

1 RESOLUTION NO. 2010-433

First Reading Passage Requested

(H. Swindell)

2  
3 SPONSOR Mr. Pry

4  
5 DATE October 18, 2010

COMMITTEE Public Works

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7 **A Resolution declaring the recent structural damage to the Yellow Creek Bridge over**  
8 **Yellow Creek (BAT-033-0208) to be an emergency pursuant to Section 177.07(a)(3) of the**  
9 **Codified Ordinances of the County of Summit, and authorizing the County Executive to**  
10 **enter into contracts for the repair of the Yellow Creek Road Bridge over Yellow Creek**  
11 **without complying with the competitive bidding procedures of Chapter 177, in Council**  
12 **District 1, for the Engineer, and declaring an emergency.**

13  
14 WHEREAS, on September 14, 2010, the Yellow Creek Road Bridge over Yellow Creek  
15 (BAT-033-0208) (hereinafter "Yellow Creek Road Bridge") located in Bath Township sustained  
16 structural damage while undergoing bridge deck waterproofing; and

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18 WHEREAS, the structural damage to the Yellow Creek Road Bridge involves damage to  
19 one of the precast box beams; and

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21 WHEREAS, the concrete and steel reinforcement of the box beam has been compromised  
22 creating a "hole" in the Yellow Creek Road Bridge; and

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24 WHEREAS, the County Engineer has determined the damage to the bridge a threat to  
25 public safety and has closed the Yellow Creek Road Bridge to traffic until the appropriate repairs  
26 can be made; and

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28 WHEREAS, the Engineer has begun the process of retaining an engineering design firm  
29 to design the repairs necessary to repair the Yellow Creek Road Bridge; and

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31 WHEREAS, it will be necessary for the County to engage a contractor for the repairs of  
32 the Yellow Creek Road Bridge; and

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34 WHEREAS, it is critical to repair the Yellow Creek Road Bridge as quickly as possible  
35 and before the start of the winter season; and

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37 WHEREAS, Section 177.07(a)(3) of the Codified Ordinances of the County of Summit  
38 permits the County Executive to enter into agreements without following the competitive bidding  
39 process in times of emergency; and

40  
41 WHEREAS, this Council finds and determines that the damage to the Yellow Creek  
42 Road Bridge constitutes an emergency under Section 177.07(a)(3) of the Codified Ordinances of  
43 the County of Summit and further finds and determines that it is necessary and in the best  
44 interest of the County to authorize the Executive to enter into such agreements with contractors  
45 as he determines necessary to repair the Yellow Creek Road Bridge without having to comply  
46 with the competitive bidding process;

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48 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
49 of Ohio, that;

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2 PAGE TWO

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4 SECTION 1

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6 The Council hereby finds and determines that the aforementioned structural damage to  
7 the Yellow Creek Road Bridge constitutes an emergency pursuant to Section 177.07(a)(3).

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9 SECTION 2

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11 As a result of the emergency circumstances, this Council hereby authorizes the County  
12 Executive to enter into contracts with contractors for the repair of the Yellow Creek Road  
13 Bridge, that is necessary as a result of the aforementioned structural damage, without complying  
14 with the competitive bidding procedures outlined in Chapter 177, provided, however that the  
15 contract shall be approved by the Board of Control, and the County Engineer, where time  
16 permits, shall obtain three quotes for any work to be performed prior to entering into a contract  
17 for work.

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19 SECTION 3

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21 This Resolution is hereby declared an emergency in the interest of the health, safety and  
22 welfare of the citizens of the County of Summit, and for the further reason to allow for the  
23 immediate repair of the Yellow Creek Road Bridge.

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25 SECTION 4

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

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31 SECTION 5

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

38

39 INTRODUCED October 18, 2010

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41 ADOPTED October 18, 2010

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43 Shouley P. Green  
44 CLERK OF COUNCIL

Don Poda  
PRESIDENT OF COUNCIL

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46 APPROVED October 18, 2010

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48 Barrett M. Rogers  
49 EXECUTIVE

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51 ENACTED EFFECTIVE October 18, 2010

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras  
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith