

AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING
THURSDAY, AUGUST 11, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE JULY 21, 2011 MEETING
4. PUBLIC COMMENT RELATED TO THE AGENDA
5. MATTERS REFERRED TO COMMITTEE
 - a) R2011-0247: A Resolution declaring that public convenience and welfare requires repair and resurfacing of Madison Avenue from Riverside Drive to West 117th Street in the City of Lakewood; total estimated construction cost \$2,600,000.00; and authorizing the County Executive to enter into an agreement of cooperation with City of Lakewood in connection with said project.
 - b) R2011-0248: A Resolution authorizing the County Executive to enter into an agreement in an amount equal to the approved appraisal fair market value estimate of \$53,710.00 for settlement of property rights in connection with replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and Village of Linndale for Parcel Nos. 3S (Permanent Sewer Easement) and 3T (Temporary Easement), and declaring the necessity that this Resolution become immediately effective.
 - c) R2011-0249: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$200.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 123T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.
 - d) R2011-0250: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$8,600.00 in connection with the

appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 58T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

e) R2011-0251: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$250.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 75T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

f) R2011-0252: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$590.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 59T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

g) R2011-0253: A Resolution authorizing the County Executive to enter into Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for partial reimbursement of right-of-way acquisition costs in connection with reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn.

h) R2011-0254: A Resolution establishing charges payable for connection to the County's sanitary sewerage system in a portion of County Sewer District No. 13 in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective.

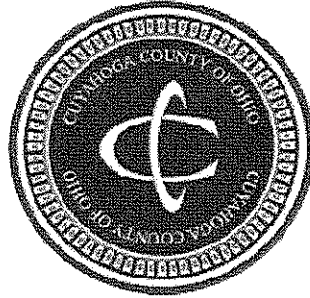
i) R2011-0255: A Resolution establishing a capital cost surcharge for construction of a pump station and sanitary sewer lines in Echo Hills Subdivision, located in County Sewer District No. 13, in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

In accordance with Ordinance No. O2011-0020, complimentary parking for the public will be available **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES

CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING
THURSDAY, JULY 21, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER

Chair Jones called the meeting to order at 11:06 a.m.

2. ROLL CALL

Chair Jones asked the Clerk to call the roll. Committee Members Jones, Germana, Miller, Conwell and Rogers were in attendance and a quorum was determined.

3. APPROVAL OF MINUTES FROM THE JULY 14, 2011 MEETING

A motion was made by Ms. Conwell, with a second by Mr. Germana and approved by unanimous vote to approve the Minutes from the July 14, 2011 meeting.

4. PUBLIC COMMENT RELATED TO THE AGENDA

There was no public comment.

5. MATTERS REFERRED TO COMMITTEE

- a) O2011-0030: An Ordinance amending Ordinance No. O2011-0014 establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County; and declaring the necessity that this Ordinance become immediately effective.

A motion was made by Mr. Miller, with a second by Mr. Germana and approved by unanimous vote to amend Section 3.4(c) of this Ordinance.

A motion was made by Mr. Miller, with a second by Ms. Conwell and approved by unanimous vote to amend Section 3.4(d) of this Ordinance.

A motion was made by Mr. Miller, with a second by Mr. Rogers to amend Section 3.4(b)(2) of this Ordinance. Discussion ensued. A motion was made by Mr. Miller, with a second by Mr. Germana and approved by unanimous vote to amend the original amendment to Section 3.4(b)(2) of this Ordinance. The original amendment was approved as amended by unanimous vote.

A motion was made by Mr. Miller, with a second by Mr. Germana and approved by unanimous vote to amend Section 2.11 of this Ordinance.

A motion was made by Mr. Miller, with a second by Mr. Germana and approved by unanimous vote to amend Section 2.5 of this Ordinance.

A motion was made by Mr. Miller, with a second by Ms. Conwell to amend Section 3.8 of this Ordinance. Discussion ensued. A motion was made by Mr. Miller, with a second by Ms. Conwell and approved by unanimous vote to amend the original amendment to Section 3.8 of this Ordinance. The original amendment was approved as amended with Chairman Jones, Mr. Miller, Ms. Conwell and Mr. Rogers voting in the affirmative and Mr. Germana voting in the negative.

A motion was made by Chairman Jones, with a second by Mr. Miller and approved by unanimous vote to amend Section 3.8(f) of this Ordinance.

A motion was made by Mr. Miller, with a second by Mr. Rogers and approved by unanimous vote to amend Section 3.4(c) of this Ordinance.

