

1 RESOLUTION NO. 2010-252

2
3 SPONSOR Mr. Pry and Mr. Kostandaras

4
5 DATE June 14, 2010

COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute a settlement agreement and**
8 **release with, and to accept an \$84,266.45 settlement payment from, Graco Children's**
9 **Products as a resolution for any and all claims arising out of or concerning the enterprise**
10 **zone agreement between the County of Summit, the City of Macedonia, and Graco**
11 **Children's Products, and to terminate the enterprise zone agreement, for the Executive's**
12 **Department of Community and Economic Development, and declaring an emergency.**

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14 WHEREAS, on March 21, 2005, pursuant to Resolution No. 2005-093, the Council of the
15 County of Summit authorized the County Executive to enter into an enterprise zone agreement
16 for personal property tax abatement with Graco Children's Products; and

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18 WHEREAS, because Graco failed to adhere to the terms of the agreement, including but
19 not limited to, the maintenance of 483 full-time, permanent employees at their facility in the City
20 of Macedonia; and

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22 WHEREAS, the City of Macedonia has terminated their interest in the enterprise zone
23 agreement with Graco; and

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25 WHEREAS, Graco made a good faith payment of previously abated personal property
26 taxes covering the 2006, 2007, and 2008 tax years; and

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28 WHEREAS, the County has reached an agreement with Graco Children's Products to
29 settle all claims arising out of or concerning the enterprise zone agreement, pursuant to which
30 Graco Children's Products will make a payment to the County in the amount of \$84,266.45; and

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32 WHEREAS, this Council has determined by reviewing all pertinent information that it is
33 necessary and in the best interest of the County of Summit to authorize the Executive to execute
34 a settlement agreement and release with, and to accept the aforementioned settlement payment
35 from Graco Children's Products, and to terminate the aforementioned enterprise zone agreement;

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

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40 SECTION 1

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42 The County Executive is hereby authorized to execute a settlement agreement and release
43 with Graco Children's Products related to all claims arising from or concerning the enterprise
44 zone agreement between the County of Summit, the City of Macedonia, and Graco Children's
45 Products, in consideration of payment of abated taxes in the amount of \$84,266.45.

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47 SECTION 2

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49 The County Executive is hereby authorized to terminate the enterprise zone agreement
50 entered into between the County of Summit, the City of Macedonia, and Graco Children's
51 Products on or about March 21, 2005, in the Western Reserve Enterprise Zone.

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SECTION 3

The settlement proceeds shall be dispersed among all entities entitled to share in the proceeds as provided for by law.

SECTION 4

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit and for the further purpose of immediately resolving all outstanding matters concerning the enterprise zone agreement entered into on or about March 21, 2005, between the County of Summit, the City of Macedonia, and Graco Children's Products.

SECTION 5

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

SECTION 6

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

INTRODUCED May 24, 2010

ADOPTED June 14, 2010


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED June 14, 2010


EXECUTIVE

ENACTED EFFECTIVE June 14, 2010

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras Poda, Prentice, Rodgers, Schmidt, Smith ABSENT: Shapiro