

1 RESOLUTION NO. 2020-394

2
3 SPONSOR Executive Shapiro

4
5 DATE December 7, 2020

COMMITTEE Planning

6
7 **A Resolution authorizing the Executive to execute a Cooperative Agreement with the**
8 **Summit County Developmental Disabilities Board and the City of Tallmadge for the**
9 **County's sale and transfer of Parcel Number 6009948, located at 730 North Avenue,**
10 **Tallmadge, Ohio, in Council District 6, a portion of Parcel Number 6009947, located at 89**
11 **East Howe Road, Tallmadge, Ohio, in Council District 6 and Parcel Number 0403384,**
12 **located at 340 North Cleveland-Massillon Road, Bath Township, Ohio, in Council District 5**
13 **and all other agreements and documents necessary to consummate the transactions**
14 **contemplated in the Cooperative Agreement, upon terms substantially similar to and not**
15 **materially adverse to the County, for the Executive's Department of Law and Risk**
16 **Management and declaring an emergency.**

17
18 WHEREAS, the County is the owner of certain real property identified as Parcel Number
19 6009948, located at 730 North Avenue, Tallmadge, Ohio, in Council District 6 ("North Ave.
20 Parcel"), Parcel Number 6009947, located at 89 East Howe Road, Tallmadge, Ohio, in Council
21 District 6 ("Howe Rd. Parcel") and Parcel Number 0403384, located at 340 North Cleveland-
22 Massillon Road, Bath Township, Ohio, in Council District 5 ("Bath Twp. Parcel"); and

23
24 WHEREAS, the North Ave. Parcel, which is approximately 14.03 acres of land, is
25 currently used as a soccer field pursuant to a lease agreement between the County and the City of
26 Tallmadge and is no longer necessary for County operations; and

27
28 WHEREAS, the Bath Twp. Parcel, which is approximately 7.92 acres of land and the
29 Howe Rd. Parcel, which is approximately 28.57 acres of land, was used by the Summit County
30 Developmental Disabilities Board ("DD Board") for various operations which included
31 educational, training, administrative and maintenance operations for the benefit of the Summit
32 County residents served by the DD Board; and

33
34 WHEREAS, the DD Board has invested substantial sums in the construction, operation
35 and maintenance of certain improvements, structures and facilities during its use of the Bath
36 Twp. Parcel and Howe Rd. Parcel; and

37
38 WHEREAS, due to changes in federal law, the DD Board no longer provides direct
39 services to the Summit County residents it serves and will no longer need the Bath Twp. Parcel
40 and Howe Rd. Parcel and it intends to relocate all operations currently remaining on the Howe
41 Rd. Parcel to other facilities within the County; and

42
43 WHEREAS, pursuant to Section 177.16(e) of the Codified Ordinances of the County of
44 Summit, this Council may authorize the sale and transfer of the North Ave. Parcel and a portion
45 of the Howe Rd. Parcel, which is not necessary for County operations, to the City of Tallmadge
46 without competitive bidding; and

47
48 WHEREAS, pursuant to Section 177.16(g) of the Codified Ordinances and as authorized
49 by Council Resolution No. 2019-430, the Executive may use the brokers, Berkshire Hathaway
50 Home Services Simon and Salhany Realty, Inc., to assist in the sale of the Bath Twp. Parcel
51 without competitive bidding; and
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3
4 WHEREAS, the Executive has proposed that the County enter into a Cooperative
5 Agreement, whereby the County shall:

6
7 (i) complete a lot split of the Howe Rd. Parcel into four separate parcels: the Eastern Split
8 Parcel that includes the vehicle maintenance facility building; the Western Split Parcel that
9 includes the former vocational workshop building; the Ballfield Split Building that includes the
10 baseball field; and the Central Split Parcel that includes the former administrative building; and