A motion was made by Mr. Miller, with a second by Chairman Jones and approved by unanimous vote to refer this Ordinance to the full Council Agenda under second reading suspension of rules.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

There was no other public comment.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller, with a second by Mr. Germana, the meeting was adjourned at 1:00 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0247

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Miller	A Resolution declaring that public convenience and welfare requires repair and resurfacing of Madison Avenue from Riverside Drive to West 117 th Street in the City of Lakewood; total estimated construction cost \$2,600,000.00; and authorizing the County Executive to enter into an agreement of cooperation with City of Lakewood in connection with said project.
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WHEREAS, the County Executive/Department of Public Works has recommended that the public convenience and welfare require the repair and resurfacing of Madison Avenue from Riverside Drive to West 117th Street in the City of Lakewood; total estimated construction cost \$2,600,000.00; and,

WHEREAS, the apportionment of estimated costs is \$250,000.00 County, and \$2,350,000.00 City of Lakewood; and,

WHEREAS, the City of Lakewood will be responsible for all design costs and will administer the construction contract; and,

WHEREAS, it is anticipated that this project will be bid in 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the public convenience and welfare require the repair and resurfacing of Madison Avenue from Riverside Drive to West 117th Street in the City of Lakewood.

SECTION 2. The County Executive/Department of Public Works is authorized to prepare and execute the necessary agreement of cooperation by and between the County of Cuyahoga, Ohio, and the City of Lakewood.

SECTION 3: It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: August 9, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0248

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p>	<p>A Resolution authorizing the County Executive to enter into an agreement in an amount equal to the approved appraisal fair market value estimate of \$53,710.00 for settlement of property rights in connection with replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and Village of Linndale for Parcel Nos. 3S (Permanent Sewer Easement) and 3T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Engineer has undertaken the project to replace Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and the Village of Linndale, PID No. 24106; and

WHEREAS, the replacement of Bellaire Road Bridge No. 24 requires the permanent taking of a sewer easement covering 2,112 sq. ft. of property, including an existing vacant structure and a gravel parking lot, and further requires a temporary taking of 1,210 sq. ft. for the purposes of construction and grading for a duration of 18 months; and

WHEREAS, the parcel, the permanent taking, and the temporary taking were appraised by Thomas A. Roe, and the fair market value of the entire take was \$53,710.00; and

WHEREAS, this amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and was agreed upon by the property owner Oather Page, Jr., Administrator of the Estate of Oather Page a/k/a Oather Harold Page, Sr.; and

WHEREAS, the property owner has agreed to accept the fair market value amount of \$53,710.00 as compensation for the permanent and temporary taking of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to pay \$53,710.00 to Oather Page, Jr., Administrator of the Estate of Oather Page a/k/a Oather Harold

Page, Sr., as settlement for property rights concerning a permanent taking of a structure, gravel parking lot, in addition to a temporary taking of land in connection with the replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and Village of Linndale.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0249

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Schron	A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$200.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 123T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,213 sq. ft. from property owners Edward J. and Alyssa M. Keeny, Cuyahoga County Probate Court, Case No. 2009 ADV 0150016, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised on 12/11/08 at \$650.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$650.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners agree to accept an additional \$200.00 in compensation for the temporary taking of their property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$200.00 would lend to a total amount of \$850.00 as full payment for the public right of way taking.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$200.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 1,213 sq. ft. from property owners Edward J. and Alyssa M. Keeny, Case No. 2009 ADV 0150016, in

connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: August 9, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0250

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Schron	A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$8,600.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 58T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 4,857 sq. ft. from property owners Jon and Donna Folstad, Cuyahoga County Probate Court, Case No. 2009 ADV 0148797, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised using a value analysis method on 10/30/08 at \$4,200.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$4,200.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, in preparation for trial, a full appraisal of the taken was undertaken and the appraisal determined that the amount due the owners was \$12,800.00 based upon additional inclusion of a stone retaining wall that was not previously included. Based upon this new appraisal, the property owners agree to accept the additional fair market valuation of \$8,600.00 in compensation for the temporary taking of their property. This amount has been reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator; and

WHEREAS, an additional amount of \$8,600.00 would lend to a total amount of \$12,800.00 as full payment for the public right of way taking.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$8,600.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 4,857 sq. ft. from

property owners Jon and Donna Folstad, Case No. 2009 ADV 0148797, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: August 9, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0251

