

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0005

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution declaring that public convenience and welfare requires replacement of sidewalks on various bridges in connection with the Bridge Sidewalk Replacement Program; total estimated construction costs \$1,250,000.00; and finding that special assessments are not to be levied and collected to pay any part of the County's costs of said improvements.
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WHEREAS, the Department of Public Works/County Engineer has recommended that public convenience and welfare requires the replacement of the sidewalks on a total of eight (8) bridges; total estimated construction cost is \$1,250,000.00; and

WHEREAS, the replacement of the sidewalks on the eight bridges will be divided into two projects: 1) the East Project consisting of five (5) bridges, and 2) the West Project consisting of three (3) bridges; and

WHEREAS, that special assessments are not to be levied and collected to pay any part of the County's costs of these improvements; and

WHEREAS, the anticipated construction costs for replacing the sidewalks on all eight (8) bridges is \$1,250,000.00, consisting of \$500,00.00 for the East Project (5 bridges) and \$750,000.00 for the West Project (3 bridges); and

WHEREAS, the two projects will be funded entirely through the County's Road and Bridge Fund; and

WHEREAS, the primary goal of this project is to properly maintain bridges for which the County is responsible; and

WHEREAS, the replacement of the sidewalks on the eight (8) bridges is in keeping with the statutory mandates which states, "*The [County] shall construct and keep in repair all necessary bridges in municipal corporations on all county roads and improved roads that are of general and public utility, running into or through the municipal corporations, and that are not on state highways*" (RC 5591.02); and "*the [County] shall construct and keep in repair necessary bridges over streams and public canals on or connecting state, county, and improved roads*" (RC 5591.21); and

WHEREAS, the Ohio Attorney General has interpreted these statutes to include the obligation to repair sidewalks located on such bridges (1981 Ohio Op. Atty Gen. 2-22, 1981 Ohio Op. Atty Gen. No. 81-007, 1981 WL 156157 (Ohio A.G.); and

WHEREAS, the addresses of the eight bridges where the sidewalks will be replaced are:

Bridge Address	Council District
<ul style="list-style-type: none"> Chagrin River Road Bridge No. 02.40 over Sulphur Springs Creek in the Village of Bentleyville 	06
<ul style="list-style-type: none"> Pleasant Valley Road Bridge No. 09.68 over Cuyahoga River, Canal Road and Ohio Canal in the City of Independence and Village of Valley View 	06
<ul style="list-style-type: none"> Rockside Road Bridge No. 03.23 over CSXT Railroad and Access Road in the City of Independence 	06
<ul style="list-style-type: none"> Rockside Road Bridge No. 03.32 over Cuyahoga River in the City of Independence and Village of Valley View 	06
<ul style="list-style-type: none"> Rockside Road Bridge No. 04.80 over former P&LE Railroad Right-of-Way in the Village of Valley View 	06
<ul style="list-style-type: none"> Bagley Road Bridge No. 05.63 over East Branch of Rocky River in the City of Berea 	05
<ul style="list-style-type: none"> Hilliard Road Bridge No. 03.21 over Cahoon Creek in the City of Westlake 	01
<ul style="list-style-type: none"> Hilliard Road Bridge No. 08.57 over Rocky River, Cleveland MetroParks and Valley Parkway in the Cities of Rocky River and Lakewood 	01 and 02

WHEREAS, the anticipated start-completion dates for the replacement of the sidewalks on the eight (8) bridges is the 2013 calendar year.

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

SECTION 1. The County Council hereby finds that public convenience and welfare requires the replacement of the sidewalks on a total of eight (8) bridges, which will be divided into two projects, 1) the East Project consisting of five (5) bridges, and 2) the West Project consisting of three (3) bridges.

SECTION 2. The addresses of the eight bridges where the sidewalks will be replaced are as follows:

Bridge Address	Council District
<ul style="list-style-type: none"> Chagrin River Road Bridge No. 02.40 over Sulphur Springs Creek in the Village of Bentleyville 	06
<ul style="list-style-type: none"> Pleasant Valley Road Bridge No. 09.68 over Cuyahoga River, Canal Road and Ohio Canal in the City of Independence and Village of Valley View 	06
<ul style="list-style-type: none"> Rockside Road Bridge No. 03.23 over CSXT Railroad and Access Road in the City of Independence 	06
<ul style="list-style-type: none"> Rockside Road Bridge No. 03.32 over Cuyahoga River in the City of Independence and Village of Valley View 	06
<ul style="list-style-type: none"> Rockside Road Bridge No. 04.80 over former P&LE Railroad Right-of-Way in the Village of Valley View 	06
<ul style="list-style-type: none"> Bagley Road Bridge No. 05.63 over East Branch of Rocky River in the City of Berea 	05
<ul style="list-style-type: none"> Hilliard Road Bridge No. 03.21 over Cahoon Creek in the City of Westlake 	01
<ul style="list-style-type: none"> Hilliard Road Bridge No. 08.57 over Rocky River, Cleveland MetroParks and Valley Parkway in the Cities of Rocky River and Lakewood 	01 and 02

SECTION 3. That special assessments are not to be levied and collected to pay any part of the County’s cost of these improvements.

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 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 Mr. Jones, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan and Miller

Nays: None

County Council Vice-President

Date

County Executive

Date

Deputy Clerk of Council

Date

First Reading/Referred to Committee: January 10, 2012
Committee(s) Assigned: Public Works, Procurement & Contracting

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January 24, 2012