

1 RESOLUTION NO. 2014-468

First Reading Passage Requested
(H. Swindell)

2
3 SPONSOR Mr. Pry, Mr. Kostandaras

4
5 DATE October 27, 2014

COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute a memorandum of agreement**
8 **with the State of Ohio Department of Transportation and the Eastern Federal Lands**
9 **Highway Division for the improvement of Boston Mills Road, located in Boston Township,**
10 **Council District 1, in an amount not to exceed \$109,750.00, for the Engineer, and declaring**
11 **an emergency.**

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

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17 WHEREAS, the Project's estimated cost for the first phase of the Project, including
18 design engineering, construction, construction engineering and inspection ("Project's Cost") is
19 \$409,750.00; and

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21 WHEREAS, the Engineer applied for and obtained a grant from the Federal Lands
22 Access Program, administered by the Eastern Federal Lands Highway Division ("EFL"), and
23 passed through the Ohio Department of Transportation, under which they will provide
24 \$300,000.00 towards the first phase of the Project; and

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

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29 WHEREAS, State of Ohio Department of Transportation ("ODOT"), the EFL and the
30 Engineer desire to enter into a memorandum of agreement to confirm the Project's cost and to
31 designate the County of Summit as the lead agency for administration of design engineering,
32 competitive bidding, construction and construction engineering of the Project; and

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34 WHEREAS, Sections 5501.03(c) and 5543.01 of the Ohio Revised Code, as well as
35 Article II, Section 2.03(5) of the County of Summit Charter, authorize the County Executive to
36 execute such agreements, subject to the approval of County Council; and

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

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

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44 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
45 that authorizing the Executive to execute a memorandum of agreement with ODOT and the EFL
46 for the Project is necessary and in the best interest of the County of Summit;

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

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4 SECTION 1

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6 The County Executive is hereby authorized to execute a memorandum of agreement with
7 the State of Ohio Department of Transportation (“ODOT”) and the Eastern Federal Lands
8 Highway Division (“EFL”), for the improvement of Boston Mills Road, located in Boston
9 Township, Council District 1 (“Project”).

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11 SECTION 2

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

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15 a. That the parties estimate the Project’s design and construction cost to be \$409,750.00,
16 with said cost including construction engineering and inspection; and
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18 b. That the parties estimate the Project’s total cost to be \$409,750.00; and
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20 c. That the net estimated cost to the County of Summit shall not to exceed \$109,750.00;
21 and
22
23 d. That the County of Summit shall provide all other financial resources necessary to
24 fully complete the Project.
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26 SECTION 3

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28 This Resolution is hereby declared an emergency in the interest of the health, safety and
29 welfare of the citizens of the County of Summit, and for the further reason that it immediately
30 completes a prerequisite needed in order to accept grant money awarded for a County road
31 project in Boston Township.
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33 SECTION 4

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35 Provided this Resolution receives the affirmative vote of eight members, it shall take
36 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
37 effect and be in force at the earliest time provided by law.
38

39 SECTION 5

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41 It is found and determined that all formal actions of this Council concerning and relating
42 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
43 deliberations of this Council and of any of its committees that resulted in such formal action,
44 were in meetings open to the public, in compliance with all legal requirements, including Section
45 121.22 of the Ohio Revised Code.
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INTRODUCED October 27, 2014

ADOPTED October 27, 2014


CLERK OF COUNCIL


PRESIDENT 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