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$250.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 75T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,375 sq. ft. from property owners Louis R. Slosar Trust & Frances B. Slosar, Cuyahoga County Probate Court, Case No. 2009 ADV 0150019, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised on 11/20/08 at \$1,150.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$1,150.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners agree to accept an additional \$250.00 in compensation for the temporary taking of their property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$250.00 would lend to a total amount of \$1,500.00 as full payment for the public right of way taking.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$250.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 1,375 sq. ft. from property owners Louis R. Slosar Trust & Frances B. Slosar, Case No. 2009 ADV 0150019, in connection with the grading, draining and paving of Bainbridge Road

(CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0252

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$590.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 59T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,396 sq. ft. from property owner Carol M. Phillips, Cuyahoga County Probate Court, Case No. 2009 ADV 0149256, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised on 10/27/08 at \$2,950.00. This amount was offered to the property owner, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$2,950.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owner agreed to accept an additional \$590.00 in compensation for the temporary taking of her property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$590.00 would lend to a total amount of \$1,500.00 as full payment for the public right of way taking.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$590.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 1,396 sq. ft. from property owner Carol M. Phillips, Case No. 2009 ADV 0149256, in connection with

the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0253

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Germana	A Resolution authorizing the County Executive to enter into Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for partial reimbursement of right-of-way acquisition costs in connection with reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn.
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WHEREAS, the Department of Public Works has submitted a request for authorization and approval of Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for reimbursement of right-of-way acquisition costs in connection with the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn; and

WHEREAS, reimbursement for the cost of compensation to property owners for land and/or property rights acquired by the County for the project will be as follows: Federal Funds - \$75,000.00; Local Funds - \$125,000.00; and,

WHEREAS, since federal funds are being used for the Right-of-Way acquisition phase of the above referenced project, the County must enter into the Real Estate Agreement with ODOT; and,

WHEREAS, the Real Estate Agreement sets forth the acquisition functions to be undertaken by the respective parties, with the Right-of-Way costs to be paid for by the County and applicable costs then being reimbursed through ODOT; and,

WHEREAS, ODOT will review and approve the Department of Public Works' reports and coordinate the reimbursement to the County from federal funds, as outlined in the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to enter into a Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for reimbursement of right-of-way acquisition costs in connection with the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: August 9, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0254

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution establishing charges payable for connection to the County's sanitary sewerage system in a portion of County Sewer District No. 13 in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in order to preserve and promote the public health and welfare, the Board of County Commissioners of Cuyahoga County, Ohio previously established County Sewer District No. 13 (the "*District*"), adopted a general plan for the sewerage of that District and constructed a system of sanitary facilities therein and may from time to time authorize the construction of extensions of and improvements to that system (such system, together with any extensions and improvements thereto, the "*System*"); and

WHEREAS, the County has financed and will finance the costs of the construction of a pump station and force main project known as Project No. 10-044 (the service area of which is depicted in Exhibit A hereto), in part, by the application of available revenues of the System in the County Sewer District No. 13 Sewer Revenue Fund and, in part, by the incurrence of intergovernmental loans, paid or to be paid, in whole or in part, by the application of available revenues of the System; and

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "*Council*") is authorized by the pertinent provisions of Section 6117.02 of the Revised Code to establish reasonable charges for the privilege of connecting to the sanitary facilities of the District and the terms upon which those charges may be paid; and

WHEREAS, as an essential part of the County's program for the construction of Project No. 10-044, this Council has determined that it is necessary and appropriate to revise its charges for the privilege of connecting properties to the System that will be served by that Project, with such connection charges to be determined so as to reimburse the County for reasonable costs of inspection and other administrative costs related to the making of connections, to provide additional funds required for the purposes of the System and to distribute as fairly and equitably as possible among the users of the System the cost of providing the System; and

WHEREAS, the connection charges to be established herein for the privilege of connecting properties to the System that will be served by Project No. 10-044, in the judgment of this Council, are reasonable and proper, having due regard to all relevant circumstances and conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Definitions. For the purposes of this Resolution and the effective application and enforcement thereof, the following terms as used herein shall be deemed to have the meanings indicated:

- (1) "Connection" means the direct or indirect connection of any Service Sewer to the System.
- (2) "Connection Charge" means the fee to be collected by the County for a connection to the System of a property that will be served by Project No. 10-044.
- (3) "County" means the County of Cuyahoga, Ohio.
- (4) "Industrial Wastes" means water-carried and liquid wastes from industrial or commercial processes, as distinct from Sanitary Sewage.
- (5) "Intercepting or Trunk Sewer" means those sections of the System that intercept Sewage and Wastes from other Intercepting or Trunk Sewers or Local Sewers and transport such Sewage and Wastes.
- (6) "Local Sewers" means those sections of the System, less than eighteen inches in diameter, that are designed and constructed to collect Sewage and Wastes from Service Sewers and that transport such Sewage and Wastes to other Local Sewers or to the Intercepting or Trunk Sewers, such Sewers providing local service.
- (7) "Permit" means the permission granted by the Sanitary Engineer for a building, structure or other facility to be connected, directly or indirectly, to a public sewer of the System for the purpose of discharging Sewage or Waste.
- (8) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is owned or controlled by the County.
- (9) "Sanitary Engineer" means the person performing the duties of a county sanitary engineer under Chapter 6117 of the Revised Code, or his or her designated representative, currently the Director of Public Works, successor to the County Engineer.
- (10) "Sanitary Sewage" means Sewage discharging from the sanitary conveniences of buildings, structures or other facilities and free from ground, storm and surface water and Industrial Wastes.

