

1 RESOLUTION NO. 2010-475

First Reading Passage Requested
J. Dodson

2
3 SPONSOR Mr. Pry

4
5 DATE November 15, 2010

COMMITTEE: Planning

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7 **A Resolution authorizing the County Executive to execute an agreement between the County,**
8 **Summit County Port Authority (“Port Authority”) and Austen BioInnovation Institute in**
9 **Akron (“ABIA”) whereby the Port Authority and/or ABIA will proceed with the**
10 **demolition and asbestos abatement necessary for the ABIA Project, upon certain terms and**
11 **conditions, for the Executive’s Department of Community and Economic Development,**
12 **and declaring an emergency.**

13
14 WHEREAS, pursuant to Resolution No. 2010-405, this Council authorized the County
15 Executive to enter into a Cooperative Agreement and other related and necessary documents to
16 consummate the transfer and subsequent renovation of Building 1, located at 47 N. Main St.,
17 Akron, Ohio, to be the new headquarters of the Austen BioInnovation Institute in Akron
18 (hereinafter “ABIA Project”); and

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20 WHEREAS, following the adoption of that Resolution, the County, Port Authority and
21 ABIA have proceeded with plans for the ABIA Project; and

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23 WHEREAS, at this time, it appears as though the closing of the financing for the
24 transaction and the transfer of the building from the County to the Port Authority will occur
25 sometime in January 2011; and

26
27 WHEREAS, in order to meet the anticipated dates for the completion of construction of
28 the ABIA Project, the County, Port Authority and ABIA desire to commence demolition and
29 asbestos abatement throughout the floors that will be occupied by the ABIA prior to the closing
30 and transfer of the property; and

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32 WHEREAS, to proceed with the demolition and asbestos abatement as set forth above,
33 the parties will need to enter into an agreement authorizing the Port Authority and ABIA to
34 proceed with the demolition and asbestos abatement with the conditions that, County processes
35 will be used to select the necessary vendor(s), ABIA will be responsible for all of the cost for the
36 same, and, in the event the financing transaction does not close and building does not transfer,
37 ABIA will be responsible for the costs of repairing and replacing the demolished property to a
38 condition suitable for office use by the County; and

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40 WHEREAS, this Council finds and determines, after reviewing all available information,
41 that it is necessary and in the best interest of the County of Summit to authorize the County
42 Executive to enter into the aforementioned agreement so that demolition and asbestos abatement
43 may begin as soon as possible.

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45 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
46 State of Ohio, that:
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1 RESOLUTION NO. 2010-475

2 PAGE TWO

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4 SECTION 1

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6 The County Executive is hereby authorized to execute an agreement between the County,
7 Port Authority and ABIA whereby the Port Authority and/or ABIA will proceed with the
8 demolition and asbestos abatement necessary for the ABIA Project, with the conditions that,
9 County procedure will be used to select the necessary vendor(s), ABIA will be responsible for all
10 of the cost for the same, and, in the event the financing transaction does not close and the
11 building does not transfer, ABIA will be responsible for the costs of repairing and replacing the
12 demolished property to a condition suitable for office use by the County.

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14 SECTION 2

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16 This Resolution is hereby declared an emergency in the interest of the health, safety and
17 welfare of the citizens of the County of Summit and for the further reason to immediately allow for
18 the demolition and asbestos abatement to proceed.

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20 SECTION 3

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

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26 SECTION 4

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28 It is found and determined that all formal actions of this Council concerning and relating to
29 the adoption of this Resolution were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and of any of its committees that resulted in such formal action,

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32 INTRODUCED November 15, 2010

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34 ADOPTED November 15, 2010

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36 Shawley F. Green
37 CLERK OF COUNCIL

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39 Abu Poda
40 PRESIDENT OF COUNCIL

41
42 APPROVED November 15, 2010

43
44 Jessie M. By
45 EXECUTIVE

46
47 November 15, 2010
48 ENACTED EFFECTIVE

Voice Vote: 10-0-1 Yea: Comunale, Crawford, Crossland, Feeman, Kostandaras,
Poda, Prentice, Rodgers, Schmidt, Smith ABSTAIN: Shapiro

TS
10-0-1