

1 RESOLUTION NO. 2012-174

Late Filing  
First Reading Passage Requested  
(G. Kissos)

2 SPONSOR Mr. Pry and Mr. Crawford

3 DATE April 16, 2012

COMMITTEE Public Works

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6  
7 **A Resolution authorizing the County Executive to enter into a Local Public Agency**  
8 **agreement with the State of Ohio, through the Department of Transportation, for**  
9 **improvement of the Cleveland-Massillon Road Bridge over Hudson Run, located in the**  
10 **City of Barberton, in Council District 7, at a revised net cost to the County not to exceed**  
11 **\$513,680.00, for the Engineer, and declaring an emergency.**

12  
13 WHEREAS, County Council previously approved Resolution No. 2010-052, which  
14 authorized the County Executive to enter into a Local Public Agency agreement with the State of  
15 Ohio, through the Department of Transportation ("ODOT"), for improvement of the Cleveland-  
16 Massillon Road Bridge over Hudson Run, Bridge No. BAR-017-0708, located in the City of  
17 Barberton, in Council District 7, at a net cost to the County of Summit not to exceed \$550,510.00  
18 (said improvement being referenced herein as the "Project"); and

19  
20 WHEREAS, the County Executive executed the Local Public Agency agreement with  
21 ODOT for the Project; and

22  
23 WHEREAS, the County Engineer's Association of Ohio ("CEAO") recently confirmed  
24 additional funding was available for the Project; and

25  
26 WHEREAS, the Project's estimated cost for construction, construction engineering and  
27 inspection (herein referenced as the "Project's Construction Cost") is now \$1,100,000.00; and

28  
29 WHEREAS, the Project's estimated cost for right of way acquisition, design, advertising,  
30 bidding and contingencies is \$293,680.00, resulting in a revised Total Project Cost of  
31 \$1,393,680.00; and

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33 WHEREAS, the Federal Highway Administration has committed \$880,000.00 towards  
34 the Project's construction cost; and

35  
36 WHEREAS, the County of Summit plans to provide the remaining Project funds, in an  
37 amount not to exceed \$513,680.00; and

38  
39 WHEREAS, ODOT and the County Engineer desire to enter into a new Local Public  
40 Agency agreement, to confirm the Project's construction cost and to designate the County of  
41 Summit as the lead agency for administration of competitive bidding, construction and  
42 construction engineering of the Project; and

43  
44 WHEREAS, Sections 5501.03(c) and 5543.01 of the Ohio Revised Code, as well as  
45 Article II, Section 2.03(5) of the County Charter allows execution of such agreements, subject to  
46 the approval of this Council; and

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48 WHEREAS, said Local Public Agency agreement will cite the County of Summit's share  
49 of the Project's construction cost as \$220,000.00; and

50  
51 WHEREAS, no funds will be expended for the Project's construction until and unless  
52 authorized by separate resolution; and

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3  
4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
5 that authorizing the County Executive to enter into the aforementioned Local Public Agency  
6 agreement with ODOT for the Project is necessary and in the best interest of the County of  
7 Summit;

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

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12 SECTION 1

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14 The County Executive is hereby authorized to enter into a Local Public Agency  
15 agreement with the State of Ohio, through the Department of Transportation, for the  
16 improvement of the Cleveland-Massillon Road Bridge over the Hudson Run, Bridge No. BAR-  
17 017-0708, located in the City of Barberton, Council District 7 (said improvement being  
18 referenced herein as the "Project").

19  
20 SECTION 2

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22 The terms of said Local Public Agency agreement shall include the following:

- 23  
24 a. That the parties estimate the Project's construction cost to be \$1,100,000.00, with said  
25 cost including construction engineering and inspection;
- 26  
27 b. That the net estimated cost to the County of Summit shall be an amount not to exceed  
28 \$220,000.00;
- 29  
30 c. That the County shall provide all other financial resources necessary to fully complete  
31 the Project; and
- 32  
33 d. That, upon receipt of federal authorization from ODOT, the County may commence  
34 competitive bidding activities for Project construction, with award of contract subject  
35 to applicable Codified Ordinances of the County of Summit, said ordinances  
36 requiring authorization of such an award by this Council.

37  
38 SECTION 3

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40 This Resolution is hereby declared an emergency in the interest of the health, safety and  
41 welfare of the citizens of the County of Summit, and for the further reason that it immediately  
42 completes a prerequisite for the Project to proceed in a timely manner in 2012.

43  
44 SECTION 4

45  
46 Provided this Resolution receives the affirmative vote of eight members, it shall take  
47 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
48 effect and be in force at the earliest time provided by law.

49

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2 PAGE THREE

3  
4 SECTION 5

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6 It is found and determined that all formal actions of this Council concerning and relating  
7 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
8 deliberations of this Council and of any of its committees that resulted in such formal action,  
9 were in meetings open to the public, in compliance with all legal requirements, including Section  
10 121.22 of the Ohio Revised Code.

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13 INTRODUCED April 16, 2012

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15 ADOPTED April 16, 2012

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19 CLERK OF COUNCIL

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23 PRESIDENT OF COUNCIL

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25 APPROVED April 17, 2012

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28   
29 EXECUTIVE

30 ENACTED EFFECTIVE April 17, 2012

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