

NEW LEGISLATION

January 28, 2019

Temp. No.	Introduced	Committee	Description
B-2	1/28/19	Fin	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the demolition and replacement of Fire Station 3, and declaring an emergency.
B-3	1/28/19	Fin	An ordinance approving a petition for special assessments for special energy improvement projects and a plan for public improvements; approving the necessity of acquiring, constructing, and improving certain public improvements in the City in cooperation with the Akron-Summit County Energy Special Improvement District; determining to proceed with such project; and determining to levy special assessments in connection with such project, and declaring an emergency.
B-4	1/28/19	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of an 8" waterline in Bailey Road, from Graham Road to Adams Avenue, and declaring an emergency.
B-5	1/28/19	PA	A resolution authorizing the Mayor to apply for the Ohio Department of Natural Resources Clean Ohio Trails Fund grant to construct a trail and trailhead in the Mud Brook Greenway, and declaring an emergency.

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CALENDAR

January 28, 2019

The following legislation will be up for passage at the Council Meeting on January 28, 2019.

Temp. No.	Introduced	Committee	Description
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None			
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PENDING LEGISLATION

January 28, 2019

Temp. No.	Introduced	Committee	Description
B-1*	1/14/19	PZ	An ordinance approving a zoning map amendment for the former Sycamore Valley Golf Course located at 1651 Akron Peninsula Road (Parcels 35-02255, 35-00674, 35-00672, and 35-00673 and 02-05625), from E-1 Employment District to R-3 Sub-Urban Density Residential, as more fully described and depicted herein, and declaring an emergency.

* Public Hearing 2-19-19

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2019

6
7
8 AN ORDINANCE AUTHORIZING THE MAYOR, AS DIRECTOR OF PUBLIC
9 SAFETY, TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING
10 TO LAW, FOR THE DEMOLITION AND REPLACEMENT OF FIRE
11 STATION 3, AND DECLARING AN EMERGENCY.
12

13
14 WHEREAS, Fire Station 3 is outdated and in need of being demolished and replaced.

15
16 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
17 Summit, and State of Ohio, that:

18
19 Section 1. The Mayor, as Director of Public Safety, is hereby authorized to enter into a contract or
20 contracts, according to law, for the demolition and replacement of Fire Station 3.

21
22 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
23 from the Capital Projects Fund, line item, Capital Outlay.
24

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

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

34
35 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
36 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and
37 the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the members elected
38 or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by
39 the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.
40

41 Passed: _____
42 _____
43 President of Council

44 _____
45 Clerk of Council

46
47
48 Approved _____
49 _____
50 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2019

6
7 AN ORDINANCE APPROVING A PETITION FOR SPECIAL
8 ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT
9 PROJECTS AND A PLAN FOR PUBLIC IMPROVEMENTS;
10 APPROVING THE NECESSITY OF ACQUIRING,
11 CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC
12 IMPROVEMENTS IN THE CITY IN COOPERATION WITH
13 THE AKRON-SUMMIT COUNTY ENERGY SPECIAL
14 IMPROVEMENT DISTRICT; DETERMINING TO PROCEED
15 WITH SUCH PROJECT; AND DETERMINING TO LEVY
16 SPECIAL ASSESSMENTS IN CONNECTION WITH SUCH
17 PROJECT, AND DECLARING AN EMERGENCY.
18

19 WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General
20 Assembly has authorized property owners to include their properties within Energy
21 Special Improvement Districts (“ESIDs”) upon a petition to a municipal corporation or
22 city, which ESIDs are voluntary organizations of property owners who undertake
23 special energy improvement projects for their properties and finance such special
24 energy improvement projects by way of voluntary special assessments; and
25

26 WHEREAS, the County of Summit, Ohio (the “Owner”), as the owner of certain real
27 property located within the City, has identified certain real property located at 2130
28 Northampton Road, Cuyahoga Falls, Ohio 44223 (the “Project Site”), as an appropriate
29 property for special energy improvement projects pursuant to Ohio Revised Code
30 Chapter 1710, and
31

