

1 RESOLUTION NO. 2013-005

2  
3 SPONSOR Mr. Pry

4  
5 DATE January 28, 2013

COMMITTEE Public Works

6 **A Resolution authorizing the County Executive to execute a Cooperation Agreement with**  
7 **the Ohio Department of Natural Resources and authorizing the Department to act on**  
8 **behalf of the County of Summit and the County Engineer and contract for the**  
9 **rehabilitation of the Harrington Road Bridge, in Council District 8, for an estimated cost to**  
10 **the County and the Engineer, in the amount of \$413,773.46, for the Engineer, and declaring**  
11 **an emergency.**

12  
13 WHEREAS, the Tuscarawas River Diversion Dam located in the City of Akron, Ohio is  
14 controlled by the Ohio Department of Natural Resources ("ODNR"); and

15  
16 WHEREAS, ODNR plans to make improvements to the Tuscarawas River Diversion  
17 Dam; and

18  
19 WHEREAS, the Harrington Road Bridge, Bridge No. AKR-227-0023, located in the City  
20 of Akron, ("Bridge") is controlled and maintained by the County Engineer; and

21  
22 WHEREAS, the Bridge spans a portion of the Tuscarawas River Diversion Dam; and

23  
24 WHEREAS, due to advanced deterioration of bridge concrete encased bearings and  
25 superstructure, the Engineer determined that load limit restrictions on the Bridge were necessary  
26 and that cooperation agreements were needed for the rehabilitation of the Bridge; and

27  
28 WHEREAS, the Engineer has requested that bridge rehabilitation ("Project") plans  
29 prepared by DLZ Ohio, Inc., on behalf of the Engineer, be included in the ODNR Portage Lakes  
30 State Park Tuscarawas River Diversion Dam improvements plans for purposes of improvement  
31 of the Bridge; and

32  
33 WHEREAS, the Director of the Ohio Department of Natural Resources has agreed to  
34 cooperate with the Engineer by including the Project into the Portage Lake State Park  
35 Tuscarawas River Diversion Dam Plans; and

36  
37 WHEREAS, the parties desire to enter into an agreement of cooperation, under which the  
38 costs related to the Project, estimated in the amount of \$413,773.46, are to be borne the County  
39 and the Engineer; and

40  
41 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
42 that it is necessary and in the best interest of the County of Summit to authorize the County  
43 Executive to execute that aforementioned Cooperation Agreement;

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

3  
4 SECTION 1

5  
6 The County Executive is hereby authorized to execute an Agreement of Cooperation with  
7 the Ohio Department of Natural Resources ("ODNR"), which is attached hereto as Exhibit A and  
8 incorporated herein as if fully restated, that sets forth the following terms:

9  
10 a. That the County of Summit authorizes the County Engineer to cooperate with ODNR and  
11 to coordinate their work on the Project, and that ODNR will bid and award the Project contract  
12 on behalf of the County and the Engineer;

13  
14 b. That construction funding of the Project will be borne 100% by the County and the  
15 Engineer, at an estimated cost in the amount of \$413,773.46;

16  
17 c. That there will be no right of way, right of way acquisition and utility relocation costs to  
18 the County and the Engineer;

19  
20 d. That the County will pay one 100% of costs which are outside of the Project scope, or are  
21 specialized or optional, and are added at the Engineer's request through a change order or  
22 through separate contracts;

23  
24 e. That engineering, engineering review and construction inspection costs for the bridge  
25 rehabilitation will be borne 100% by the County and the Engineer, for an estimated cost in the  
26 amount of \$141,087.35, for which appropriations have been, or will be, separately approved by  
27 County Council; and

28  
29 f. That the above costs are projected to be reduced if an Issue I Funding Grant is approved.

30  
31 g. That the Engineer will make payment for the Project directly to the Project contractor  
32 based on the terms and conditions contained in the construction contract as awarded by ODNR.

33  
34 SECTION 2

35  
36 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
37 welfare of the citizens of the County of Summit, and for the further reason that it will facilitate  
38 the rehabilitation of the Harrington Road Bridge at the earliest possible time.

39  
40 SECTION 3

41  
42 Provided this Resolution receives the affirmative vote of eight members, it shall take  
43 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
44 effect and be in force at the earliest time provided by law.

45  
46 SECTION 4

47  
48 It is found and determined that all formal actions of this Council concerning and relating  
49 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
50 deliberations of this Council and of any of its committees that resulted in such formal action,  
51 were in meetings open to the public, in compliance with all legal requirements, including Section  
52 121.22 of the Ohio Revised Code.

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

RESOLUTION NO. 2013-005

PAGE THREE

INTRODUCED January 7, 2013

ADOPTED January 28, 2013

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

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

APPROVED January 29, 2013

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE January 29, 2013

Voice Vote:10-0. YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee  
Rodgers, Roemer, Shapiro, Schmidt Absent: Prentice