

1 RESOLUTION NO. 2024-208

First Reading Passage Requested
(M. Willis)

2
3 SPONSOR Mr. Schmidt

4
5 DATE June 24, 2024

COMMITTEE Public Works

6
7 **A Resolution approving the proposed public improvement known as the Wye**
8 **Road Flood Mitigation And Improvements Project - Phase 2, located in Bath**
9 **Township, in Council District 5, pursuant to Section 6131.21 of the Ohio Revised**
10 **Code, and approving the Engineer’s schedule of compensation, as amended, to be**
11 **paid for easements pursuant to Section 6131.19 of the Ohio Revised Code, and**
12 **waiving assessments pursuant to Section 6131.22 of the Ohio Revised Code, for**
13 **Council, and declaring an emergency.**

14
15 WHEREAS, a ditch petition was filed on March 6, 2024 pursuant to Section
16 6131.04 of the Ohio Revised Code requesting the County to repair the natural drainage
17 course, which has caused flooding due to major storms in recent years and install
18 measures to mitigate the erosive and flooding effect of future storms; and

19
20 WHEREAS, this Council on May 13, 2024 adopted Resolution No. 2024-148
21 granting design preparations for said project in accordance with Section 6131.12 of the
22 Ohio Revised Code; and

23
24 WHEREAS, the Engineer has proceeded with the design of said improvements
25 and prepared schedules and reports and has filed these with the Clerk of Courts in
26 accordance with Section 6131.14 of the Ohio Revised Code; and

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28 WHEREAS, this Council on May 20, 2024 adopted Resolution No. 2024-161
29 setting the date for the Final Hearing as June 24, 2024 in Council Chambers in
30 accordance with Section 6131.16 of the Ohio Revised Code; and

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32 WHEREAS, a Hearing on Compensation and the Final Hearing took place on
33 June 24, 2024 in Council Chambers in accordance with Sections 6131.19 and 6131.20
34 of the Ohio Revised Code, respectively; and

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36 WHEREAS, this Council, by motion, approved a revised schedule of
37 compensation prepared by the Engineer in accordance with Section 6131.19 and
38 6131.20 of the Ohio Revised Code; and

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40 WHEREAS, no assessments will be made for this project and the Surface Water
41 Management District will bear all costs; and

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43 WHEREAS, this Council has determined, after reviewing all pertinent
44 information and the comments offered at said Final Hearing, that it is necessary and in
45 the best interest of the County of Summit to approve this project and to authorize the
46 Engineer to advertise and receive construction bids for the proposed public
47 improvement located in Bath Township, pursuant to Section 6131.24 of the Ohio
48 Revised Code;

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

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7 SECTION 1

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9 a) Pursuant to Sections 6131.19 and 6131.20 of the Ohio Revised Code, the revised
10 schedule of compensation attached hereto as Exhibit A and incorporated fully
11 herein is hereby approved and such compensation shall be paid pursuant to law.

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13 b) Pursuant to Section 6131.21 of the Ohio Revised Code, and having considered the
14 factors set forth, therein, the public improvement known as the Wye Road Flood
15 Mitigation and Improvements Project - Phase 2, located in Bath Township, in
16 Council District 5, is hereby approved.

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18 c) Pursuant to Section 6131.22 of the Ohio Revised Code, the original schedule of
19 assessments prepared by the Engineer and shown in Exhibit A and incorporated
20 fully herein indicating that no assessments for construction under Chapter 6131 of
21 the Ohio Revised Code or maintenance under Chapter 6137 of the Ohio Revised
22 Code will be charged to benefiting properties is hereby approved.

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24 d) Pursuant to Section 6131.24(A) of the Ohio Revised Code, the Engineer is hereby
25 authorized to advertise for construction of the project for an estimated total cost not
26 to exceed \$858,329.00 and shall receive bids for the project subject to compliance
27 with County bidding regulations. Subject to Section 6131.24(B) of the Ohio
28 Revised Code, such bids shall be processed through the BidExpress online bidding
29 program operated by Summit County Purchasing, 175 South Main Street, Akron,
30 Ohio and shall be received no later than December 31, 2024.

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32 SECTION 2

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34 This Resolution is hereby declared an emergency in the interest of the health,
35 safety and welfare of the residents of the County of Summit and for the further reason
36 to immediately authorize the publication and notice of a viewing and hearing for a
37 proposed public improvement located in Bath Township, Summit County, Ohio.

38

39 SECTION 3

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

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4 SECTION 4

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

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13 INTRODUCED June 24, 2024

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16 ADOPTED June 24, 2024

17 DocuSigned by:

18 
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20 CLERK OF COUNCIL
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24 APPROVED June 24, 2024

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26 DocuSigned by:

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29 EXECUTIVE
CBD33E40D287473...

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33 ENACTED EFFECTIVE June 25, 2024

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DocuSigned by:



PRESIDENT OF COUNCIL
182A5B69D2849...

Voice Vote – YES: 10 – 0: Darrow, Dickinson,
Donofrio, Ford, McKenney, Rodgers, Schmidt,
Walters, Wiedie Higham, Wilhite
Absent: DeVitis