RESOLUTION NO. 2012-127

SPONSOR Mr. Pry

DATE April 2, 2012

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

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

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

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

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

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

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

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

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of this Council to authorize the Executive to enter into an intergovernmental agreement with the Authority whereby the Authority will be responsible for resurfacing the parking lot and obtaining ABIA's half of the cost and the County will be responsible for paying the half of the costs of the resurfacing.
RESOLUTION NO. 2012-127

PAGE TWO

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

SECTION 1

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

SECTION 2

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

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 any of its committees that resulted in such formal action were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED March 19, 2012

ADOPTED April 2, 2012

CLERK OF COUNCIL

APPROVED April 2, 2012

EXECUTIVE

ENACTED EFFECTIVE April 2, 2012