

1 RESOLUTION NO. 2009-514

2
3 SPONSOR Mr. Pry

4
5 DATE January 25, 2010 COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute a real estate purchase agreement**
8 **with Heather Knoll Rental Properties, LLC and any other documents necessary to sell to**
9 **Heather Knoll a portion consisting of 8.3067 acres of a parcel of County real property**
10 **(Parcel No. 6009945) located along Darrow Road in Tallmadge, Ohio, 44278, in Council**
11 **District 6, for the amount of \$430,512.18, for the Executive, and declaring an emergency.**

12
13 WHEREAS, the County of Summit owns a 12.679 acre parcel of real property (Parcel
14 No. 6009945) located along Darrow Road in Tallmadge, Ohio, 44278, in Council District 6; and

15
16 WHEREAS, the County has a forty year lease (11/16/1983 through 11/16/2023) for a
17 portion of the aforementioned parcel of real property with Heather Knoll Rental Properties, LLC,
18 which operates the Heather Knoll Nursing and Rehabilitation Center on the property; and

19
20 WHEREAS, the lease grants Heather Knoll an option to purchase leased real property;
21 and

22
23 WHEREAS, Heather Knoll has requested to purchase a portion consisting of 8.3067
24 acres of Parcel No. 6009945; and

25
26 WHEREAS, Heather Knoll has paid the cost of a survey which will allow Parcel No.
27 6009945 to be split into three parcels of real property as shown on Exhibit A, attached hereto and
28 incorporated herein as if fully restated; and

29
30 WHEREAS, Heather Knoll will pay for the costs of splitting Parcel No. 6009945 and for
31 the cost of a title insurance policy; and

32
33 WHEREAS, the County obtained an appraisal the parcel of real property, dated October
34 7, 2008, that valued an 8.585 portion Parcel No. 6009945 at \$470,000.00 and the County had
35 previously agreed to sell the parcel to Heather Knoll for that amount; and

36
37 WHEREAS, following the split, the size of the real property to be sold to Heather Knoll
38 will be reduced from 8.585 acres to 8.3067 acres due to: (1) the reservation of a sanitary sewer
39 easement by the County and the restrictions on use that the easement imposes; (2) the need to
40 accommodate access by the County to its communications tower and other facilities adjacent to
41 the Land and to accommodate the zoning requirements of the City of Tallmadge; and

42
43 WHEREAS, in addition, the County has agreed to pay the cost of the portion of the
44 survey conducted by Heather Knoll that is related to the sanitary sewer easement, which was
45 performed at the County's request, in the amount of \$770.00, as shown in Exhibit B, attached
46 hereto and incorporated herein as if fully restated, to be reflected in a deduction from the
47 purchase price; and

48
49 WHEREAS, as a result of the reduction in the size of the real property and the cost of the
50 survey related to the sanitary sewer easement, the purchase price will be \$430,512.18;

3
4 WHEREAS, this Council has determined by reviewing all pertinent information that it is
5 necessary and in the best interest of the County of Summit to authorize the County Executive to
6 execute a real estate purchase agreement with Heather Knoll and any other documents necessary
7 to sell to Heather Knoll the aforementioned 8.3067 acres of County real property for the amount
8 of \$430,512.18;

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

12
13 SECTION 1

14
15 The County Executive is hereby authorized to execute the Real Estate Purchase
16 Agreement, attached hereto as Exhibit C and incorporated herein as if fully restated, with
17 Heather Knoll Rental Properties, LLC and any other documents necessary to sell to Heather
18 Knoll a portion consisting of 8.3067 acres of a parcel of County real property (Parcel No.
19 6009945) located along Darrow Road in Tallmadge, Ohio, 44278, in Council District 6, for the
20 amount of \$430,512.18. The Real Estate Purchase Agreement is approved with changes therein
21 not inconsistent with this Resolution and not substantially adverse to the County which shall be
22 approved by the County Executive; provide that the approval of those changes by the County
23 Executive and the character of such changes as not being substantially adverse to the County
24 shall be evidenced conclusively by the execution of the Real Estate Purchase Agreement. The
25 real property is shown on the survey attached hereto as Exhibit A.

26
27 SECTION 2

28
29 This Resolution is hereby declared an emergency in the interest of the health, safety and
30 welfare of the citizens of the County of Summit, and for the further reason that it immediately
31 authorizes the sale of 8.3067 acres of County real property located along Darrow Road in
32 Tallmadge to Heather Knoll.

33
34 SECTION 3

35
36 Provided this Resolution receives the affirmative vote of eight (8) members, it shall take
37 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
38 effect and be in force at the earliest time provided by law.

39
40 SECTION 4

41
42 It is found and determined that all formal actions of this Council concerning and relating
43 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
44 deliberations of this Council and of any of its committees that resulted in such formal action,
45 were in meetings open to the public, in compliance with all legal requirements, including Section
46 121.22 of the Ohio Revised Code.

1 RESOLUTION NO. 2009-514
2 PAGE THREE

3
4
5 INTRODUCED December 14, 2009
6

7
8 ADOPTED January 25, 2010
9

10
11 
12 _____
13 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

14
15 APPROVED January 25, 2010
16

17
18 
19 _____
20 EXECUTIVE

21
22 ENACTED EFFECTIVE January 25, 2010

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith