RESOLUTION NO. 2014-467

SPONSOR Mr. Pry

DATE October 27, 2014

COMMITTEE Planning

A Resolution authorizing the County Executive to execute an amendment to an agreement with the Summit County Land Reutilization Corporation for the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed and other real property within Summit County which would authorize the SCLRC pursuant to Section 1724.10(B)(2) of the Ohio Revised Code to sell or lease lands owned by the County, without competitive bidding, upon the authorization of County Council and for such uses, consideration and upon other terms specified by Council, for the Executive’s Department of Community and Economic Development, and declaring an emergency.

WHEREAS, County Council previously adopted Resolution No. 2012-214, which established the Summit County Land Reutilization Corporation (“SCLRC”), in accordance with Chapters 1724 and 5722 of the Ohio Revised Code, and approving, and authorizing the County Fiscal Officer to file, the Articles of Incorporation for the SCLRC as a non-profit corporation and the Fiscal Officer subsequently filed the same on June 6, 2012; and

WHEREAS, Council subsequently adopted Resolution No. 2012-254, which designated the SCLRC as the agent for the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed and other real property within Summit County pursuant to Section 1724.10 (A)(2) of the Ohio Revised Code and directing the SCLRC to prepare an agreement with the County and plan in furtherance of these matters; and

WHEREAS, this Council subsequently adopted Resolution 2013-322, which authorized the County Executive to execute said agreement and plan for the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed and other real property in Summit County, and providing for the County to serve as management agent and provide ongoing administration and support to the SCLRC (the “Agreement”); and

WHEREAS, on July 31, 2013, the County and the SCLRC entered into the Agreement; and

WHEREAS, Section 1724.10(B)(2) of the Ohio Revised Code authorizes a community improvement corporation, which includes within its definition a county land reutilization corporation, to sell or to lease any lands or interests in lands owned by a political subdivision determined by the legislative authority of the political subdivision not to be required by such political subdivision for its purposes, for uses determined by the legislative authority as those that will promote the welfare of the people of the political subdivision, stabilize the economy, provide employment, assist in the development of industrial, commercial, distribution, and research activities to the benefit of the people of the political subdivision, will provide additional opportunities for their gainful employment, or will promote the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the subdivision; and

WHEREAS, Section 1724.10(B)(2) further provides that the legislative authority shall specify the consideration for such sale or lease and any other terms thereof; and
WHEREAS, Section 1724.10(B)(2) further provides that upon the approval of the legislative authority of a political subdivision, the community improvement corporation acting through its officers and on behalf and as agent of the political subdivision shall execute the necessary instruments, including deeds conveying the title of the political subdivision or leases, to accomplish such sale or lease, without advertising and receipt of bids and shall file a copy of such agreement with the office of the county recorder of any county in which lands or interests in lands to be sold or leased are situated prior to the recording of a deed or lease executed pursuant to such agreement; and

WHEREAS, County Council recently adopted Resolution No. 2014-441, which authorizes the County Executive to execute a real estate purchase agreement with the SCLRC for the sale of a vacant parcel of County real property. Parcel No. 62-05929, located on Oxford Street in Twinsburg Township, in Council District 1, for the amount of $6,230.00, for the purpose of returning said parcel to productive use, consistent with the purpose and mission of the SCLRC; and

WHEREAS, Section 177.16(e) of the Codified Ordinances of the County of Summit already authorizes the sale of County-owned real property, or any part thereof, that is not necessary for County operations, upon the authorization of County Council, to any non-profit corporation for hospital, charitable, scientific, educational, recreational, or low to moderate-income housing purposes or to the United States, the State of Ohio or any of its agencies or political subdivisions, municipal corporations, townships, or any other governmental subdivision, without competitive bidding; and

WHEREAS, it is necessary to authorize the Executive to execute an amendment to the Agreement to authorize the SCLRC pursuant to Section 1724.10(B)(2) of the Ohio Revised Code to sell or lease lands owned by the County, without competitive bidding, upon the authorization of County Council and for such uses, consideration and upon other terms specified by Council; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to authorize the Executive to execute said amendment to the Agreement with the SCRLC for the aforementioned reasons;

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 amendment to an agreement with the Summit County Land Reutilization Corporation for the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed and other real property within Summit County (the “Agreement”) which would authorize the SCLRC pursuant to Section 1724.10(B)(2) of the Ohio Revised Code to sell or lease lands owned by the County, without competitive bidding, upon the authorization of County Council and for such uses, consideration and upon other terms specified by Council.
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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 immediately authorizing the Executive to execute a necessary amendment to the Agreement to authorize the SCLRC pursuant to Section 1724.10(B)(2) of the Ohio Revised Code to sell or lease lands owned by the County, without competitive bidding, upon the authorization of County Council and for such uses, consideration and upon other terms specified by Council.

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 Codes.

INTRODUCED _______ October 6, 2014

ADOPTED _______ October 27, 2014

CLERK OF COUNCIL

APPROVED _______ October 28, 2014

EXECUTIVE

ENACTED EFFECTIVE _______ October 28, 2014

Voice Vote: 10-0-1 YES: Comunile, Crawford, Kostandaras, Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro
ABSTAIN: Feeman