RESOLUTION NO. 2014-468

First Reading Passage Requested
(H. Swindell)

SPONSOR Mr. Pry, Mr. Kostandaras

DATE October 27, 2014

COMMITTEE Public Works

A Resolution authorizing the County Executive to execute a memorandum of agreement with the State of Ohio Department of Transportation and the Eastern Federal Lands Highway Division for the improvement of Boston Mills Road, located in Boston Township, Council District 1, in an amount not to exceed $109,750.00, for the Engineer, and declaring an emergency.

WHEREAS, the County Engineer finds a public need for the improvement of Boston Mills Road, from the Riverview Road intersection extending one mile west, located in Boston Township, Council District 1 (“Project”); and

WHEREAS, the Project’s estimated cost for the first phase of the Project, including design engineering, construction, construction engineering and inspection ("Project’s Cost") is $409,750.00; and

WHEREAS, the Engineer applied for and obtained a grant from the Federal Lands Access Program, administered by the Eastern Federal Lands Highway Division (“EFL”), and passed through the Ohio Department of Transportation, under which they will provide $300,000.00 towards the first phase of the Project; and

WHEREAS, the County of Summit plans to provide the remaining Project funds, in an amount not to exceed $109,750.00; and

WHEREAS, State of Ohio Department of Transportation (“ODOT”), the EFL and the Engineer desire to enter into a memorandum of agreement to confirm the Project’s cost and to designate the County of Summit as the lead agency for administration of design engineering, 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 of Summit Charter, authorize the Country Executive to execute such agreements, subject to the approval of County Council; and

WHEREAS, the local public agency agreement will cite the County of Summit’s share of the Project’s construction cost as $109,750.00; and

WHEREAS, no funds will be expended for the Project’s construction and right-of-way acquisition until and unless authorized by separate resolutions; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that authorizing the Executive to execute a memorandum of agreement with ODOT and the EFL 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 execute a memorandum of agreement with the State of Ohio Department of Transportation ("ODOT") and the Eastern Federal Lands Highway Division ("EFL"), for the improvement of Boston Mills Road, located in Boston Township, Council District 1 ("Project").

SECTION 2

The terms of the memorandum of agreement shall include the following:

a. That the parties estimate the Project's design and construction cost to be $409,750.00, with said cost including construction engineering and inspection; and

b. That the parties estimate the Project's total cost to be $409,750.00; and

c. That the net estimated cost to the County of Summit shall not to exceed $109,750.00; and

d. That the County of Summit shall provide all other financial resources necessary to fully complete the Project.

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 needed in order to accept grant money awarded for a County road project in Boston Township.

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.
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INTRODUCED October 27, 2014

ADOPTED October 27, 2014

CLERK OF COUNCIL

APPROVED October 28, 2014

EXECUTIVE

ENACTED EFFECTIVE October 28, 2014

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