

1 RESOLUTION NO. 2011-405 **Late Filing**

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3 SPONSOR Mr. Pry and Council of the Whole

4 DATE October 3, 2011 COMMITTEE Planning

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7 **An amended Resolution authorizing the County Executive to execute and enter into a**
8 **Financing Term Sheet and to further execute a Development Agreement and all other**
9 **agreements and documents contemplated by and/or incidental to the Financing Term Sheet**
10 **and Development Agreement, with John A. Shutts & Associates, Inc. for the construction**
11 **and financing of sanitary sewer to service the Seasons Greene Eco-Industrial Park, for the**
12 **Executive's Department of Community and Economic Development, and declaring an**
13 **emergency.**

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15 WHEREAS, John A. Shutts & Associates, Inc. ("Developer") is the owner of certain real
16 property, consisting of approximately 130 vacant acres north of Seasons Road in Hudson, Ohio;
17 and

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19 WHEREAS, Developer also intends to acquire approximately 30 acres adjacent to the
20 property already owned by Developer; and

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22 WHEREAS, Developer intends to develop the aforementioned property into Eco-
23 Industrial Park known as Seasons Greene, which will be home to environmentally friendly
24 businesses and buildings, and which will be constructed to minimize impact on the environment
25 and maximize energy efficiency and green infrastructure; and

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27 WHEREAS, Developer intends to construct certain sanitary sewer to service the Seasons
28 Greene, and has requested the County's assistance in financing the same; and

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30 WHEREAS, the County has proposed to Developer that the County will finance the
31 sanitary sewer, which will be constructed by the Developer, and that said financing will be
32 funded through a loan from the Ohio Water Development Authority and secured by assessments
33 on the aforementioned property; and

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35 WHEREAS, the proposed financing will provide low interest rates to the Developer,
36 thereby assisting with the creating of the Eco-Industrial Park, and the furtherance of the County's
37 goals of job creation and development in an environmentally friendly manner; and

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39 WHEREAS, the County Executive's Office and the Developer have negotiated a
40 Financing Term Sheet, a copy of which is attached hereto as substitute Exhibit A, which sets
41 forth the terms of a proposed Development Agreement between the County and Developer for
42 the construction and financing of the aforementioned sanitary sewer; and

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44 WHEREAS, this Council finds and determines, by reviewing all pertinent information,
45 that it is necessary and in the best interest of this Council, to authorize the County Executive to
46 execute and enter into the Financing Term Sheet and to further execute the Development
47 Agreement and all other agreements and documents contemplated by and/or incidental to the
48 Financing Term Sheet and Development Agreement.

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

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1 RESOLUTION NO. 2011-405

2 PAGE TWO

3
4 SECTION 1

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6 The County Executive is hereby authorized to execute and enter into the Financing Term
7 Sheet, a copy of which is attached hereto as substitute Exhibit A, and to further execute the
8 Development Agreement and all other agreements and documents contemplated by and/or
9 incidental to the Financing Term Sheet and Development Agreement upon terms consistent with
10 such Term Sheet and such other terms in furtherance of the Term Sheet as shall not be adverse to
11 the County, all of which shall be conclusively evidenced by execution thereof by the Executive.

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13 SECTION 2

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15 This Resolution is hereby declared an emergency in the interest of the health, safety and
16 welfare of the citizens of the County of Summit, and for the further reason to immediately
17 authorize the Executive to execute the aforementioned Term Sheet and Development Agreement,
18 so that the aforementioned development may proceed as quickly as possible.

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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
23 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
24 effect and be in 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
29 to 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,
31 were in meetings open to the public, in compliance with all legal requirements, including Section
32 121.22 of the Ohio Revised Code.

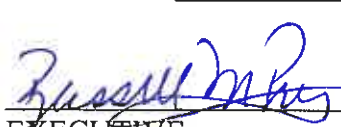
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36 INTRODUCED September 19, 2011

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38 ADOPTED October 3, 2011

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42 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

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44 APPROVED October 3, 2011

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48 EXECUTIVE

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50 ENACTED EFFECTIVE October 3, 2011

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Voice Vote:11-0 YES: Komunale, Crawford, Feeman, Kostandafas
Lee, Kurt, Prentice, Rodgers, Roemer, Schmidt, Shapiro