

RESOLUTION NO. 2009-299

SPONSOR Mr. Pry

DATE August 24, 2009

COMMITTEE Planning

**A Resolution confirming the award by the Board of Control of the third amendment to a lease agreement with D & M Investments, Inc. by Mogen Real Estate in the amount of \$2,000.00/month, for 3,080 square feet of space at 480 Portage Lakes Drive, Akron, Ohio 44319, in Council District 8, for a Clerk of Courts Title Bureau, for a month-to-month period of five months, from August 1, 2009 through December 31, 2009, in an amount not to exceed \$10,000.00, for the Clerk of Courts, and declaring an emergency.**

WHEREAS, County Council previously adopted Resolution No. 2000-09, which authorized the County Executive to execute a lease with D & M Investments, Inc. for space at 480 Portage Lakes Drive, Akron, Ohio 44319, in Council District 8, from a term from January 1, 2000 through December 31, 2003, in an amount not to exceed \$92,400.00; and

WHEREAS, Council subsequently adopted Resolution No. 2004-176, which confirmed an award by the Board of Control of a renewal of the lease (First Amendment) for a term of five years, from February 29, 2004 through February 28, 2009; and

WHEREAS, Council subsequently approved Amended Resolution No. 2009-124, which confirmed the award by the Board of Control of a month-to-month lease for the same space (Second Amendment), in the amount of \$2,000.00/mo. for a five month period, from March 1, 2009 through July 31, 2009, in an amount not to exceed \$10,000.00; and

WHEREAS, the Clerk of Courts wishes to execute a third amendment to the lease to extend it for a month-to-month term for a five month period at the same rate; and

WHEREAS, the Board of Control, at its August 5, 2009 meeting, awarded the aforementioned third amendment extending the lease; and

WHEREAS this Council has determined by reviewing all pertinent information that is it necessary and in the best interest of the County of Summit to confirm the award of the aforementioned third amendment extending the lease;

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

#### SECTION 1

The award by the Board of Control of the third amendment to a lease agreement with D & M Investments, Inc. by Mogen Real Estate in the amount of \$2,000.00/month, for 3,080 square feet of space at 480 Portage Lakes Drive, Akron, Ohio 44319, in Council District 8, for a Clerk of Courts' Title Bureau, for a month-to-month period of five months, from August 1, 2009 through December 31, 2009, in an amount not to exceed \$10,000.00, is hereby confirmed and the County Executive is hereby authorized to execute such amendment.

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SECTION 2

This Resolution is declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further purpose of immediately authorizing the Executive to execute a necessary amendment extending a lease for a Clerk of Courts Title Bureau.

SECTION 3

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

SECTION 4

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

INTRODUCED August 10, 2009

ADOPTED August 24, 2009

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED August 24, 2009

  
EXECUTIVE

ENACTED EFFECTIVE August 24, 2009

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras  
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith