

AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING
THURSDAY, NOVEMBER 17, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT RELATED TO THE AGENDA
4. APPROVAL OF MINUTES FROM THE OCTOBER 27, 2011 MEETING
5. MATTERS REFERRED TO COMMITTEE
 - a) **R2011-0315**: A Resolution authorizing a contract with HNTB Ohio, Inc. in the amount not-to-exceed \$467,910.00 for design engineering services for reconstruction, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
 - b) **R2011-0316**: A Resolution approving Right-of-Way plans as set forth in preliminary Right-of Way Plat M-5011 for the relining of Snow Road Bridge No. 220 over the west branch of Big Creek in the City of Brook Park; authorizing the County Executive through the Department of Public Works to acquire the necessary Right-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.
 - c) **R2011-0317**: A Resolution approving Right-of-Way plans as set forth in preliminary Right-of Way Plat M-4985 for improvement of Pleasant Valley Road/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma; authorizing the County Executive through the Department of Public Works to acquire the necessary Right-of-Way; finding that special assessments will neither be levied nor collected to pay for any

part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.

- d) **R2011-0318**: A Resolution authorizing a contract with Reserve Apartments, LTD in the amount of \$2,400,205.56 for lease of office space located at 1701 E. 17th Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014; and authorizing the County Executive to execute the contract and all other documents consistent with this Resolution.

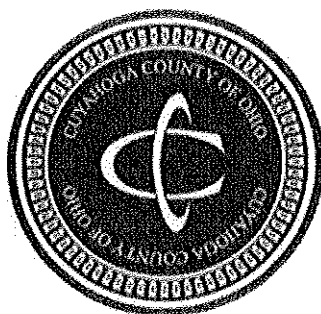
- e) **R2011-0319**: A Resolution authorizing the donation of approximately 20 acres of land (known as "Preservation Parcels") to the Board of Park Commissioners of the Cleveland Metropolitan Park District for wetlands mitigation in connection with improvement and construction of Crocker-Stearns Extension from Lorain Road to the North Olmsted North Corporation Line and the grading, draining, paving and widening of Stearns Road from Interstate 480 to Lorain Road in the Cities of North Olmsted and Westlake, and authorizing the County Executive to execute all documents required in connection with said donation of land.

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, OCTOBER 27, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER

The meeting was called to order by Chairman Jones at 11:10 a.m.

2. ROLL CALL

The Clerk called the roll. Committee members Jones, Germana, Miller, Conwell and Rogers were in attendance and a quorum was determined.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE OCTOBER 13, 2011 MEETING

A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the October 13, 2011 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2011-0305: A Resolution authorizing an award on RQ20792 to American Bridge Company in the amount of \$30,323,618.65 for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland; authorizing the County Executive to enter into a contract consistent with said award; and authorizing the County Engineer, on behalf of the County Executive, to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$6,064,723.73 to fund said contract.

Ms. Bonnie Teeuwen, Director of Public Works, and Mr. Majeed Makhlouf, Director of Law addressed the Committee regarding Resolution No. R2011-0305. Discussion ensued.

Mr. Makhlouf introduced two verbal amendments from the floor.

A motion was made by Chairman Jones, seconded by Mr. Miller and approved by unanimous vote to amend Section 1 of Resolution No. R2011-0305 to read: *"That the County Council hereby approves the County Executive's recommendation and awards RQ20792 to the American Bridge Company in the amount of \$30,323,618.25 for the rehabilitation of the Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland and authorizes the County Executive to execute the contract accordingly."*

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend the Title of Resolution No. R2011-0305 by replacing the words "authorizing an award on" with the word *"awarding."*

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2011-0305 was considered and approved by unanimous vote to be referred to the full Council agenda for consideration under second reading suspension of rules, as amended.

- b) O2011-0048: An Ordinance requiring the County Executive to contract for and conduct a Disparity Study in 2012 and, if required by law to validate the Disparity Study, every five years thereafter; and requiring annual updates of said Study, if required by law.

Mr. Makhlouf, and Ms. Sharon Cole, Deputy Chief of Staff for Operations, addressed the Committee regarding Ordinance No. O2011-0048. Discussion ensued.

Committee member asked questions of Mr. Makhlouf and Ms. Cole pertaining to the item, which they answered accordingly

Chairman Jones postponed Ordinance No. O2011-0048 from further consideration at this time.

6. MISCELLANEOUS BUSINESS

Mr. Germana relayed concerns expressed to him by a contractor regarding the \$100.00 fee for ethics training required for contractors who engage in business with the County. Mr. Makhlouf and David Merriman, Special Assistant to Executive FitzGerald, addressed the Committee regarding this concern. Discussion ensued.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Rogers with a second by Ms. Conwell, the meeting was adjourned at 12:28 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0315

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p>	<p>A Resolution authorizing a contract with HNTB Ohio, Inc. in the amount not-to-exceed \$467,910.00 for design engineering services for reconstruction, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
--	---

WHEREAS, County Executive FitzGerald/Department of Public Works/County Engineer has submitted a request to contract with HNTB Ohio, Inc. in the amount not-to-exceed \$467,910.00 for design engineering services for reconstruction, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton; and

WHEREAS, HNTB Ohio, Inc. is a domestic for profit corporation, incorporated in the State of Ohio that provides, without limitations, architecture, engineering, planning and construction services; and

WHEREAS, the organization is located at 1100 Superior Avenue, Suite 1330, Cleveland, Ohio 44114 within Council District 7; and

WHEREAS, the Board of Directors for the Contractor includes: Terry K. Miller, John Friel, John E. Kupke, Roger C. Ward, William C. Clawson and Craig Denson; and

WHEREAS, the primary goal of this project is to reconstruct, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton. This will increase the capacity, reduce the congestion and increase safety along these routes; and

WHEREAS, the procurement method for this project was an RFQ with an SBE goal of 0%. The total value of the RFQ is estimated at \$1,967,910.00 and there were fourteen (14) pre-proposals submitted for review; and

WHEREAS, the RFQ closed on September 22, 2010; and

WHEREAS, pursuant to BOCC Resolution No. 104903, dated November 10, 2010, the County Engineer was authorized to negotiate a contract with HNTB Ohio, Inc. for design engineering services for said project; and

WHEREAS, this is a new contract to the County and the project consists of two (2) phases. This contract is for HNTB to perform the first phase of the project which includes the planning, environmental and preliminary engineering activities necessary to identify a preferred horizontal and vertical alignment; and

WHEREAS, the second phase of the project will be contracted as an amendment upon environmental approval of the project by the Ohio Department of Transportation (“ODOT”) per federal regulation when using Federal funds; and

WHEREAS, the funding for this project is as follows: (1) 80% by Federal earmarks, (2) 10% by the City of North Royalton, and (3) 10% by the County Road and Bridge \$7.50 fund. The schedule of payments is monthly; and

WHEREAS, it is necessary that this Resolution become immediately effective because this project is on a critical action path, utilizing Federal funds for the design, therefore it is important to keep the project schedule on track; and

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

SECTION 1. That the County Council hereby authorizes a contract with HNTB Ohio, Inc., in the amount not-to-exceed \$467,910.00 for design engineering services for reconstruction, with additional turning lanes, of Royalton Road from West 130th Street to York Road in the City of North Royalton.

SECTION 2. That the County Executive is authorized to execute the contract and all other documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective because this project is on a critical action path, utilizing Federal funds for the design, therefore it is important to keep the project schedule on track. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 4. 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: November 9, 2011

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

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0316

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Miller</p>	<p>A Resolution approving Right-of-Way plans as set forth in preliminary Right-of Way Plat M-5011 for the relining of Snow Road Bridge No. 220 over the west branch of Big Creek in the City of Brook Park; authorizing the County Executive through the Department of Public Works to acquire the necessary Right-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.</p>
---	---

WHEREAS, the Department of Public Works/County Engineer has prepared and submitted preliminary Right-of Way Plat M-5011 for the relining of Snow Road Bridge No. 220 over the west branch of Big Creek in the City of Brook Park and has recommended its approval; and

WHEREAS, since October 17, 2011 and continuing until the present, the Department of Public Works has posted and provided continuous notice of the following on its website:

(1) The Department of Public Works has submitted preliminary Right-of-Way Plat No. M-5011 for County Council approval and the same is available for viewing on said website;

(2) The Department of Public Works intends to acquire Right-of-Way for said improvement;

(3) As part of Right-of-Way Plat No. M-5011, the Department of Public Works will be seeking a finding that no special assessments will be levied nor collected to pay for any part of the County's costs of said improvement;

(4) The Department of Public Works will be seeking that the Resolution approving the Right-of-Way Plat No. M-5011 be passed with the declaration that the Resolution become immediately effective;

(5) That a first reading of the Resolution approving the Right-of-Way Plat No. M-5011 will be made by the Cuyahoga County Council on November 9, 2011 at 6:00 p.m.;

(6) That General Public access and ability to review the preliminary Right-of-Way Plat No. M-5011 is provided via an electronic link as indicated; and

WHEREAS, the construction surveys, plans, profiles, cross sections, estimates of costs and/or specifications of said improvement will be submitted to Council for approval prior to the construction going out to bid; and

WHEREAS, the current estimated total cost for construction of the Right-of-Way \$672,000.00, and the estimated engineering cost is \$67,200.00, for a total estimated cost of \$739,200.00; and

WHEREAS, the construction and engineering of the Right-of-Way will be as follows: (1) 40% by the Ohio Public Works Commission State issue I funds, and (2) 60% will be funded from the County Road and Bridge fund.

WHEREAS, it is necessary that this Resolution become immediately effective because State Issue I funds are being utilized for the construction this project and the need to keep the schedule of the project in order to maintain project funding deadlines, and the Right-of-way construction cannot begin until authority is granted.

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

SECTION 1. That the preliminary Right-of-Way Plat No. M-5011 for said improvement is hereby approved.

SECTION 2. That the County Executive through the Department of Public Works is hereby authorized to acquire the Right-of-Way necessary for said improvement.

SECTION 3. That special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement.

SECTION 4. That all proceedings relative to Right-of-Way Plat No. M-5011 are hereby ordered copied into the Road Record of the County by the Department of Public Works and copied into all other proper records of the County by the Fiscal Officer as required by law.

SECTION 5. It is necessary that this Resolution become immediately effective because State Issue I funds are being utilized for the construction and the need to keep the schedule of the project in order to maintain project funding deadlines, and the Right-of-way acquisition cannot begin until authority is granted. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 6. 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: November 9, 2011
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: November 9, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0317

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Germana</p>	<p>A Resolution approving Right-of-Way plans as set forth in preliminary Right-of Way Plat M-4985 for improvement of Pleasant Valley Road/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma; authorizing the County Executive through the Department of Public Works to acquire the necessary Right-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.</p>
--	---

WHEREAS, the Department of Public Works/County Engineer has prepared and submitted preliminary Right-of Way Plat M-4985 for improvement of Pleasant Valley Road/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma and has recommended its approval; and,

WHEREAS, since October 17, 2011 and continuing until the present, the Department of Public Works has posted and provided continuous notice of the following on its website:

(1) The Department of Public Works has submitted preliminary Right-of-Way Plat No. M-4985 for County Council approval and the same is available for viewing on said website;

(2) The Department of Public Works intends to acquire Right-of-Way for said improvement;

(3) As part of Right-of-Way Plat No. M-4985, the Department of Public Works will be seeking a finding that no special assessments will be levied nor collected to pay for any part of the County's costs of said improvement;

(4) The Department of Public Works will be seeking that the Resolution approving the Right-of-Way Plat No. 4985 be passed with the declaration that the Resolution become immediately effective;

(5) That a first reading of the Resolution approving the Right-of-Way Plat No. M-4985 will be made by the Cuyahoga County Council on November 9, 2011 at 6:00 p.m.;

(6) That General Public access and ability to review the preliminary Right-of-Way Plat No. M-4985 is provided via an electronic link as indicated; and,

WHEREAS, the construction surveys, plans, profiles, cross sections, estimates of costs and/or specifications of said improvement will be submitted to Council for approval prior to the construction going out to bid; and,

WHEREAS, the current estimated total cost for construction of the Right-of-Way acquisition is \$2,400,000.00; and,

WHEREAS, the acquisition will be funded as follows: the first \$50,000.00 will be funded by the County (Road and Bridge Fund); \$50,000.00 to \$2,400,000.00 which will be funded as 50% through Federal and 50% to be funded through the County (Road and Bridge Fund); and,

WHEREAS, it is necessary that this Resolution become immediately effective because Federal funds are being utilized for the Right-of-Way acquisition, the County is required to keep on schedule for the project in order to maintain project funding deadlines, and Right-of-Way acquisition cannot begin until authority is granted.

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

SECTION 1. That the preliminary Right-of-Way Plat No. M-4985 for said improvement is hereby approved.

SECTION 2. That the County Executive through the Department of Public Works is hereby authorized to acquire the Right-of-Way necessary for said improvement.

SECTION 3. That special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement.

SECTION 4. That all proceedings relative to Right-of-Way Plat No. M-4985 are hereby ordered copied into the Road Record of the County by the Department of Public Works and copied into all other proper records of the County by the Fiscal Officer as required by law.

SECTION 5. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to assure that work on the improvement can commence during the prime construction season. Otherwise, any delay in commencement of the work may cause delay to the work and result in significant cost increases to the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 6. 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: November 9, 2011

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

Additional Sponsorship Requested on the Floor: November 9, 2011

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0318

Sponsored by: County Executive FitzGerald/Department of Public Works/Central Services	A Resolution authorizing a contract with Reserve Apartments, LTD in the amount of \$2,400,205.56 for lease of office space located at 1701 E. 17 th Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014; and authorizing the County Executive to execute the contract and all other documents consistent with this Resolution.
--	---

WHEREAS, the County Executive/Department of Public Works/Central Services has submitted a request for a Contract with Reserve Apartments, Ltd in the amount of \$2,400,205.56 for lease of office space located at 1701 E. 17th Street, Cleveland, Ohio, for use by various County departments for the period 10/1/2011 – 9/30/2014; and

WHEREAS, the Department of Public Works/Central Services seeks approval of the Lease Agreement with Reserve Apartments, Ltd for the lease of office space on behalf of the Division of Senior & Adult Services (“DSAS”), Division of Employment & Family Services/Child Support Enforcement Agency (“DEFS/CSEA”) and the Department of Development (“DOD”); and

WHEREAS, the term of the Lease is three (3) years starting October 01, 2011 and running through September 30, 2014, with a six (6) months termination option for each agency. For DEFS/CSEA, the termination option is after the first eighteen (18) months, after nine (9) months for the DOD and after six (6) months for the DSAS; and

WHEREAS, the primary purpose of the lease is to provide continuing operating space for the three aforementioned divisions and department; and

WHEREAS, the lease is for 76,197 square feet of office space at \$10.50 per square foot. The total cost of the lease is \$781,019.28 for the first year and \$2,400,205.56 for the entire three year term; and

WHEREAS, the County has leased space at this location for many years and the proposed lease is a reduction of approximately 10,000 square feet from the current lease; and

WHEREAS, this lease is a result of a County RFP process with three (3) responsive bids. This location was chosen as it was the least expensive alternative with no moving or build-out costs; and

WHEREAS, the funding for the lease will come from each of the three (3) agencies, proportioned to their use of space at the leased location as follows: (1) DOD is funded

through the General Fund, (2) DEFS/CSEA is 75% State Funded with 25% fees and Levy Dollars, and (3) DSAS is funded from the Health & Human Services Levy Dollars. All payments will be made monthly directly to the landlord.

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

SECTION 1. The County Council hereby approves the contract with Reserve Apartments, Ltd in the amount of \$2,400,205.56 for lease of office space located at 1701 E. 17th Street, Cleveland, Ohio for use by various County departments for the period 10/1/2011 – 9/30/2014.

SECTION 2. The County Executive is hereby authorized to execute a contract and all other documents consistent with this Resolution.

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: November 9, 2011

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

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0319

Sponsored by: County Executive FitzGerald/ Department of Public Works/County Engineer and Councilmember Greenspan	A Resolution authorizing the donation of approximately 20 acres of land (known as "Preservation Parcels") to the Board of Park Commissioners of the Cleveland Metropolitan Park District for wetlands mitigation in connection with improvement and construction of Crocker-Stearns Extension from Lorain Road to the North Olmsted North Corporation Line and the grading, draining, paving and widening of Stearns Road from Interstate 480 to Lorain Road in the Cities of North Olmsted and Westlake, and authorizing the County Executive to execute all documents required in connection with said donation of land.
--	---

WHEREAS, the County Executive/Department of Public Works is requesting the approval of the donation of the approximately 20 acres of land to the Board of Park Commissioners of the Cleveland Metropolitan Park District, referred to as the Cleveland Metroparks, for wetlands mitigation purposes; and,

WHEREAS, on November 28, 1998, Resolution No. 884802 was adopted which declared public convenience and welfare of the improvement and construction of Crocker-Stearns Extension from Lorain Road to the North Olmsted North Corporation Line and the grading, draining, paving and widening of Stearns Road from Interstate 480 to Lorain Road in the Cities of North Olmsted and Westlake; and,

WHEREAS, on April 24, 1989, Resolution No. 891706 was adopted which approved the agreements of cooperation between the County and the Cities of North Olmsted and Westlake; and,

WHEREAS, the construction of the Crocker-Stearns Extension and the widening of Stearns Road impacted wetlands located with the project; and,

WHEREAS, a condition for being issued a certification for the project from the Ohio Environmental Protection Agency and for being issued a permit by the Army Corps of Engineers to construct the project was that the County had to mitigate the impact of the project on the wetlands; and,

WHEREAS, on December 12, 2000, Resolution No. 004973 was adopted which authorized the acquisition of 20 acres of land for wetlands mitigation purposes; and,

WHEREAS, to comply with the wetlands mitigation requirements the County purchased approximately 20 acres of land to construct a wetlands and buffer for the wetlands; and,

WHEREAS, the approximately 20 acres of land purchased for wetlands mitigation purposes consist of 75 vacant parcels located within the City of North Olmsted, which parcels abut the Cleveland Metroparks' Bradley Woods Reservation and which parcels are referred to as the "Preservation Parcels;" and,

WHEREAS, to comply with the mitigation requirements the County must preserve and protect the Preservation Parcels in perpetuity; and,

WHEREAS, the Cleveland Metroparks is a political subdivision of the State of Ohio; and,

WHEREAS, the Department of Public Works has acted pursuant to the requirements and direction of the Ohio Environmental Protection Agency and the Army Corps of Engineers in order to complete the mitigation requirements; and,

WHEREAS, to preserve and protect the Preservation Parcels in perpetuity the County has agreed to donate and transfer the Preservation Parcels to the Cleveland Metroparks pursuant to a General Warranty Deed with Use Restrictions, which document has been approved by the Ohio Environmental Protection Agency.

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

SECTION 1. The County Council approves the donation of approximately 20 acres of land to the Board of Park Commissioners of the Cleveland Metropolitan Park District for wetlands mitigation in connection with the improvement and construction of Crocker-Stearns Extension from Lorain Road to the North Olmsted North Corporation Line and the grading, draining, paving and widening of Stearns Road from Interstate 480 to Lorain Road in the Cities of North Olmsted and Westlake, and authorizes the County Executive to execute all documents consistent with said donation of land.

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: November 9, 2011

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

Additional Sponsorship Requested on the Floor: November 9, 2011

Journal _____
_____, 2011