

1 RESOLUTION NO. 2015-284

First Reading Passage Requested
(M. Weant)

2
3 SPONSOR Mr. Pry

4
5 DATE July 6, 2015

COMMITTEE Public Works

6
7 **A Resolution authorizing and confirming the acquisition of the Seasons Commerce Center**
8 **Sanitary Sewer Extension Project and Seasons Road Sanitary Sewer Phase Three,**
9 **designated Sanitary Improvements No. 1646 and 1539-3; confirming the special assessment**
10 **as final and conclusive; and certifying the final assessment of the Project to the Fiscal**
11 **Officer, located in District 3, in the City of Hudson, for the Executive's Department of**
12 **Environmental Services, and declaring an emergency.**

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14 WHEREAS, in Res. No. 2011-405, County Council authorized the County to enter into a
15 Financing Term Sheet, Development Agreement and other agreements contemplated by the
16 Financing Term Sheet with John A. Shutsa and Associates, Inc. ("Shutsa"), in which the County
17 would provide a loan not to exceed \$425,000.00 to construct the Seasons Commerce Center
18 Sanitary Sewer Extension Project and Seasons Road Sanitary Sewer Phase Three, designated
19 Sanitary Improvements No. 1646 and 1539-3 respectively (collectively the "Project"), in the city
20 of Hudson, Ohio; and

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22 WHEREAS, under the Development Agreement, the parties agreed that Shutsa could
23 elect to place said loan amount on to a special assessment owned by Shutsa and receiving sewer
24 service from the Project;

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26 WHEREAS, Shutsa executed a Petition to the Council of the County of Summit
27 ("Petition"), in which Shutsa requested that the County acquire the Project and place the loan
28 amount on to a special assessment on the properties owned by Shutsa and receiving sewer
29 service. A copy of the Petition is attached as Exhibit A; and

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31 WHEREAS, in the Petition, Shutsa has waived the notice and publication of all
32 resolutions, legal notices and hearings provided for in Sections 6117.01 to 6117.99 of the
33 Revised Code; and

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35 WHEREAS, Construction of the Project has been completed, and the final payment
36 request under the loan has been received from Shutsa; and,

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38 WHEREAS, The final cost and final loan amount for the Project is \$400,765.63, and
39 Shutsa has elected to have the loan placed on its 2 parcels as a special assessment over 20 years;
40 and

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42 WHEREAS, the County Council has determined by reviewing all pertinent information,
43 that it is in the best interest of the County of Summit to confirm the assessment in the total
44 amount of \$400,765.63, and that said amount should be final and conclusive ("Final
45 Assessment");

46
47 WHEREAS, in accordance with Section 6117.33 of the Ohio Revised Code, and by
48 reviewing all pertinent information, the County Council has determined that it is in the best
49 interest of the County of Summit that the Final Assessment amount of \$400,765.63 should be
50 apportioned to the 2 parcels within the Project boundaries as stated in Exhibit B, and certified to
51 the Fiscal Officer to be placed on the tax list and duplicate for collection in semi-annual
52 installments over 20 years at the same rate of interest stated in the County's loan agreement with
53 the Ohio Water Development Authority to finance construction of the Project;

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

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7 SECTION 1

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9 It is necessary and in the best interests of the County to acquire Seasons Commerce
10 Center Sanitary Sewer Extension Project and Seasons Road Sanitary Sewer Phase Three,
11 designated Sanitary Improvements No. 1646 and 1539-3 respectively (collectively the "Project"),
12 as constructed by John A. Shutsa and Associates, Inc., ("Shutsa"), and as financed by the
13 County, and the acquisition of the Project is hereby confirmed by this Council.

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15 SECTION 2

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17 In accordance with the Development Agreement previously authorized by County
18 Council in Res. No. 2011-405, and in accordance with and the Petition to the Council of the
19 County of Summit executed by Shutsa attached as Exhibit A. The cost of the Project financed by
20 the County shall be specially assessed against the parcels as stated in Exhibit B.

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22 SECTION 3

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24 The assessment amount for the Project in the amount of \$400,765.63 is hereby confirmed
25 by this Council, and said amount shall be final and conclusive ("Final Assessment").

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27 SECTION 4

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29 The Final Assessment for the Project in the total amount of \$400,765.63 shall be
30 apportioned to the properties within the Project boundaries as stated in Exhibit B and is hereby
31 certified to the Fiscal Officer to be placed on the tax list and duplicate for collection in semi-
32 annual installments over 20 years at the rate of interest not to exceed the rate of the Ohio Water
33 Development Authority Loan used to finance the Project costs.

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35 SECTION 5

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37 This Resolution is declared an emergency in the interest of the health, safety and welfare
38 of the citizens of the County of Summit and for the further reason to immediately ensure the
39 certification of assessments for the Project to the Fiscal Officer for collection in accordance with
40 Section 6117.33 of the Ohio Revised Code.

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42 SECTION 6

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44 Provided this Resolution receives the affirmative vote of eight members, it shall take
45 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
46 effect and be in force at the earliest time provided by law.
47

1 RESOLUTION NO. 2015-284

2 PAGE THREE

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4 SECTION 7

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6 It is found and determined that all formal actions of this Council concerning and relating to the
7 adoption of this Resolution were adopted in an open meeting of this Council, and that all
8 deliberations of this Council and of any of its committees that resulted in such formal action,
9 were in meetings open to the public, in compliance with all legal requirements, including Section
10 121.22 of the Ohio Revised Code.

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13 INTRODUCED July 6, 2015

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15 ADOPTED July 6, 2015

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20 CLERK OF COUNCIL


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23 PRESIDENT OF COUNCIL

24 APPROVED July 7, 2015

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27 EXECUTIVE

July 7, 2015
ENACTED EFFECTIVE

Voice Vote: 11-0 YES: Comunale, Crawford, Donofrio, Feeman, Kostandaras,
Kurt, Lee, Prentice, Rodgers, Schmidt, Shapiro