- (11) "Service Sewers" means private sewers that collect Sewage and Wastes from buildings, structures or other facilities and transport such Sewage and Wastes to the Local Sewers or directly to the Intercepting or Trunk Sewers.
- (12) "Sewage" and "Waste" means the water-carried wastes from buildings, structures or other facilities, singular or in any combination, together with such ground, surface and storm water as may be present.
- (13) "System" means the County's sanitary facilities in the District, being all of the County's facilities for collecting, pumping and transporting of Sewage and Industrial Wastes in the District.
- (14) "Use Benefits" means the number of units of use benefits considered to be conferred upon any property by virtue of construction of the System to be calculated according to the following schedule:

TYPE OF USE	USE BENEFITS
Single family residence	1.0
Apartments and Condominiums:	
Efficiency and one bedroom	Number of units x .625
Two bedrooms	Number of units x .75
Three bedrooms	Number of units x .875
Bowling Alleys	Number of lanes x .188
Churches (with kitchen)	Number of seats x .013
Factories, industrial establishments	Estimated number of employees x .0875
Food Service:	
Ordinary restaurant	Number of seats x .0875
24-hour	Number of seats x .125
Tavern (limited meal service)	Number of seats x .0875
Drive-In	Number of seats and/or stalls x .125
Hospital	Number of beds x .75 (design capacity)
Institutions, resident	Number of residents x .25 (design capacity)
Laundry, coin-operated	Number of machines x 1.0 (design capacity)
Mobile Home Parks	Number of spaces x .75
Motels, Hotels	Number of rooms x .25
Nursing and Rest Homes	Number of residents x .45 (design capacity)
Office Buildings	Number of persons x .05 (design capacity – minimum 5 persons)
Shopping Centers	Each 1000 sq. ft. or part thereof of store or building therein not devoted to one of the other uses x .5 (Maximum design-density)

Car Washes:

Manual	Number of stalls x 1.6
Automatic	Number of stalls x 5.3
Drive-thru, automatic (no recirculation)	33.80 units
Drive-thru, automatic (with recirculation)	5.3 units

For any use not shown, the number of units shall be determined by the Sanitary Engineer by the use of generally accepted engineering practices and on the basis of anticipated Sewage flows from the property when compared to a single family residence where the flow of 400 gallons per residence per day will be considered as a Use Benefit of one.

SECTION 2. Connection Charge. No person, corporation, public agency, partnership or association whatsoever shall connect or cause or permit to be connected to the System, either directly or indirectly, any building, structure or other facility that will be served by Project No. 10-044, for the purpose of discharging Sanitary Sewage or Industrial Waste without first securing from the Sanitary Engineer a Permit as provided for in this Resolution and paying the connection charge provided for in this Section, and any applicable additional charges determined in accordance with the other provisions of this Resolution.

The Sanitary Engineer shall not issue a Permit until the applicant therefor shall have paid:

- (a) A charge of \$210.00 that is intended to reimburse the County for reasonable expenses of inspection and other administrative costs related to the issuance of the Permit and the making of the connection.
- (b) A connection charge calculated by determining the number of Use Benefits and multiplying the number of Use Benefits by \$6,000.00.

The charge as determined under subsection (b) of this Section shall be increased by an amount equal to 3.28% of the initial charge on January 1, 2013 and on the first day of January each year thereafter until January 1, 2032, and such charge as so increased and when added to the charge as set forth in paragraph (a) hereof shall be the total Connection Charge. The charges provided for in this paragraph are designed to offset the effects of inflation and interest costs incurred by the County in constructing Project No. 10-044.

SECTION 3. Payment Terms. The aggregate Connection Charge provided for in this Resolution shall be payable in cash, or by certified check payable to the County, at the time the Permit is applied for.

SECTION 4. Crediting of Payments. All Connection Charges received by the County pursuant to this Resolution shall be placed in the Sewer District No. 13 Sewer Revenue Fund.

