

1 RESOLUTION NO. 2012-297

2  
3 SPONSOR Mr. Pry

4  
5 DATE August 13, 2012

COMMITTEE Planning

6  
7 **A Resolution authorizing the County Executive to make payment to the U.S. Department of**  
8 **Housing in the amount of \$130,470.00 out of Housing Advisory Board funds to satisfy any**  
9 **claim relating to the expenditure of funds to Envision Builders, Inc., and/or Northern**  
10 **Summit County Community Development Corporation pertaining to the acquisition of 12**  
11 **parcels of land in Twinsburg Township, in calendar year 2003, for development of low-to-**  
12 **moderate income housing, for the Executive's Department of Community and Economic**  
13 **Development, and declaring an emergency.**

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15 WHEREAS, on May 28, 2003, the County entered into an agreement with Envision  
16 Builders, Inc., ("Envision") whereby Envision and its non-profit partner Northern Summit  
17 County Community Development Corporation ("NSCCDC") were to develop eight single-family  
18 housing units to be sold to low-to-moderate income families, and the County would pay Envision  
19 the sum of \$167,600 in HOME funds; and

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21 WHEREAS, Envision proceeded to purchase 12 parcels of land in Twinsburg Township,  
22 which would then be combined into eight parcels for the single-family houses, and the County  
23 issued payment to Envision in the amount of \$130,470.00 in HOME funds for the purchase of  
24 said parcels and necessary site improvements; and

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26 WHEREAS, the last draw of HOME funds for payment to Envision occurred on  
27 November 21, 2003; and

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29 WHEREAS, shortly thereafter, Envision and NSCCDC ceased business operations,  
30 dissolved and/or otherwise ceased to exist as valid corporations in the State of Ohio; and

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32 WHEREAS, in 2009, the County Prosecutor filed suit against Envision and NSCCDC  
33 and recovered judgment against Envision in the amount of \$130,470.00; and

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35 WHEREAS, the County Prosecutor has filed, and the same is currently pending, a  
36 foreclosure action against the parcels at issue in order to satisfy the aforementioned judgment;  
37 and

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39 WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") has  
40 recently notified the County that it must repay to HUD the HOME funds that were paid to  
41 Envision because the low-to-moderate income housing was never actually constructed; and

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43 WHEREAS, the Housing Advisory Board recently authorized the \$130,470.00 repayment  
44 to HUD out of the County's Housing Advisory Board funds; and

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46 WHEREAS, upon the foreclosure of the parcels, the County intends to acquire the same  
47 at Sheriff's sale or to be the recipient of the proceeds of such Sheriff sale in order to recover the  
48 funds that it must repay to HUD; and  
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4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
5 that it is necessary and in the best interest of this Council to authorize the County Executive to  
6 repay to HUD the sum of \$130,470.00 in order to satisfy any claim that HUD may have against  
7 the County for the expenditure of said funds with Envision and/or NSCCDC.

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

11 SECTION 1

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14 The County Executive is hereby authorized to make payment to HUD in the amount of  
15 \$130,470.00 to satisfy any claim that HUD may have against the County for the expenditure of  
16 funds to Envision and/or NSCCDC pertaining to the acquisition of 12 parcels of land in  
17 Twinsburg Township, in calendar year 2003, for development of low-to-moderate income  
18 housing. Said payment shall be made out of currently-appropriated Housing Advisory Board  
19 funds.

20 SECTION 2

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23 This Resolution is hereby declared an emergency in the interest of the health, safety and  
24 welfare of the citizens of the County of Summit and for the further reason to make the  
25 aforementioned payment immediately at the request of HUD.

26 SECTION 3

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

32 SECTION 4

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35 It is found and determined that all formal actions of this Council concerning and relating  
36 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
37 deliberations of this Council and of any of its committees that resulted in such formal action,  
38 were in meetings open to the public, in compliance with all legal requirements, including section  
39 121.22 of the Ohio Revised Code.  
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INTRODUCED July 30, 2012

ADOPTED August 13, 2012

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED August 14, 2012

  
EXECUTIVE

ENACTED EFFECTIVE August 14, 2012

Voice Vote: 10-0. YES: Comunale, Crawford, Feenan, Kostandaras, Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt ABSENT: Shapiro