

1 RESOLUTION NO. 2016-389

2
3 SPONSOR Ms. Shapiro

4
5 DATE October 31, 2016

COMMITTEE Planning

6
7 **A Resolution approving the payment of costs related to County-requested construction**
8 **changes and data cabling pursuant to the lease agreements between the County and Akron**
9 **Phoenix Development Company, LLC for the premises at 1180 S. Main St., in Akron, Ohio,**
10 **authorizing the County Executive to execute all documents necessary to pay the same, and**
11 **appropriating funds for said payment, for the Executive's Department of Administrative**
12 **Services, and declaring an emergency.**

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14 WHEREAS, the County entered into two lease agreements (the "Leases") with Akron
15 Phoenix Development Company, LLC (the "Landlord") on or about November 25, 2014 for the
16 lease of the first three floors (the "Premises") of the "Triangle Building" located at 1180 S. Main
17 St., Akron, OH 44301 (the "Building"); and

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19 WHEREAS, pursuant to the terms of the Leases, the Landlord was responsible for the
20 buildout of the Premises for the County, and the cost of the same, provided, however, that the
21 County is responsible for the cost of any Tenant requested construction changes; and

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23 WHEREAS, during the course of construction of the buildout of the Premises, the
24 County requested certain changes to the construction, which primarily involved additional
25 security, additional handicap-accessibility, additional electrical and data items and changes
26 necessary to suit the particular needs of the County for the space; and

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28 WHEREAS, in total, the construction changes requested by the County totaled
29 \$218,732.00, or less than 1% of the total project cost; and

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31 WHEREAS, the Leases previously approved by this Council also required a payment in
32 the amount of \$116,859.00 to be paid to the Landlord upon the completion of construction for
33 data cabling of the second floor of the Premises, which is a cost incurred by the County outside
34 the normal cost of construction (the cost for the cabling of the first and third floors was included
35 in the construction cost and amortized over the term of the Leases); and

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37 WHEREAS, the County has negotiated and received a final summary of the costs owed
38 to the Landlord for both the construction changes and the second floor data cabling, a copy of
39 which is attached hereto as Exhibit A; and

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41 WHEREAS, it is necessary to appropriate additional funds totaling \$110,000.00 from the
42 Human Services Capital Improvements fund to pay the cost of the aforementioned construction
43 changes, and;

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45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that it is necessary and in the best interest of the County to approve the payment of the
47 aforementioned costs for construction changes and data cabling, to authorize the County
48 Executive to execute any and all documents necessary to pay said costs, and to appropriate
49 additional sums necessary to pay said costs.

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

1 RESOLUTION NO. 2016-389

2 PAGE TWO

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4 SECTION 1

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6 This Council hereby approves of payment of \$218,732.00 for the County's requested
7 construction changes incurred during the buildout of the Premises, as well as \$116,859.00 for the
8 data cabling costs for the second floor of the Premises. A summary of all costs approved herein
9 is attached hereto as Exhibit A and incorporated herein by reference. Additionally, this Council
10 hereby authorizes the County Executive to execute any documents necessary to make payment
11 for the aforementioned costs.

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13 SECTION 2

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15 Funds are hereby appropriated as follows:

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17 <u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
18 <u>HS Capital Improvements</u>		
42030-8150-78501	Capital Outlay	\$110,000.00

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20 SECTION 3

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22 The County Fiscal Officer is hereby authorized and directed to effect the within
23 appropriations.

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25 SECTION 4

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27 This Resolution is hereby declared an emergency in the interest of the health, safety and
28 welfare of the citizens of the County of Summit and for the further reason that it is necessary to
29 immediately pay the aforementioned sums to fulfill the County's obligations pursuant to the
30 Leases.

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32 SECTION 5

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

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38 SECTION 6

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40 It is found and determined that all formal actions of this Council concerning and relating
41 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
42 deliberations of this Council and of any of its committees that resulted in such formal action,
43 were in meetings open to the public, in compliance with all legal requirements, including Section
44 121.22 of the Ohio Revised Code.

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RESOLUTION NO. 2016-389

PAGE THREE

INTRODUCED October 17, 2016

ADOPTED October 31, 2016


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED November 1, 2016


EXECUTIVE

ENACTED EFFECTIVE November 1, 2016

Voice Vote: YES: 10-0 - Crawford, Dickinson, Donofrio, Feeman,
Kostandaras, Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Lee