

1 RESOLUTION NO. 2019-445

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE December 2, 2019 COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to finalize and pay the County’s**  
8 **contribution under the Cooperative Agreement with the City of Akron, Scalan, LLC,**  
9 **Mellow Yellow Properties, LLC, and Pleasant Valley Construction Company for the**  
10 **development of the Firestone Business Park, by an amount in excess of the amount**  
11 **estimated in said agreement, for a total amount not to exceed \$482,813.00, towards the cost**  
12 **of the Electric Utility Infrastructure associated with the development of the Firestone**  
13 **Business Park, located in the City of Akron, in Council District 5, for the Executive’s**  
14 **Department of Sanitary Sewer Services, and declaring an emergency.**

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16 WHEREAS, this Council previously adopted Resolution No. 2018-501, which  
17 authorized the County Executive to execute a Cooperative Agreement with the City of Akron,  
18 Scalan, LLC, Mellow Yellow Properties, LLC, and Pleasant Valley Construction Company for  
19 the development of the Firestone Business Park (“Cooperative Agreement”), located in the City  
20 of Akron, in Council District 5; and

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22 WHEREAS, in accordance with Section 3.7(c) of the Cooperative Agreement, the  
23 County’s contribution towards the cost of the Electric Utility Infrastructure for the Firestone  
24 Business Park (the “Project”) was memorialized as an estimated total amount not to exceed  
25 \$325,000.00; and

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27 WHEREAS, due to unknown underground structures and soil conditions, which  
28 negatively impacted the electrical installation cost for the Project, the County’s contribution  
29 towards the cost of the Project is expected to exceed the initial contribution amount of  
30 \$325,000.00 by an additional \$157,813.00, for a total amount not to exceed \$482,813.00; and

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32 WHEREAS, it is necessary for this Council to authorize the increase of the County’s  
33 Contribution towards the cost of the Project by an additional \$157,813.00, for a total amount not  
34 to exceed \$482,813.00; and

35  
36 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
37 that it is necessary, and in the best interest of the County of Summit to authorize the County  
38 Executive to increase the County’s contribution towards the cost of the Project in a total amount  
39 not to exceed \$482,813.00;

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

43  
44 SECTION 1

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46 The County Executive is hereby authorized to finalize and pay the County’s contribution  
47 towards the cost of the Electrical Utility Infrastructure for the Firestone Business Park  
48 (“Project”) by an amount in excess of the amount estimated in said agreement, for a total amount  
49 not to exceed \$482,813.00, located in the City of Akron, in Council District 5.

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1 RESOLUTION NO. 2019-445

2 PAGE TWO

3  
4 SECTION 2

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6 This Resolution is declared an emergency in the interest of the health, safety and welfare  
7 of the residents of the County of Summit, and for the further reason to immediately authorize the  
8 Executive to pay the additional fees associated with the completion of the Firestone Business  
9 Park.

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11 SECTION 3

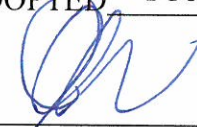
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13 Provided this Resolution receives the affirmative vote of eight members, it shall take  
14 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
15 effect and be in force at the earliest time provided by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

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17 SECTION 4

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19 It is found and determined that all formal actions of the Council concerning and relating  
20 to the adoption of the Resolution were adopted in an open meeting of this Council, and that all  
21 deliberations of this Council and of any of its committees that resulted in such formal action,  
22 were in meetings open to the public, in compliance with all legal requirements, including Section  
23 121.22 of the Ohio Revised Code.

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26 INTRODUCED November 18, 2019

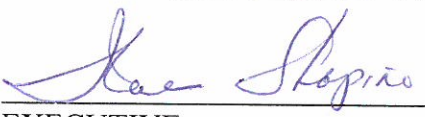
27  
28 ADOPTED December 2, 2019

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32 CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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34 APPROVED December 4, 2019

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38 EXECUTIVE

39  
40 ENACTED EFFECTIVE December 4, 2019

Voice Vote: YES - 9-0-1 Donofrio, Feeman, Hamilton, Koehler,  
McKenney, Rodgers, Schmidt, Walters, Wilhite  
ABSTAIN: Dickinson  
ABSENT: Prentice