869.

PPN NO. NH-00023-04-017.000 PM NO. 35-01540

Property commonly known as: 333 Pleasant Meadow Lane, Cuyahoga Falls, Ohio