11
12 (ii) the County shall retain possession of the Western Split Parcel to use as a regional
13 public safety dispatch and training center and the Eastern Split Parcel to use for public safety
14 storage and an operations facility; and the County and DD Board shall enter into an agreement
15 whereby the County shall pay to the DD Board as compensation for its improvements and
16 investments, the total amount for both the Western Split Parcel and the Eastern Split Parcel the
17 sum of One Million Three Hundred Fifty Thousand Dollars (\$1,350,000.00); and

18
19 (iii) the County shall enter into a lease agreement to provide the DD Board at least 4,000
20 square feet of storage space in the vehicle maintenance facility building located on the Eastern
21 Split Parcel for rent of no more than One Dollar (\$1.00) per year for a term of twenty (20) years;
22 and

23
24 (iv) the County and DD Board shall enter into an agreement whereby the County shall
25 sell the Bath Twp. Parcel to a viable third party through the use of a broker as previously
26 authorized by Council Resolution No. 2019-430 and pay to the DD Board, as compensation for
27 its improvements and investments, the net proceeds of such sale; and

28
29 (v) the County shall enter into an agreement whereby the City of Tallmadge shall
30 simultaneously purchase the Central Split Parcel for the purpose of economic development and
31 job creation and purchase the Ballfield Split Parcel and North Ave. Parcel for recreational
32 purposes for its residents, for the total amount for all three parcels the sum of One Dollar (\$1.00).

33
34 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
35 that it is necessary and in the best interest of the County to authorize the Executive to enter into
36 the Cooperative Agreement and such other agreements and documents necessary to consummate
37 the transactions contemplated in the Cooperative Agreement, upon terms substantially similar to
38 and not materially adverse to the County, for the aforementioned reason.

39
40 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
41 State of Ohio, that:

42
43 SECTION 1

44
45 The Executive is hereby authorized to enter into a Cooperative Agreement with the
46 Summit County Developmental Disabilities Board and the City of Tallmadge, a copy of which is
47 attached hereto as Exhibit A and incorporated fully herein, with such modifications and revisions
48 as shall be in furtherance of the provisions of said Cooperative Agreement and not substantially
49 adverse to the County, all of which shall be conclusively evidenced by the execution thereof by
50 the Executive.

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2 PAGE THREE

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4 SECTION 2

5
6 The Executive is further authorized to execute any Real Estate Purchase Agreements,
7 Real Estate Leases, Easements and all other agreements and documents necessary to
8 consummate the transactions contemplated in the Cooperative Agreement, upon terms
9 substantially similar to and not materially adverse to the County.

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11 SECTION 3

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13 This Resolution is hereby declared an emergency in the interest of the health, safety and
14 welfare of the residents of the County of Summit and for the further purpose of immediately
15 allowing the sale and transfer of real property as provided in the Cooperative Agreement so that
16 it may be returned to productive use as soon as possible.

17
18 SECTION 4

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

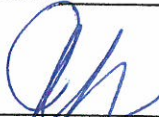
23
24 SECTION 5

25
26 It is found and determined that all formal actions of this Council concerning and relating
27 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
28 deliberations of this Council and any of its committees that resulted in such formal action, were
29 in meetings open to the public, in compliance with all legal requirements, including Section
30 121.22 of the Ohio Revised Code.

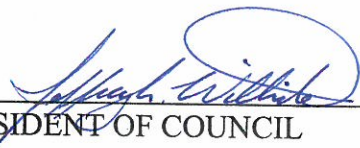
31
32
33 INTRODUCED November 23, 2020

34 December 7, 2020

35 ADOPTED _____

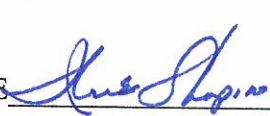
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38 _____

39 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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41 APPROVED December 8, 2020

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43
44 EXECUTIVE  _____

ENACTED EFFECTIVE December 8, 2020

Voice Vote: YES: 11-0 Dickinson, Donofrio, Feeman, Koehler, McKenney, Prentice, Rodgers, Schmidt, Sims, Walters, Wilhite