SECTION 5. Penalty for Connection without Permit. In the event the Sanitary Engineer shall ascertain that any property has been connected, directly or indirectly, to the System in violation of the provisions of this Resolution, the Sanitary Engineer may impose an additional charge equal to 20% of the aggregate amount otherwise payable pursuant to Section 2 of this Resolution for the connection of that property to the System. If such applicable connection charge and the additional amount imposed pursuant to this Section are not received by the County within 30 days after notice is mailed by first class or certified mail to the owner of the property so connected, the Sanitary Engineer may have the property disconnected until such violation shall cease.

SECTION 6. Provisions Independent. Each Section and paragraph of this Resolution is hereby declared to be independent, and the finding or holding of any section or provision hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or provision of this Resolution.

SECTION 7. Filing with Fiscal Officer. The Clerk of this Council is directed to file a certified copy of this Resolution with the Fiscal Officer of Cuyahoga County not less than twenty days after its adoption.

SECTION 8. Open Meetings. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

SECTION 9. Effective Date. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective and shall be in full force and effect upon the signature of the County Executive. No provision of this Resolution shall in any way affect any rights or obligations of the County or any person whose premises have been or will be connected to the System under a permit applied for prior to the effective date of this Resolution.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0255

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution establishing a capital cost surcharge for construction of a pump station and sanitary sewer lines in Echo Hills Subdivision, located in County Sewer District No. 13, in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in order to preserve and promote the public health and welfare, the Board of County Commissioners of Cuyahoga County, Ohio previously established County Sewer District No. 13, adopted a general plan for the sewerage of that District and constructed a system of sanitary facilities therein and may from time to time authorize the construction of extensions of and improvements to that system (such system, together with any extensions and improvements thereto, the "*System*"); and

WHEREAS, the County is constructing a pump station and sanitary sewer lines (the "*Improvements*") in the Echo Hills Subdivision located in Sewer District No. 13 (as depicted in Exhibit A hereto) to benefit residents of the Echo Hills Subdivision that are connected or will connect to the System by providing more efficient and safer sanitary sewerage service to those residents; and

WHEREAS, the County will finance the costs of construction of the Improvements, in part, by the incurrence of intergovernmental loans to be paid by the application of available revenues of the System; and

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "*Council*") is authorized by the pertinent provisions of Section 6117.02 of the Revised Code to establish reasonable charges for the maintenance and operation of the System, including construction of the Improvements; and

WHEREAS, this Council has determined that it is necessary to impose a capital cost surcharge on the residents of the Echo Hills Subdivision that are connected or will connect to the System and that thereby will benefit from the Improvements, which capital cost surcharge will be collected together with sewer maintenance and sewer treatment charges imposed on those residents by the rate resolution adopted by the Board of County Commissioners of Cuyahoga County on July 23, 2009, so as to reimburse the County for a portion of its costs of constructing the Improvements; and

WHEREAS, the capital cost surcharge to be established herein, in the judgment of this Council, is reasonable and proper, having due regard to all relevant circumstances and conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Capital Cost Surcharge. In addition to the sewer maintenance and sewer treatment charges payable by residents of the System pursuant to the rate resolution adopted by the Board of County Commissioners of Cuyahoga County on July 23, 2009 and as imposed from time to time, every person whose premises are located in the Echo Hills Subdivision and are served by a connection to the System, shall pay an annual capital cost surcharge of \$150.00 for a period of 20 years, first commencing in calendar year 2012, payable semiannually on the first business day of January and July in installments of \$75.00 per payment (the "Echo Hills Surcharge"), to reimburse the County, in part, for the costs of the construction of the Improvements.

Any Echo Hills Surcharge that is not paid when due shall be certified to the Fiscal Officer of Cuyahoga County as provided by law, for collection.

SECTION 2. Payment Terms. The Echo Hills Surcharge provided for in this Resolution shall be collected together with the sewer maintenance and sewer treatment charges imposed by the rate resolution adopted by the Board of County Commissioners of Cuyahoga County on July 23, 2009 as the same may be amended and supplemented from time to time.

SECTION 3. Provisions Independent. Each Section and paragraph of this Resolution is hereby declared to be independent, and the finding or holding of any section or provision hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or provision of this Resolution.

SECTION 4. Filing with Fiscal Officer. The Clerk of this Council is directed to file a certified copy of this Resolution with the Fiscal Officer of Cuyahoga County not less than twenty days (20) after its adoption.

SECTION 5. Open Meetings. . It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

SECTION 6. Effective Date. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective and shall be in full force and effect upon the signature of the County Executive.