32 WHEREAS, the Akron-Summit County Energy Special Improvement District (the
33 “District”) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID
34 and established pursuant to a resolution adopted by the City of Akron, Ohio (the
35 “Creation Resolution”); and
36

37 WHEREAS, by the Creation Resolution and under Ohio Revised Code Section
38 1710.02, articles of incorporation (the “Articles of Incorporation”) for a nonprofit
39 corporation, the board of directors of which governs the District, were approved and
40 filed with the Ohio Secretary of State; and
41

42 WHEREAS, by the Creation Resolution and under Ohio Revised Code Section
43 1710.06, the District’s Akron Energy Special Improvement District Project Plan (as
44 duly amended and supplemented from time to time, the “Plan”) was approved as a
45 plan for public improvements and public services for the District; and
46

47 WHEREAS, as permitted under Ohio Revised Code Section 1710.02, the Plan and
48 the Articles of Incorporation allow for the addition of real property within any
49 “participating political subdivision” of the District or within any municipal corporation
50 or city which is adjacent to any participating political subdivision of the District to the

51 territory of the District by the approval of the municipal corporation or city in which
52 that real property is located; and
53

54 WHEREAS, the Owner has determined to submit to the Board a Petition for Special
55 Assessments for Special Energy Improvement Projects (the "Petition"), together with an
56 Akron-Summit County Energy Special Improvement District Project Plan Supplement
57 to Plan (the "Supplemental Plan"), all in accordance with Ohio Revised Code Section
58 1710.02, each of which are now on file with the Board and the Director of Finance of
59 the City of Cuyahoga Falls; and
60

61 WHEREAS, the Petition and the Supplemental Plan request that the Project Site be
62 added to the District and that the City of Cuyahoga Falls levy special assessments on
63 the Project Site to pay the costs of special energy improvement projects to be provided
64 on the Project Site, all as described more particularly in the Petition and the
65 Supplemental Plan (the "Project"); and
66

67 WHEREAS, the Petition is for the purpose of developing and implementing special
68 energy improvement projects in furtherance of the purposes set forth in Section 2o of
69 Article VIII of the Ohio Constitution, including, without limitation, the Project, and
70 further, the Petition identifies the amount and length of the special assessments to be
71 imposed with respect to the Project; and
72

73 WHEREAS, this Council, as mandated by Ohio Revised Code Section 1710.02,
74 must approve or disapprove the Petition within 60 days of the submission of the
75 Petition; and
76

77 WHEREAS, this Council has determined to approve the Petition, together with the
78 Supplemental Plan; and
79

80 WHEREAS, in the Petition, the Owner requests that the Project be paid for by
81 special assessments assessed upon the Property (the "Special Assessments") in an
82 amount sufficient to pay the costs of the Project, which are estimated to be \$865.00,
83 including other related costs of financing the Project, which include, without
84 limitation, the payment of principal of, and interest on, obligations issued to pay the
85 costs of the Project and other interest, financing, credit enhancement, and issuance
86 expenses and ongoing trustee fees and District administrative fees and expenses, and
87 requests that the Project be undertaken cooperatively by the City of Cuyahoga Falls,
88 the District, and such other parties as the City of Cuyahoga Falls may deem necessary
89 or appropriate.
90

91 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
92 Falls, County of Summit and State of Ohio, that:
93

94 Section 1. This Council approves the Petition and the Supplemental Plan now on
95 file with the Board and the Director of Finance. Under the Creation Resolution, Plan,
96 and the Articles of Incorporation, the Project Site is added to the territory of the
97 District. The Mayor, or his designee, is hereby appointed to serve on the Board of
98 Directors of the District as provided in Ohio Revised Code Section 1710.04(A).
99

100 Section 2. This Council approves and consents to (i) any addition of real
101 property to the territory of the District within the boundaries of any municipal
102 corporation or any city which is contiguous to the municipal corporations or cities in
103 which a portion of the territory the District is located; (ii) the addition of the municipal
104 corporation or city in which such real property is located as a “participating political
105 subdivision,” as defined in Ohio Revised Code Section 1710.01(E), of the District; and
106 (iii) any amendment to the Articles of Incorporation necessary to recognize and effect
107 such addition.
108

109 Section 3. Each capitalized term used in this Ordinance where the rules of
110 grammar would otherwise not require and not otherwise defined in this Ordinance or
111 by reference to another document shall have the meaning assigned to it in the
112 Petition.
113

114 Section 4. This Council declares necessary, and a vital and essential public
115 purpose of the City, to improve the Property by providing for the acquisition,
116 construction, and improvement of the Project by the Owner, as set forth in the
117 Petition, and providing for the payment of the costs of the project, including any and
118 all architectural, engineering, legal, insurance, consulting, energy auditing, planning,
119 acquisition, installation, construction, surveying, testing, and inspection costs; the
120 amount of any damages resulting from the Project and the interest on such damages;
121 the costs incurred in connection with the preparation, levy and collection of the
122 special assessments; the cost of purchasing and otherwise acquiring any real estate or
123 interests in real estate; expenses of legal services; costs of labor and material; and
124 other financing costs incurred in connection with the issuance, sale, and servicing of
125 securities, nonprofit corporate obligations, or other obligations issued to provide a loan
126 to the Owner or otherwise to pay costs of the Project in anticipation of the receipt of
127 the Special Assessments, capitalized interest on, and financing reserve funds for, such
128 securities, nonprofit corporate obligations, or other obligations so issued, including
129 any credit enhancement fees, trustee fees, and District administrative fees and
130 expenses; together with all other necessary expenditures, all as more fully described in
131 the Petition and profiles, specifications, and estimates of cost of the Project, all of
132 which are on file with the Director of Finance and open to the inspection of all persons
133 interested.
134

135 Section 5. This Council determines that the Project’s elements are so situated in
136 relation to each other that in order to complete the acquisition and improvement of the
137 Project’s elements in the most practical and economical manner, they should be
138 acquired and improved at the same time, with the same kind of materials, and in the
139 same manner; and that the Project’s elements shall be treated as a single
140 improvement, pursuant to Ohio Revised Code Section 727.09, and the Project’s
141 elements shall be treated as a joint improvement to be undertaken cooperatively by
142 the City and the District pursuant to Ohio Revised Code Section 9.482 and Ohio
143 Revised Code Chapter 1710.
144

145 Section 6. The plans and specifications and total cost of the Project now on file
146 in the office of the Director of Finance are approved, subject to changes as permitted
147 by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the
148 plans, specifications, profiles, and estimates for the Project.
149

150 Section 7. This Council hereby determines and declares that the Project is an
151 essential and vital public, governmental purpose of the City as a Special Energy
152 Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in
153 order to fulfill that essential and vital public purpose of the City, it is necessary and
154 proper to provide, in cooperation with the District, for the acquisition, construction,
155 and improvement of the Project in the manner contemplated by the Petition. This
156 Council determines and declares that the Project is conducive to the public peace,
157 health, safety, and welfare of the City and the inhabitants of the City.
158

159 Section 8. This Council declares that its intention is to proceed with the
160 acquisition, construction, and improvement of the Project described in the Petition and
161 the Plan. The Project shall be made in accordance with the provisions of the Plan.
162

163 Section 9. Pursuant to, and subject to, the provisions of a valid Petition signed
164 by the owners of 100% of the Property, the entire cost of the Project shall be paid by
165 the Special Assessments levied against the Property, which is the benefited property.
166 The provisions of the Petition are ratified, adopted, approved and incorporated into
167 this Ordinance as if set forth in full in this Ordinance. The method of levying the
168 Special Assessments shall be in proportion to the benefits received, allocated among
169 the parcels constituting the Property as set forth in the Petition.
170

