

1 RESOLUTION NO. 2012-127

Late Filing

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3 SPONSOR Mr. Pry

4 DATE April 2, 2012

COMMITTEE Planning

6  
7 **A Resolution authorizing the County Executive to enter into an agreement with the**  
8 **Development Finance Authority of Summit County for resurfacing of the parking lot**  
9 **surrounding 47 North Main Street, Akron, Ohio 44308, in Council District 4, and sharing**  
10 **the costs of the same, for the Executive's Department of Law, Insurance and Risk**  
11 **Management, and declaring an emergency.**

12  
13 WHEREAS, this Council previously authorized the sale of the building located at 47  
14 North Main Street, Akron, Ohio 44308 to the Development Finance Authority of Summit  
15 County, fka Summit County Port Authority ("Authority"), for the renovation of the same into the  
16 Austen BioInnovation Institute in Akron's ("ABIA") new headquarters and simulation center  
17 (hereinafter "ABIA Building"); and

18  
19 WHEREAS, the County retained the ownership of the parking facilities surrounding the  
20 ABIA Building, and entered into a license agreement with the Authority, whereby the Authority  
21 was given permission for the tenants of the ABIA Building to park and otherwise use the parking  
22 facilities; and

23  
24 WHEREAS, under the aforementioned license agreement, the Authority has the  
25 responsibility for bearing the ordinary maintenance costs associated with the parking facilities,  
26 and the Authority further passes along said maintenance costs to the tenants of the ABIA  
27 Building; and

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29 WHEREAS, under the aforementioned license agreement, the County continues to bear  
30 the responsibility for long-term capital replacement costs such as the occasional resurfacing of  
31 the parking lot in the parking facilities; and

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33 WHEREAS, prior to beginning construction on the ABIA Building, the parking lot was  
34 in fair condition; however, the construction has substantially increased the deterioration of said  
35 lot, thereby requiring the same to be resurfaced; and

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37 WHEREAS, despite the fact that the County ordinarily has the obligation to bear the cost  
38 of resurfacing said parking lot, the County, Authority and ABIA have agreed to split the cost of  
39 the same equally between the County and ABIA; and

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41 WHEREAS, the County anticipates that its half of the cost of resurfacing the parking lot  
42 will not exceed \$35,000.00; and

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44 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
45 that it is necessary and in the best interest of this Council to authorize the Executive to enter into  
46 an intergovernmental agreement with the Authority whereby the Authority will be responsible  
47 for resurfacing the parking lot and obtaining ABIA's half of the cost and the County will be  
48 responsible for paying the half of the costs of the resurfacing.  
49

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2 PAGE TWO

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

6  
7 SECTION 1

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9 The County Executive is hereby authorized to execute an intergovernmental agreement,  
10 attached hereto as Exhibit A, with the Authority whereby the Authority will be responsible for  
11 resurfacing the parking lot surrounding the ABIA Building and obtaining ABIA's half of the cost  
12 and the County will be responsible for paying the half of the costs of the resurfacing. The  
13 Executive is authorized to make modifications to the attached intergovernmental agreement prior  
14 to execution that are not materially adverse to the County.

15  
16 SECTION 2

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18 This Resolution is hereby declared to be an emergency in the interest of the health, safety  
19 and welfare of the citizens of the County of Summit and for the further reason to ensure that the  
20 resurfacing is completed prior to the completion of the construction on the ABIA Building.

21  
22 SECTION 3

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

27  
28 SECTION 4

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

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37 INTRODUCED March 19, 2012

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39 ADOPTED April 2, 2012

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43 \_\_\_\_\_  
44 CLERK OF COUNCIL

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48 \_\_\_\_\_  
49 PRESIDENT OF COUNCIL

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51 APPROVED April 2, 2012

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54 \_\_\_\_\_  
55 EXECUTIVE

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57 ENACTED EFFECTIVE April 2, 2012

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59 Voice Vote: 10-0-1. Yes: Comunale, Crawford, Feeman, Kostandaras, Kurt  
60 Lee, Prentice, Rodgers, Roemer, Schmidt. Abstain: Shapiro