

1 RESOLUTION NO. 2018-380

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE October 15, 2018

COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to execute a Memorandum of Agreement**  
8 **and any other necessary documents with the State of Ohio Department of Transportation**  
9 **and the Federal Highway Administration, Eastern Federal Lands Highway Division, to**  
10 **accept a grant award, and set forth the duties and responsibilities of the parties, for a**  
11 **geotechnical study of soils along Boston Mills Road, located in Boston Township, in Council**  
12 **District 1, in the amount of \$233,200.00, with the County's cost an amount not to exceed**  
13 **\$57,720.00, for a total project cost in an amount not to exceed \$290,920.00, for the**  
14 **Engineer, and declaring an emergency.**

15  
16 WHEREAS, the County Engineer finds a public need to stabilize landslide areas along  
17 Boston Mills Road, located in Boston Township, in Council District 1, starting with a full  
18 geotechnical study of the area in order to analyze soils and identify parameters negatively  
19 affecting soil stability ("Study"); and

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21 WHEREAS, the Study's estimated cost is \$290,920.00; and

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23 WHEREAS, the Engineer applied for and obtained a grant from the Federal Lands  
24 Access Program, administered by the Federal Highway Administration, Eastern Federal Lands  
25 Highway Division, and passed through the Ohio Department of Transportation, in the amount of  
26 \$233,200.00, for the Study; and

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28 WHEREAS, the County plans to provide the remaining funds for the Study, in an amount  
29 not to exceed \$57,720.00; and

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31 WHEREAS, the County wishes to enter into a Memorandum of Agreement with the State  
32 of Ohio Department of Transportation ("ODOT") and the Federal Highway Administration,  
33 Eastern Federal Lands Highway Division ("EFLHD") to confirm the Study's cost and to accept  
34 the grant, designate the County of Summit as the lead agency for administration of the Study and  
35 set forth the duties and responsibilities of the parties; and

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37 WHEREAS, no funds will be expended for the Study until and unless authorized by  
38 separate resolutions; and

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40 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
41 that it is necessary and in the best interest of the County of Summit to authorize the County  
42 Executive to execute the aforementioned Memorandum of Agreement with ODOT and the EFL  
43 for the Study;

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45 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
46 of Ohio, that:

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4 SECTION 1

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6 The County Executive is hereby authorized to execute a Memorandum of Agreement and  
7 any other necessary documents with the State of Ohio Department of Transportation (“ODOT”),  
8 and the Federal Highway Administration, Eastern Federal Lands Highway Division (“EFLHD”),  
9 to accept a grant award, and set forth the duties and responsibilities of the parties, for a  
10 geotechnical study of soils along Boston Mills Road, located in Boston Township, in Council  
11 District 1, in the amount of \$233,200.00, with the County’s cost in an amount not to exceed  
12 \$57,720.00, for a total project cost in an amount not to exceed \$290,920.00. The County  
13 Executive is hereby authorized to execute the Memorandum of Agreement in a form  
14 substantially similar to Exhibit A, attached hereto and incorporated herein by reference, with  
15 such modifications and revisions as shall be in furtherance of the provisions of said  
16 Memorandum of Agreement and not substantially adverse to the County, all of which shall be  
17 conclusively evidenced by the execution thereof by the County Executive.

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19 SECTION 2

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21 This Resolution is hereby declared an emergency in the interest of the health, safety and  
22 welfare of the residents of the County of Summit, and for the further reason that it immediately  
23 authorizes the execution of said Memorandum of Agreement with ODOT and EFLHD, which is  
24 a prerequisite in order to accept grant money awarded for a necessary County road stabilization  
25 project and to commence a related necessary geotechnical study as soon as practicable.

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27 SECTION 3

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29 Provided this Resolution receives the affirmative vote of eight members, it shall take  
30 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
31 effect and be in force at the earliest time provided by law.

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33 SECTION 4

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35 It is found and determined that all formal actions of this Council concerning and relating  
36 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
37 deliberations of this Council and of any of its committees that resulted in such formal action,  
38 were in meetings open to the public, in compliance with all legal requirements, including Section  
39 121.22 of the Ohio Revised Code.  
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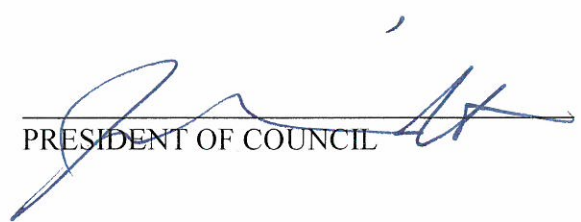
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INTRODUCED September 24, 2018

ADOPTED October 15, 2018

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED October 16, 2018

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE October 16, 2018

Voice Vote: YES 11-0 - Dickinson, Donofrio, Feeman, Hamilton, Koehler, Prentice, Rodgers, Schmidt, Soyars, Walters, Wilhite