RESOLUTION NO. 2014-045

SPONSOR Mr. Pry, Mrs. Rodgers

DATE February 10, 2014

COMMITTEE Public Works

A Resolution authorizing the County Executive to execute a Development Agreement with Albrecht, Inc., and J&E Development Corporation (the "Developers") in which the Developers will partially finance a sanitary sewer extension in tandem with a federal grant, to be built by the County on Seasons Road, Allen Road, McCauley Road and potentially on Campus Drive, in the City of Stow, in Council District 3, for the Executive's Department of Environmental Services, and declaring an emergency.

WHEREAS, Albrecht, Inc., is the developer of a commercial real estate project on Campus Drive in the City of Stow known as the Hudson Drive Business Campus ("Albrecht Project"); and

WHEREAS, J&E Development Corporation is the developer of a commercial real estate project located on Allen Road in the City of Stow ("J&E Project"); and

WHEREAS, the County owns and operates a sanitary sewer system pursuant to Chapter 6117 of the Ohio Revised Code, of which part runs along Seasons Road in the Cities of Stow and Hudson near the proposed Albrecht and J&E Projects; and

WHEREAS, Albrecht, Inc., has caused plans to be prepared to extend sanitary sewer to serve the Albrecht Project and subsequently to also serve the J&E Project (the "SSE") from the County’s sewer lines on Seasons Road; and

WHEREAS, a partial grant pursuant a U.S. State and Tribal Assistance Grant ("STAG") has been awarded to the County to finance the extension of its sanitary sewer line to serve the Project with sanitary sewer service, but the STAG requires the County to construct the SSE; and

WHEREAS, the Developers wish to finance the cost of the SSE that is not covered by the STAG as set forth in the Development Agreement attached to this Resolution as Exhibit A; and

WHEREAS, the SSE will assist in the creation of jobs in the County and will add to the County’s sanitary sewer customer base; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that authorizing the Executive to execute the aforementioned Development Agreement is necessary and in the best interest of the County of Summit;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:
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SECTION 1

The County Executive is hereby authorized to execute the Development Agreement (“Agreement”) with Albrecht, Inc., and J&E Development Corporation (the “Developers”), in which the Developers will partially finance a sanitary sewer extension to be built by the County on Seasons Road, Allen Road, McCauley Road and potentially Campus Drive, in the City of Stow, in tandem with an U.S. State and Tribal Assistance Grant (“STAG”), in the substantive form shown in Exhibit A, attached hereto and incorporated herein as if fully restated.

SECTION 2

This Resolution is hereby 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 financing an immediately needed sanitary sewer improvement in the City of Stow, in Council District 3.

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 January 27, 2014
ADOPTED February 10, 2014

CLEW OF COUNCIL

APPROVED February 11, 2014

EXECUTIVE

ENACTED EFFECTIVE February 11, 2014

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro