

1 RESOLUTION NO. 2014-245

First Reading Passage Requested  
(H. Swindell)

2  
3 SPONSOR Mr. Pry

4  
5 DATE June 2, 2014

COMMITTEE Public Works

6  
7 **A Resolution declaring the recent Shaw Road Bridge over Yellow Creek collapse (BAT-**  
8 **199-0068) located in Bath Township in Council District 5 to be an emergency pursuant to**  
9 **Section 177.07(a)(3) of the Codified Ordinances of the County of Summit, and authorizing**  
10 **the County Executive to enter into contracts for the replacement of the Shaw Road Bridge**  
11 **without complying with the competitive bidding procedures of Chapter 177, for the**  
12 **Engineer, and declaring an emergency.**

13  
14 WHEREAS, on May 12, 2014, a severe storm dropped approximately four inches of rain  
15 within a half an hour, causing debris and flood waters to wash out the Shaw Road Bridge over  
16 Yellow Creek (BAT-199-00668) located in Bath Township; and

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18 WHEREAS, during the storm the barrier wall of the bridge was pushed back, the  
19 embankment eroded and the bridge collapsed, making a complete bridge replacement necessary;  
20 and

21  
22 WHEREAS, the County Engineer has determined the damage to the Shaw Road Bridge  
23 over Yellow Creek a threat to public safety and has closed Shaw Road to traffic until the bridge  
24 replacement can be made; and

25  
26 WHEREAS, the Engineer has begun the process of demolishing the remaining parts of  
27 the old bridge and designing a new bridge; and

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29 WHEREAS, it will be necessary for the County to engage a engineering design firm and  
30 a contractor for the Shaw Road Bridge over Yellow Creek replacement; and

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32 WHEREAS, it is critical to repair the Shaw Road Bridge over Yellow Creek as quickly as  
33 possible; and

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35 WHEREAS, Section 177.07(a)(3) of the Codified Ordinances of the County of Summit  
36 permits the County Executive to enter into agreements without following the competitive bidding  
37 process in times of emergency; and

38  
39 WHEREAS, this Council finds and determines that the collapse of the Shaw Road Bridge  
40 over Yellow Creek constitutes an emergency under Section 177.07(a)(3) of the Codified  
41 Ordinances of the County of Summit and further finds and determines that it is necessary and in  
42 the best interest of the County to authorize the Executive to enter into such agreements with  
43 contractors as he determines necessary to replace the Shaw Road Bridge over Yellow Creek  
44 without having to comply with the competitive bidding process;

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

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1 RESOLUTION NO. 2014-245

2 PAGE TWO

3  
4 SECTION 1

5  
6 County Council hereby finds and determines that the aforementioned Shaw Road Bridge  
7 over Yellow Creek collapse (BAT-199-0068) located in Bath Township constitutes an  
8 emergency pursuant to Section 177.07(a)(3) of the Codified Ordinances of the County of  
9 Summit.

10  
11 SECTION 2

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13 As a result of the emergency circumstances, this Council hereby authorizes the County  
14 Executive to enter into contracts with contractors for the replacement of the Shaw Road Bridge  
15 over Yellow Creek which are necessary as a result of the aforementioned structural damage,  
16 without complying with the competitive bidding procedures outlined in Chapter 177 of the  
17 Codified Ordinances of the County of Summit provided, however, that the contract shall be  
18 approved by the Board of Control, and the County Engineer, and where time permits, three  
19 quotes shall be obtained for any work to be performed prior to entering into a contract for work.

20  
21 SECTION 3

22  
23 This Resolution is hereby declared an emergency in the interest of the health, safety and  
24 welfare of the citizens of the County of Summit, and for the further reason to allow for the  
25 immediate replacement of the Shaw Road Bridge over Yellow Creek.

26  
27 SECTION 4

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

32  
33 SECTION 5

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35 It is found and determined that all formal actions of this Council concerning and relating  
36 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
37 deliberations of this Council and of any of its committees that resulted in such formal action,  
38 were in meetings open to the public, in compliance with all legal requirements, including Section  
39 121.22 of the Ohio Revised Code.

40  
41 INTRODUCED June 2, 2014

42  
43 ADOPTED June 2, 2014

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47 CLERK OF COUNCIL

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52 PRESIDENT OF COUNCIL

APPROVED June 3, 2014

June 3, 2014

EXECUTIVE

ENACTED EFFECTIVE

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