

1 RESOLUTION NO. 2010-570

2
3 SPONSOR Mr. Pry

4
5 DATE January 10, 2011 COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute the First Amendment to the**
8 **Trust Agreement with the City of Hudson concerning approximately 427.901 acres of land**
9 **and improvements (Parcel Nos. 3000571, 3009800 and 3000574) located at 996 Hines Hill**
10 **Road in Hudson, Ohio, 44326, in Council District 3 (the "Property"), and to execute any**
11 **other documents requested by Hudson concerning the Property pursuant to the Trust**
12 **Agreement without further authorization by County Council, for the Executive's**
13 **Department of Law, and declaring an emergency.**

14
15 WHEREAS, County Council previously adopted Resolution No. 2009-397, which
16 authorized the County Executive to execute a Trust Agreement with the City of Hudson in order
17 to accept legal title to approximately 427.901 acres of land and improvements (Parcel Nos.
18 3000571, 3009800 and 3000574) located at 996 Hines Hill Road in Hudson, Ohio, 44326, in
19 Council District 3 (the "Property"), from the Cuyahoga County Board of Commissioners, and
20 further authorizing the Executive to execute any documents necessary to transfer said land and
21 improvements to Hudson, including, but not limited to, a quit claim deed, upon revocation of the
22 Trust Agreement by Hudson; and

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24 WHEREAS, the Executive executed the Trust Agreement on 11/10/09 and took title to
25 the Property as Trustee; and

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27 WHEREAS, Hudson anticipates that certain activities will need to occur on portions of
28 the Property in the near future and desires that a conservation easement be granted over certain
29 portions of the Property to the Western Reserve Land Conservancy in the near future; and

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31 WHEREAS, Section 3.01 of the Trust Agreement prohibits the Trustee from granting
32 easements or leasing areas of the Property; and

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34 WHEREAS, in order to accomplish the activities desired by Hudson, it is necessary to
35 execute the First Amendment to the Trust Agreement to grant authority to the County, as
36 Trustee, to grant certain easements to accommodate anticipated public improvements and to
37 lease certain areas of the Property as soon as possible to accommodate certain activities upon and
38 uses of the Property; and

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40 WHEREAS, in anticipation of further such requests by Hudson it is further necessary to
41 authorize the Executive to execute any future documents requested by Hudson concerning the
42 Property pursuant to the Trust Agreement without further authorization by Council;

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44 WHEREAS, this Council has determined by reviewing all pertinent information that it is
45 necessary and in the best interest of the County of Summit to authorize the Executive to execute
46 the First Amendment to the Trust Agreement for the aforementioned purposes and to execute any
47 future documents requested by Hudson concerning the Property pursuant to the Trust Agreement
48 without further authorization by County Council;

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

1 RESOLUTION NO. 2010-570
2 PAGE TWO

3
4 SECTION 1

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6 The County Executive is hereby authorized to execute the First Amendment to the Trust
7 Agreement with the City of Hudson concerning approximately 427.901 acres of land and
8 improvements (Parcel Nos. 3000571, 3009800 and 3000574) located at 996 Hines Hill Road in
9 Hudson, Ohio, 44326, in Council District 3 (the "Property").

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11 SECTION 2

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13 The County Executive is hereby authorized to execute any future documents requested
14 the City of Hudson concerning the Property pursuant to the Trust Agreement without further
15 authorization by County Council.

16
17 SECTION 3

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19 This Resolution is hereby declared an emergency in the interest of the health, safety and
20 welfare of the citizens of the County of Summit and for the further reason of immediately
21 authorizing the Executive to execute the First Amendment to the Trust Agreement with the City
22 of Hudson and to execute any future documents requested by the City of Hudson concerning the
23 Property pursuant to the Trust Agreement without further authorization by County Council.

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25 SECTION 4

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

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31 SECTION 5

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

38
39 INTRODUCED December 13, 2010

40
41 ADOPTED January 10, 2011

42
43 Sharily F. Grew
44 CLERK OF COUNCIL

[Signature]
PRESIDENT OF COUNCIL

45
46 APPROVED January 10, 2011

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48 [Signature]
49 EXECUTIVE

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51 ENACTED EFFECTIVE January 10, 2011

Voice Vote: 9-0 YES: Comunale, Crawford, Feeman, Kostandaras, Poda, Prentice, Roemer, Schmidt, Smith ABSENT: Rodgers, Shapiro