

1 RESOLUTION NO. 2018-455

First Reading Passage Requested
(J. Dodson)

2
3 SPONSORS Ms. Shapiro, Mr. Schmidt

4
5 DATE November 19, 2018

COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute a Cooperative Agreement for the**
8 **Bowery Redevelopment, Building F, Building G and Civic Theater Restoration Projects**
9 **with the Development Finance Authority of Summit County and The Community Hall**
10 **Foundation, Inc. dba the Akron Civic Theater whereby the County will provide owner's**
11 **representative services for the projects identified therein, for the Executive's Department**
12 **of Administrative Services, and declaring an emergency.**

13
14 WHEREAS, the Development Finance Authority of Summit County ("DFA") is the
15 owner of certain parcels of real property, together with the buildings and improvements thereon,
16 known commonly as the Whitelaw Building and reference by Summit County Parcel No. 68-
17 60967 (the "Whitelaw Building"); and

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19 WHEREAS, the DFA is also the owner of that certain parcel of real property located at
20 182 South Main Street in the City on which a building known as the Akron Civic Theatre is
21 situated (the "Civic Theatre"); and

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23 WHEREAS, the DFA is also the owner of that certain parcel of real property reference by
24 Summit County Parcel No. 68-60968, and located immediately adjacent to the South of the Civic
25 Theater, whereupon the former Stage Left Building was located (the "Stage Left Lot"); and

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27 WHEREAS, through a series of leases and subleases, the DFA leases and intends to lease
28 the Whitelaw Building, Civic Theater and Stage Left Lot to The Community Hall Foundation,
29 Inc. dba the Akron Civic Theater (the "Civic"); and

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31 WHEREAS, the DFA and the Civic intend to undertake certain improvements to the
32 Whitelaw Building, Civic Theater and Stage Left Lot (collectively the "Project"); and

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34 WHEREAS, the DFA and the Civic desire to engage the County to provide owner's
35 representative services to the DFA and the Civic during the undertaking of the Project; and

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37 WHEREAS, the County Executive has proposed that the County enter into a Cooperative
38 Agreement with the DFA and the Civic whereby the County will provide owner's representative
39 services to the DFA and the Civic during the undertaking of the Project; said Cooperative
40 Agreement being entitled the Cooperative Agreement for the Bowery Redevelopment, Building
41 F, Building G and Civic Theater Restoration Projects, a copy of which is attached hereto as
42 Exhibit A and incorporated herein by reference (the Cooperative Agreement refers to the
43 Whitelaw Building as Building F and the Stage Left Lot as Lot G (site of future Building G); and

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45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that it is necessary and in the best interest of the County to authorize the County Executive to
47 execute the aforementioned Cooperative Agreement.

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

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1 RESOLUTION NO. 2018-455

2 PAGE TWO

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4 SECTION 1

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6 The County Executive is hereby authorized to execute a Cooperative Agreement with the
7 DFA and the Civic whereby the County will provide owner's representative services to the DFA
8 and the Civic during the undertaking of the Project. Said Cooperative Agreement is entitled the
9 Cooperative Agreement for the Bowery Redevelopment, Building F, Building G and Civic
10 Theater Restoration Projects, and a copy is attached hereto as Exhibit A and incorporated herein
11 by reference. The County Executive is further authorized to make any modifications to said
12 Cooperative Agreement which, in the County Executive's opinion are non-material and not
13 contrary to the interest of the County, which determination shall be conclusively evidenced upon
14 the County Executive's execution of the same.

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16 SECTION 2

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18 This Resolution is hereby declared an emergency in the interest of the health, safety and
19 welfare of the residents of the County of Summit, and for the further reason that it is necessary to
20 immediately authorize the County Executive to execute the aforementioned Cooperative
21 Agreement so as to not unduly delay the Project.

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23 SECTION 3

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

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29 SECTION 4

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

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37 INTRODUCED November 19, 2018

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39 ADOPTED November 19, 2018

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43 _____
44 CLERK OF COUNCIL

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49 PRESIDENT OF COUNCIL

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51 APPROVED November 20, 2018

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55 EXECUTIVE

56 ENACTED EFFECTIVE November 20, 2018

Voice Vote - YES 9-0: Dickinson, Feeman, Hamilton, Koehler,
Prentice, Rodgers, Schmidt, Soyars, Wilhite
ABSENT: Donofrio, Walters