

1 RESOLUTION NO. 2021-041

2  
3 SPONSOR Executive Shapiro

4  
5 DATE March 1, 2021

6 COMMITTEE Public Works

7 **A Resolution authorizing the Executive to enter into a Private Developer Agreement with**  
8 **BH (Ohio) Leasing, LLC for the construction and reimbursement of an extension of**  
9 **County sanitary sewer lines located in the City of Stow, in Council District 3, known as**  
10 **Seasons Business Park West (Parcel #5610129), in an amount not to exceed \$271,200.00 for**  
11 **the Executive's Department of Sanitary Sewer Services and declaring an emergency.**

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13 WHEREAS, the County has provided a joint incentive offer with the City of Stow to BH  
14 (Ohio) Leasing, LLC's ("Developer") partner Ray Fogg Building Methods, Inc. for the  
15 development and construction of industrial buildings on Parcel #5610129, known as Seasons  
16 Business Park West (the "Project"), attached as Exhibit A; and

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18 WHEREAS, Developer plans to extend public infrastructure including sanitary sewer that  
19 shall be owned, operated, and maintained by the County upon acceptance and completion as  
20 described in the Private Developer Agreement attached as Exhibit B; and

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22 WHEREAS, Council recognizes that that the Project will bring a substantial number of  
23 additional jobs to the City of Stow and the County of Summit; and

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25 WHEREAS, the Developer has agreed to construct the sanitary sewer in accordance with  
26 the County's specifications and upon completion, will be eligible for a Reimbursement Grant in  
27 an amount not to exceed \$271,200.00 to the Developer; and

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29 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
30 that it is necessary and in the best interest of the County to authorize the Executive to enter into  
31 the Private Developer Agreement with the Developer to allow for the construction and extension  
32 of County sanitary sewer lines by the Developer and allow for the reimbursement of construction  
33 costs through a Reimbursement Grant in an amount not to exceed \$271,200.00 to the Developer.

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

37  
38 SECTION 1

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40 The Executive is hereby authorized to enter into a Private Developer Agreement with the  
41 Developer, a copy of which is attached and incorporated herein as Exhibit B. Furthermore, the  
42 Executive is authorized to make such modifications and revisions prior to its execution and is  
43 authorized to execute other related necessary documents that shall be in furtherance of the  
44 provisions of the Private Developer Agreement, upon terms substantially similar to and not  
45 materially adverse to the County. The Executive shall also be authorized to provide a  
46 Reimbursement Grant to the Developer in an amount not to exceed \$271,200.00 upon Developer  
47 satisfying the terms of the Private Developer Agreement.

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1 RESOLUTION NO. 2021-041

2 PAGE TWO

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4 SECTION 2

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6 This Resolution is hereby declared an emergency in the interest of the health, safety and  
7 welfare of the residents of the County of Summit and for the further purpose of immediately  
8 allowing the construction of a sanitary sewer extension into Seasons Business Park West.

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10 SECTION 3

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

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16 SECTION 4

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18 It is found and determined that all formal actions of this Council concerning and relating  
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
20 deliberations of this Council and any of its committees that resulted in such formal action, were  
21 in meetings open to the public, in compliance with all legal requirements, including Section  
22 121.22 of the Ohio Revised Code.

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26 INTRODUCED February 8, 2021

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28 ADOPTED March 1, 2021

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32 CLERK OF COUNCIL

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32 PRESIDENT OF COUNCIL

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34 APPROVED March 2, 2021

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37 EXECUTIVE Alan Skopris

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37 ENACTED EFFECTIVE March 2, 2021

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39 Voice Vote - YES 11-0: Darrow, DeVitis, Dickinson, Donofrio,  
Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite