

1 RESOLUTION NO. 2010-253

2  
3 SPONSOR Mr. Pry

4  
5 DATE July 19, 2010 COMMITTEE Planning

6  
7 **A Resolution authorizing the County Executive to execute the First Amendment and**  
8 **Restatement of the Declaration of Condominium Ownership and By-Laws of the**  
9 **Condominium Association for the 1040 East Tallmadge Avenue Condominium, for the**  
10 **Executive, and declaring an emergency.**

11  
12 WHEREAS, pursuant to Resolution No. 2003-207, the County of Summit purchased  
13 from D.I.Y. Home Warehouse, Inc., the former D.I.Y. property located at 1040 East Tallmadge  
14 Avenue, Akron, Ohio, in Council District 2, which was subject to the 1040 East Tallmadge  
15 Avenue Condominium Declaration, for \$2,400,000.00; and

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17 WHEREAS, pursuant to Resolution No. 2004-717, the County sold Unit 1 in the 1040  
18 East Tallmadge Avenue Condominium to Summit Workforce Solutions, which operates The Job  
19 Center, for \$2,000,000.00; and

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21 WHEREAS, the parties wish to amend and restate the Declaration in order to ensure that  
22 the 1040 East Tallmadge Avenue Condominium is operated in an efficient manner in the best  
23 interests of the parties; and

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25 WHEREAS, it is necessary to authorize the County Executive to execute the First  
26 Amendment and Restatement of the Declaration of Condominium Ownership and By-Laws of  
27 the Condominium Association for the 1040 East Tallmadge Avenue Condominium; and

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29 WHEREAS, this Council has determined by reviewing all pertinent information that it is  
30 necessary and in the best interest of the County of Summit to authorize the Executive to execute  
31 the aforementioned First Amendment and Restatement; and

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

35  
36 SECTION 1

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38 The County Executive is hereby authorized to execute the First Amendment and  
39 Restatement of the Declaration of Condominium Ownership and By-Laws of the Condominium  
40 Association for the 1040 East Tallmadge Avenue Condominium, which is attached hereto as  
41 Exhibit A and incorporated herein as if fully restated. The First Amendment and Restatement is  
42 approved with changes therein not inconsistent with this Resolution and not substantially adverse  
43 to the County which shall be approved by the County Executive; provided that the approval of  
44 those changes by the County Executive and the character of such changes as not being  
45 substantially adverse to the County shall be evidenced conclusively by the execution of the First  
46 Amendment and Restatement.

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PAGE TWO

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason of immediately authorizing the Executive to execute the First Amendment and Restatement of the Declaration of Condominium Ownership and By-Laws of the Condominium Association for the 1040 East Tallmadge Avenue Condominium.

SECTION 3

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

SECTION 4

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

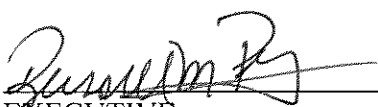
INTRODUCED May 24, 2010

ADOPTED July 19, 2010

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED July 19, 2010

  
EXECUTIVE

ENACTED EFFECTIVE July 19, 2010

Voice Vote: 10-0 YES: Komunale, Crawford, Crossland, Feeman, Kostandaras  
Poda, Rodgers, Schmidt, Shapiro, Smith ABSENT: Prentice