

1 RESOLUTION NO. 2023-321

First Passage Reading Requested
(H. Swindell)

2
3
4 SPONSOR Executive Shapiro

5
6 DATE October 30, 2023

COMMITTEE Public Works

7
8 **A Resolution to cooperate with the Director of Transportation in a City of Barberton**
9 **sponsored project to improve Wooster Road West located in the City of Barberton, in**
10 **Council District 7, for the Engineer, and declaring an emergency.**

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12 WHEREAS, the City of Barberton in cooperation with the Ohio Department of
13 Transportation (ODOT) has developed and funded a project on Wooster Road West to resurface
14 Wooster Road from 31st Street to Hudson Run Road and reconstruct Wooster Road from Hudson
15 Run Road to 2nd Street NW, including sewer improvements and reduction of through lanes from
16 four lanes to two lanes with a two way left turn lane together with the addition of wider
17 sidewalks to increase pedestrian safety, which project is identified as SUM Wooster Road West
18 (PID 108240); and has enacted Preliminary Participatory Legislation consenting to such project
19 and agreeing to participate in costs; and

20
21 WHEREAS, the proposed improvement crosses two Summit County owned bridges
22 SUM-11-0270 (Hudson Run) and SUM – 10 – 0361 (Wolf Creek) that need to be rehabilitated to
23 accommodate the reduced pavement width and increased sidewalk width; and

24
25 WHEREAS, if the proposed bridge rehabilitation, namely concrete overlays of the
26 wearing surface only on the above-mentioned two bridges identified is not included in this
27 current project, the rehabilitation would be required soon after the completion of the city
28 improvement; and

29
30 WHEREAS, the preliminary estimate of costs of the bridge rehabilitation work only is
31 approximately \$250,000.00 which was presented to this Council for approval under Resolution
32 No. 2023-307 and if this Council authorizes the Executive to pay one hundred percent (100%) of
33 the costs of the bridge rehabilitation work on the bridges SUM-11-0270 (Hudson Run) and
34 SUM-10-0361 (Wolf Creek) but which is subject to further Council approval of final legislation
35 and a Local Public Authority (“LPA”) Agreement specifying the County’s portion of the project
36 costs to be paid; and

37
38 WHEREAS, this Council finds it is in the public interest to include the bridge
39 rehabilitation work within the above-mentioned Wooster Road West construction project and
40 after reviewing all pertinent information about the project and the bridge rehabilitation work,
41 finds and determines that acceptance and approval of participation and cooperation in the project
42 is necessary and in the best interest of the County of Summit; and

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

46
47 SECTION 1

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49 This Council hereby authorizes the Engineer to proceed with the bridge rehabilitation
50 work, namely concrete overlays of the wearing surface only on the above-noted bridges over
51 Wolf Creek and Hudson Run as part of the Ohio Department of Transportation’s (“ODOT”)
52 SUM Wooster Road West (PID 108240) project; and further authorizes the County to participate

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2 PAGE TWO

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4 SECTION 1 (Continued)

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6 in the cost of the rehabilitation of the two bridges noted above. The Executive is hereby
7 authorized to pay one hundred percent (100%) of the cost of those features requested by the
8 County and determined by ODOT and the Federal Highway Administration to be unnecessary
9 for their portion of the project. The Executive is hereby authorized to execute any contracts
10 and/or other necessary related documents with the Director of Transportation as may be
11 necessary to complete the aforementioned project.

12

13 SECTION 2

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15 This Council further authorizes the Executive to execute any change orders and extra
16 works contracts required to fulfill the construction contracts as needed. The State shall not
17 approve a change order or extra work contract until it first gives notice, in writing, to the County.
18 The County shall contribute its share of the cost of these items in accordance with other sections
19 stated herein. Final legislation specifying the cost of the County's portion of the project and
20 providing for execution of a Local Public Authority ("LPA") Agreement with ODOT will be
21 proposed at a later date.

22

23 SECTION 3

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25 Upon completion of the bridge rehabilitation portion of the described Project, and unless
26 otherwise agreed, the County shall: (1) to the extent required under Ohio law, provide adequate
27 maintenance for the bridge rehabilitation work only in accordance with all applicable state and
28 federal law, including, but not limited to, 23 USC 116; (2) if required to provide maintenance
29 under item #1, provide ample financial provisions, as necessary, for the maintenance of bridge
30 rehabilitation portion of the described project; (3) to the extent that the County controls the right
31 of way within which the above-mentioned two bridges are located, maintain the right-of-way,
32 keeping it free of obstructions and hold said right-of-way inviolate for public highway purposes.

33

34 SECTION 4

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36 This Resolution is hereby declared an emergency in the interest of the health, safety and
37 welfare of the residents of the County of Summit, and for the further reason that it immediately
38 facilitates safety improvements in the City of Barberton, in Council District 7.

39

40 SECTION 4

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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.

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46 SECTION 5

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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.

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3 PAGE THREE

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5 INTRODUCED October 30, 2023

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7 ADOPTED October 30, 2023

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9  DocuSigned by:
10 487AE1C02A594A7...
11 CLERK OF COUNCIL

DocuSigned by:

C05A940FE4BA42A...
PRESIDENT OF COUNCIL

12

13 APPROVED October 30, 2023

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15  DocuSigned by:
16 CB033E40D267473...
17 EXECUTIVE

18

19 ENACTED EFFECTIVE October 31, 2023

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Voice Vote – YES: 11 – 0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite