

1 RESOLUTION NO. 2012-409

2  
3 SPONSOR Mr. Pry

4  
5 DATE November 5, 2012

COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to execute a Local Public Agency**  
8 **agreement with the State of Ohio, through the Ohio Department of Transportation, for the**  
9 **improvement of Cleveland Massillon Road, located in Bath Township, Council District 1,**  
10 **at a cost not to exceed \$1,000,000.00, for the Engineer, and declaring an emergency.**

11  
12 WHEREAS, the public interest of the County of Summit requires the improvement of  
13 Cleveland Massillon Road from Ghent Road to Ira Road, including shoulder improvements, full  
14 and partial depth repair, catch basin repair, and guard rail upgrades, Project Identification  
15 ("PID") Number 93817, located in Bath Township ("Project"); and

16  
17 WHEREAS, the Project's estimated cost for construction, construction engineering, and  
18 inspection contingencies is \$1,000,000.00; and

19  
20 WHEREAS, the Federal Metropolitan Planning Organization's ("MPO") Surface  
21 Transportation Program ("STP") funds have been awarded to the County Engineer for a grant to  
22 cover the 80% of the Project's construction cost with a 20% local cash match requirement; and

23  
24 WHEREAS, the Ohio Department of Transportation ("ODOT") and the Engineer desire  
25 to enter into a Local Public Agency ("LPA") agreement, to confirm the Project's construction  
26 cost and to designate the County of Summit as the lead agency for administration of competitive  
27 bidding, construction and construction engineering of the Project; and

28  
29 WHEREAS, Sections 5501.03 (c) and 5543.01 of the Ohio Revised Code, as well as  
30 Section 2.03 (5) of the County of Summit Charter, allow execution of such agreements, subject  
31 to the approval of County Council; and

32  
33 WHEREAS, said LPA Agreement will state ODOT shall provide to the LPA  
34 \$800,000.00 in eligible costs from MPO STP funds; and

35  
36 WHEREAS, no funds will be expended for the Project's construction until and unless  
37 authorized by separate resolution; and

38  
39 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
40 that authorizing the County Executive to enter into the aforementioned LPA agreement with  
41 ODOT is necessary and in the best interest of the County of Summit;

42  
43 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
44 of Ohio, that:

45  
46 SECTION 1

47  
48 The County Executive is hereby authorized to execute a Local Public Agency agreement  
49 with the State of Ohio, through the Ohio Department of Transportation, for the improvement of  
50 Cleveland Massillon, Project Identification Number 93817, located in Bath Township, Council  
51 District 1.  
52

3  
4 SECTION 2

5  
6 The terms of said agreement shall include the following:

- 7
- 8 a. That the parties estimate the Project's cost to be \$1,000,000.00, with said cost  
9 including construction engineering and inspection;
  - 10 b. That LPA shall provide \$800,000.00 in Federal MPO STP funds with a local cash  
11 match requirement of \$200,000.00 from the Motor Vehicle and Gas Tax fund;
  - 12 c. That the County of Summit shall provide all other financial resources necessary to  
13 fully complete the Project; and
  - 14 d. That, upon receipt of federal authorization from ODOT, the County may commence  
15 competitive bidding activities for Project construction, with award of contract subject  
16 to applicable County of Summit Ordinances, said ordinances requiring authorization  
17 of such an award by this Council.  
18  
19  
20  
21

22 SECTION 3

23  
24 This Resolution is hereby declared an emergency in the interest of the health, safety and  
25 welfare of the citizens of the County of Summit, and for the further reason that it completes a  
26 prerequisite for a road improvement in Bath Township that is immediately needed for safe and  
27 convenient travel within the County.  
28

29 SECTION 4

30  
31 Provided this Resolution receives the affirmative vote of eight members, it shall take  
32 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
33 effect and be in force at the earliest time provided by law.  
34

35 SECTION 5

36  
37 It is found and determined that all formal actions of this Council concerning and relating  
38 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
39 deliberations of this Council and of any of its committees that resulted in such formal action,  
40 were in meetings open to the public, in compliance with all legal requirements, including Section  
41 121.22 of the Ohio Revised Code.  
42

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

RESOLUTION NO. 2012-409

PAGE THREE

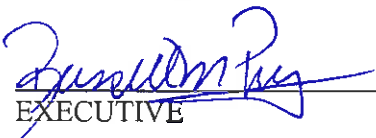
INTRODUCED October 22, 2012

ADOPTED November 5, 2012

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

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

APPROVED November 6, 2012

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE November 6, 2012

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