RESOLUTION NO. 2012-174

SPONSOR Mr. Pry and Mr. Crawford

DATE April 16, 2012

COMMITTEE Public Works

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

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

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

WHEREAS, the County Engineer’s Association of Ohio (“CEAO”) recently confirmed additional funding was available for the Project; and

WHEREAS, the Project’s estimated cost for construction, construction engineering and inspection (herein referenced as the “Project’s Construction Cost”) is now $1,100,000.00; and

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

WHEREAS, the Federal Highway Administration has committed $880,000.00 towards the Project’s construction cost; and

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

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

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

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

WHEREAS, no funds will be expended for the Project’s construction until and unless authorized by separate resolution; and
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WHEREAS, this Council finds and determines, after reviewing all pertinent information, that authorizing the County Executive to enter into the aforementioned Local Public Agency agreement with ODOT for the Project is necessary and in the best interest of the County of Summit;

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

SECTION 1

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

SECTION 2

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

a. That the parties estimate the Project’s construction cost to be $1,100,000.00, with said cost including construction engineering and inspection;

b. That the net estimated cost to the County of Summit shall be an amount not to exceed $220,000.00;

c. That the County shall provide all other financial resources necessary to fully complete the Project; and

d. That, upon receipt of federal authorization from ODOT, the County may commence competitive bidding activities for Project construction, with award of contract subject to applicable Codified Ordinances of the County of Summit, said ordinances requiring authorization of such an award by this Council.

SECTION 3

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

SECTION 4

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.
SECTION 5

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

INTRODUCED April 16, 2012

ADOPTED April 16, 2012

CLERK OF COUNCIL

APPROVED April 17, 2012

EXECUTIVE

ENACTED EFFECTIVE April 17, 2012

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