171 Section 10. The lots or parcels of land to be assessed for the Project shall be the
172 Property, described in Exhibit "A" to the Petition, all of which lots and lands are
173 determined to be specially benefited by the Project.
174

175 Section 11. The Special Assessments shall be levied and paid in one annual
176 installment pursuant to the list of estimated Special Assessments set forth in the
177 Petition, and the Owner has waived its option to pay the Special Assessment in cash
178 within 30 days after the passage of this Ordinance. The period over which the services
179 and improvements provided pursuant to the Plan are useful is determined to exceed
180 one year.
181

182 The aggregate amount of Special Assessments estimated to be necessary to pay the
183 costs of the Project is \$865.00. Each annual Special Assessment payment represents
184 payment of a portion of the principal of and interest on obligations issued to pay the
185 costs of the Project and of administrative expenses. The interest portion of the Special
186 Assessments, together with amounts used to pay administrative expenses, are
187 determined to be substantially equivalent to the fair market rate or rates of interest
188 that would have been borne by securities issued in anticipation of the collection of the
189 Special Assessments if such securities had been issued by the City. In addition to the
190 Special Assessments, the Summit County Fiscal Officer (the "County Fiscal Officer")
191 may impose a special assessment collection fee with respect to each annual payment,
192 which amount will be added to the Special Assessments by the County Fiscal Officer.
193

194 The Special Assessments are assessed against the Property commencing in tax
195 year 2019 for collection in 2020. The semi-annual installments of the Special
196 Assessments shall be collected in each calendar year equal to the maximum semi-
197 annual amounts of Special Assessments as shown in Exhibit A, attached to and
198 incorporated into this Ordinance.
199

200 The Special Assessments shall be allocated among the parcels constituting the
201 Property as set forth in the Project Petition and the List of Special Assessments
202 attached to and incorporated into this Ordinance as Exhibit A.
203

204 Section 12. The Director of Finance or any designee is authorized, pursuant to
205 Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and
206 collected at the earliest possible time including, if applicable, prior to the completion of
207 the acquisition and construction of the Project. Pursuant to the Petition, the Owner
208 has waived notice of the adoption of this ordinance and the filing of the estimated
209 Special Assessments, as provided in Ohio Revised Code Section 727.13, and the City
210 hereby accepts that waiver. The Owner has waived its right to pay the Special
211 Assessments in cash within 30 days after the passage of this Ordinance, and all
212 Special Assessments and installments of the Special Assessments shall be certified by
213 the County Fiscal Officer as provided by the Petition and Ohio Revised Code Section
214 727.33 to be placed by him or her on the tax list and duplicate and collected with and
215 in the same manner as real property taxes are collected and as set forth in the
216 Petition. The Director of Finance shall keep the Special Assessments on file in the
217 office of the Director of Finance.
218

219 Section 13. This Council finds and determines that the Special Assessments are
220 in proportion to the special benefits received by the Property as set forth in the Project
221 Petition and are not in excess of any applicable statutory limitation.
222

223 Section 14. The Special Assessments will be used by the City to provide the
224 Project in cooperation with the District in any manner, including assigning the Special
225 Assessments actually received by the City to the District or to another party the City
226 deems appropriate, and the Special Assessments are appropriated for such purposes.
227

228 Section 15. This Council accepts and approves the waiver of all further notices,
229 hearings, claims for damages, rights to appeal and other rights of property owners
230 under the law, including but not limited to those specified in the Ohio Constitution,
231 Ohio Revised Code Chapter 727 and Ohio Revised Code Chapter 1710 and consents to
232 the immediate imposition of the Special Assessments upon the Property. This waiver
233 encompasses, but is not limited to, waivers by the Owner of the following rights:
234

- 235 (i) The right to notice of the adoption of the resolution of necessity under
236 Ohio Revised Code Sections 727.13 and 727.14;
237
- 238 (ii) The right to limit the amount of the Special Assessments under Ohio
239 Revised Code Sections 727.03 and 727.06;
240
- 241 (iii) The right to file an objection to the Special Assessments under Ohio
242 Revised Code Section 727.15;
243
- 244 (iv) The right to the establishment of, and any proceedings by and any notice
245 from an Assessment Equalization Board under Ohio Revised Code
246 Sections 727.16 and 727.17;
247
- 248 (v) The right to file any claim for damages under Ohio Revised Code Sections
249 727.18 through 727.22 and Ohio Revised Code Section 727.43;

- 250
- 251 (vi) The right to notice that bids or quotations for the Project may exceed
- 252 estimates by 15%;
- 253
- 254 (vii) The right to seek a deferral of payments of Special Assessments under
- 255 Ohio Revised Code Section 727.251;
- 256
- 257 (viii) The right to notice of the passage of the assessing ordinance under Ohio
- 258 Revised Code Section 727.26; and
- 259
- 260 (ix) Any and all procedural defects, errors, or omissions in the Special
- 261 Assessment process.
- 262

263 Section 16. This Council hereby approves the Loan Agreement, a copy of which is
264 on file in the office of the Clerk of Council. The Mayor shall sign and deliver, in the
265 name and on behalf of the City, the Loan Agreement, in substantially the form as is
266 now on file with the Clerk of Council. The Loan Agreement is approved, together with
267 any changes or amendments (including the addition or subtraction of any parties) that
268 are not inconsistent with this Ordinance and not substantially adverse to the City and
269 that are approved by the Mayor on behalf of the City, all of which shall be conclusively
270 evidenced by the signing of the Loan Agreement or amendments thereto.

271

272 Section 17. This Council hereby approves the Special Assessment Agreement, a
273 copy of which is on file in the office of the Clerk of Council. The Mayor shall sign and
274 deliver, in the name and on behalf of the City, the Special Assessment Agreement, in
275 substantially the form as is now on file with the Clerk of Council. The Special
276 Assessment Agreement is approved, together with any changes or amendments
277 (including the addition or subtraction of any parties) that are not inconsistent with
278 this Ordinance and not substantially adverse to the City and that are approved by the
279 Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing
280 of the Special Assessment Agreement or amendments thereto.

281

282 Section 18. In compliance with Ohio Revised Code Section 319.61, the Clerk of
283 the Council is directed to deliver a certified copy of this Ordinance to the County Fiscal
284 Officer within 20 days after its passage.

285

286 Section 19. Any other ordinances and resolutions or portions of ordinances and
287 resolutions inconsistent herewith are hereby repealed but any ordinances and
288 resolutions or portions of ordinances and resolutions not inconsistent herewith and
289 which have not previously been repealed are hereby ratified and confirmed.

290

291 Section 20 It is found and determined that all formal actions of this Council
292 concerning and relating to the adoption of this ordinance were adopted in an open
293 meeting of this Council and that all deliberations of this Council and of any of its
294 committees that resulted in such formal action were in meetings open to the public, in
295 compliance with all legal requirements including Chapter 107 of the Codified
296 Ordinances.

297

298 Section 21. This ordinance is hereby declared to be an emergency measure
299 necessary for the preservation of the public peace, health, safety, convenience and

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

305
306
307 Passed: _____
308 _____
309 President of Council

310
311 _____
312 Clerk of Council

313
314
315 Approved: _____
316 _____
317 Mayor

318 1/28/19
319 O:\2019ords\ESID Loan Agreement and Special Assessment Agreement.doc

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
County of Summit, Ohio	3505400	100.00%	\$865.00

**SCHEDULE OF SPECIAL ASSESSMENTS
FOR SUMMIT COUNTY PARCEL NOS.:**

3505400

The following schedule of Special Assessment charges shall be certified for collection in 2 semi-annual installments to be collected with real property taxes in calendar year 2020.

Special Assessment Date*	Special Assessment Amount**
January 1, 2020	\$432.50
July 1, 2020	432.50

* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the County Fiscal Officer of the County of Summit, Ohio under certain conditions.

** The County Fiscal Officer of the County of Summit, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of the County of Summit, Ohio to each semi-annual Special Assessment payment.

3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2019

8
9
10 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
11 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
12 ACCORDING TO LAW, FOR THE REPLACEMENT OF AN 8”
13 WATERLINE IN BAILEY ROAD, FROM GRAHAM ROAD TO ADAMS
14 AVENUE, AND DECLARING AN EMERGENCY.

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

18
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
20 contracts, according to law, for the replacement of an 8” waterline in Bailey Road, from Graham
21 Road to Adams Avenue.

22
23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
24 from the Water Fund, line item Capital Outlay.

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

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

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

42
43
44 Passed: _____

President of Council

Clerk of Council

45
46
47
48
49 Approved: _____

Mayor

50
51
52
53
54 1/28/2019

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2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. - 2019

7
8
9 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR THE
10 OHIO DEPARTMENT OF NATURAL RESOURCES CLEAN OHIO
11 TRAILS FUND GRANT TO CONSTRUCT A TRAIL AND TRAILHEAD
12 IN THE MUD BROOK GREENWAY, AND DECLARING AN
13 EMERGENCY.
14

15
16 WHEREAS, the Ohio Department of Natural Resources, administers financial assistance for
17 public recreation purposes, through the Clean Ohio Trails Fund (COTF); and
18

19 WHEREAS, a grant is available from the Ohio Department of Natural Resources in an
20 amount of up to \$500,000; and
21

22 WHEREAS, the grant requires an estimated local cost share match of 25% of the total
23 project cost; and
24

25 WHEREAS, the City of Cuyahoga Falls desires financial assistance through the COTF
26 Program to construct Phase II of the Mud Brook Greenway. This phase will design and construct a
27 trail from Bath Road, through the Mill Pond area, to Graham Road and State Road.
28

29 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls, County
30 of Summit and State of Ohio, that:
31

32 Section 1. The Mayor is authorized to apply for a grant from the Ohio Department of Natural
33 Resources Clean Ohio Trails Fund (COTF) to construct a trail and trailhead in the Mud Brook
34 Greenway.
35

36 Section 2. The Mayor, Director of Community Development Department, Director of Law, and
37 other city officials, as appropriate, are hereby authorized and directed to execute and file an
38 application with the Ohio Department of Natural Resources and to provide all information and to
39 execute, certify or furnish such other documents and do all other things, as are necessary for and
40 incidental to carrying out the grant application and this ordinance.
41

42 Section 3. The City of Cuyahoga Falls does agree to obligate the funds required to satisfactorily
43 complete the proposed project and become eligible for reimbursement under the terms and
44 conditions of the COTF Program, including the local cost share match of 25% of the total project
45 cost.
46

47 Section 4. Any other ordinances and resolutions or portions of ordinances and resolutions
48 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
49 ordinances and resolutions not inconsistent herewith and which have not previously been repealed
50 are hereby ratified and confirmed.
51

52 Section 5. It is found and determined that all formal actions of this Council concerning and
53 relating to the adoption of this resolution were adopted in an open meeting of this Council and that
54 all deliberations of this Council and of any of its committees that resulted in such formal action

55 were in meetings open to the public, in compliance with all legal requirements including Chapter
56 107 of the Codified Ordinances.

57
58 Section 6. This resolution is hereby declared to be an emergency measure necessary for the
59 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
60 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
61 members elected or appointed to Council, it shall take effect and be in force immediately upon its
62 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
63 period allowed by law.

64
65
66 Passed: _____
67 _____
68 President of Council

69
70 _____
71 Clerk of Council

72
73
74 Approved: _____
75 _____
76 Mayor

77 1/28/2019
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