

1 RESOLUTION NO. 2011-327

2
3 SPONSOR Mr. Pry

4
5 DATE August 15, 2011 COMMITTEE Public Works

6
7 **A Resolution declaring the recent structural damage to Portage Lakes Drive between**
8 **Cormany Road and Peach Drive located in Coventry Township to be an emergency**
9 **pursuant to Section 177.07(a)(3) of the Codified Ordinances of the County of Summit, and**
10 **authorizing the County Executive to enter into contracts for the repair of Portage Lakes**
11 **Drive without complying with the competitive bidding procedures of Chapter 177 of the**
12 **Codified Ordinances of the County of Summit, in Council District 8, for the Engineer, and**
13 **declaring an emergency.**

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15 WHEREAS, on July 19, 2011, the heavy rainfall and flooding exacerbated structural
16 damage to Portage Lakes Drive in Coventry Township; and

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18 WHEREAS, the structural damage to Portage Lakes Drive includes a failed retaining
19 wall, eroded berm, and failed eastern edge of pavement; and

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21 WHEREAS, the County Engineer has determined the damage to Portage Lakes Drive a
22 threat to public safety and has closed Portage Lakes Drive to two-way traffic until the
23 appropriate repairs can be made; and

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25 WHEREAS, the County Engineer has begun the process of repairing Portage Lakes
26 Drive by installing a temporary traffic signal to allow for one-way alternating traffic patterns and
27 by closing the roadway during business hours to allow public services employees to use heavy
28 equipment and reconstruct the road; and

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30 WHEREAS, it may be necessary for the County to engage a contractor for the repairs of
31 the Portage Lakes Drive; and

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33 WHEREAS, it is critical to repair the Portage Lakes Drive as quickly as possible; and

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

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

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46 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
47 of Ohio, that:
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1 RESOLUTION NO. 2011-327

2 PAGE TWO

3
4 SECTION 1

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6 County Council hereby finds and determines that the aforementioned structural damage
7 to Portage Lakes Drive located in Coventry Township constitutes an emergency pursuant to
8 Section 177.07(a)(3) of the Codified Ordinances of the County of Summit.
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10 SECTION 2

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12 As a result of the emergency circumstances, this Council hereby authorizes the County
13 Executive to enter into contracts with contractors for the repair of Portage Lakes Drive, that is
14 necessary as a result of the aforementioned structural damage, without complying with the
15 competitive bidding procedures outlined in Chapter 177 of the Codified Ordinances of the
16 County of Summit, provided, however, that the contract shall be approved by the Board of
17 Control, and the County Engineer, where time permits, shall obtain three quotes for any work to
18 be performed prior to entering into a contract for work.
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20 SECTION 3

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22 This Resolution is hereby declared an emergency in the interest of the health, safety and
23 welfare of the citizens of the County of Summit, and for the further reason to allow for the
24 immediate repair of Portage Lakes Drive.
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26 SECTION 4

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28 Provided this Resolution receives the affirmative vote of eight members, it shall take
29 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
30 effect and be in force at the earliest time provided by law.
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32 SECTION 5

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34 It is found and determined that all formal actions of this Council concerning and relating
35 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
36 deliberations of this Council and of any of its committees that resulted in such formal action,
37 were in meetings open to the public, in compliance with all legal requirements, including Section
38 121.22 of the Ohio Revised Code.
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40 INTRODUCED August 15, 2011

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42 ADOPTED August 15, 2011

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45 CLERK OF COUNCIL

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47 
48 PRESIDENT OF COUNCIL

49 APPROVED August 16, 2011

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51 
52 EXECUTIVE

ENACTED EFFECTIVE August 16, 2011

Voice Vote:11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prenice, Rodgers, Roemer, Schmidt, Shapiro,