

1 RESOLUTION NO. 2013-147

2  
3 SPONSOR Mr. Pry

4  
5 DATE April 15, 2013

COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to execute a cooperation agreement with**  
8 **the Ohio Department of Transportation whereby the Ohio Department of Transportation**  
9 **will act on behalf of the County of Summit and the County Engineer, and contract for the**  
10 **design, right-of-way acquisition and rehabilitation of the Canton Road Project located in**  
11 **Springfield Township, in Council District 8, at an estimated cost not to exceed**  
12 **\$4,000,000.00, for the Engineer, and declaring an emergency.**

13  
14 WHEREAS, the State of Ohio has identified the need for the Canton Road Project,  
15 including the widening and safety improvements along Canton Road (CR 66) at the intersection  
16 of US 224 and State Route 91, and extending south to beyond Springfield Lake Drive located in  
17 Springfield Township, in Council District 8; and

18  
19 WHEREAS, the Ohio Department of Transportation maintains and operates the north,  
20 east and west legs of US 224 at the intersection of Canton Road, and

21  
22 WHEREAS, the County maintains and operates the south leg of US 224 at the  
23 intersection of Canton Road; and

24  
25 WHEREAS, the public would be better served by having a single entity design and  
26 construct the necessary safety improvements along the corridor of Canton Road from south of  
27 Springfield Lake Drive to north of Old Home Road; and

28  
29 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
30 that the acceptance and approval of the aforementioned cooperation agreement is necessary and  
31 in the best interest of the County of Summit;

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

35  
36 SECTION 1

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38 Being in the public interest, the County of Summit gives consent to the Director of  
39 Transportation to complete the above described project, identified as PID No. 89113 SUM – SR  
40 91-0.00/ Canton Road, at an estimated cost not to exceed \$4,000,000.00.

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42 SECTION 2

43  
44 The County Executive is authorized to execute a cooperation agreement with ODOT  
45 under the following terms:

- 46  
47 a. The County of Summit agrees to participate in the cost of construction of the portion of  
48 CR 66 located outside of municipal limits at 10% of the total cost.  
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4 SECTION 2 (cont'd.)

- 5  
6 b. The County of Summit agrees to pay 100% of the cost of those features requested by the  
7 County of Summit, which are determined by the State and Federal Highway  
8 Administration to be unnecessary for the Project.  
9  
10 c. The County of Summit agrees that change orders and extra work contracts required to  
11 fulfill the construction contracts shall be processed as needed. The State shall not  
12 approve a change order or extra work contract until it first gives notice, in writing, to the  
13 Engineer. The County of Summit shall contribute its share of the cost of these items in  
14 accordance with the other sections herein.  
15  
16 d. The County of Summit agrees to acquire and/or make available to ODOT, in accordance  
17 with current state and federal regulations, all necessary rights of way required for the  
18 Project. The County of Summit also understands that right of way costs include eligible  
19 utility costs.  
20  
21 e. The County of Summit agrees to be responsible for all utility accommodations, relocation  
22 and reimbursement and agrees that such accommodations, relocations and  
23 reimbursements shall comply with current provisions of 23 CFR 645 and the ODOT  
24 Utilities Manual.  
25  
26 f. Upon completion of the described project, and unless otherwise agreed, the County of  
27 Summit shall:  
28  
29 (1) provide adequate maintenance for the described project in accordance with all  
30 applicable state and federal law, including but not limited to, 23 USC 116;  
31 (2) provide ample financial provisions, as necessary, for the maintenance of the  
32 described project;  
33 (3) maintain the right of way, keeping it free of obstructions;  
34 (4) hold said right of way inviolate for public highway purposes.  
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36 SECTION 3

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38 The County Executive is hereby authorized to execute contracts with ODOT pre-  
39 qualified consultants for the preliminary engineering phase of the Project and to enter into  
40 contracts with the Director of Transportation necessary to complete the above-described project.  
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42 SECTION 4

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44 Upon the request of ODOT, the County Executive is also authorized to assign all rights,  
45 title, and interests of the County of Summit to ODOT arising from any agreement with its  
46 consultants in order to allow ODOT to direct additional work or corrective work, recover  
47 damages due to errors or omissions, and to exercise all other contractual rights and remedies  
48 afforded by law or equity.  
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3  
4 SECTION 5

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6 The County of Summit agrees that if federal funds are used to pay the cost of any  
7 consultant contract, the County shall comply with 23 CRF 172 in the selection of its consultant  
8 and the administration of the consultant contract. Further, the County of Summit agrees to  
9 incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its  
10 consultant contracts for this project. The County of Summit agrees to require, as a scope of  
11 services clause, that all plans prepared by the consultant must conform to ODOT's current design  
12 standards and that the consultant shall be responsible for ongoing consultant involvement during  
13 the construction phase of the Project. The County of Summit agrees to include a completion  
14 schedule acceptable to ODOT and to assist ODOT in rating the consultant performance through  
15 ODOT's Consultant Evaluation System.

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17 SECTION 6

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19 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
20 welfare of the citizens of the County of Summit, and for the further reason that it will  
21 immediately facilitate the construction of the Project in Springfield Township at the earliest  
22 possible time.

23  
24 SECTION 7

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

29  
30 SECTION 8

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

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38 INTRODUCED April 1, 2013

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40 ADOPTED April 15, 2013

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44 CLERK OF COUNCIL

  
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PRESIDENT OF COUNCIL

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46 APPROVED April 16, 2013

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50 EXECUTIVE

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52 ENACTED EFFECTIVE April 16, 2013

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