

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0094

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution authorizing the reversal of a 1998 parcel swap with the Cuyahoga Metropolitan Housing Authority of Permanent Parcel Nos. 103-19-002 and 103-13-019; authorizing the County Executive to execute all documents necessary for the conveyance of said parcels and consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 1998, the Cuyahoga Metropolitan Housing Authority (“CMHA”) exchanged parking lot parcels of property with Cuyahoga County at Olde Cedar Estate and the former Juvenile Court facility at E 22nd Street and Cedar Ave. (the “1998 property swap”); and,

WHEREAS, CMHA quitclaimed a parking lot on the northwest corner of Olde Cedar (PPN 103-19-002) to the County, and the County quitclaimed a parking lot parcel on the north side of Cedar Avenue (PPN 103-13-019), to CMHA; and

WHEREAS, neither of the parties ever started using their newly acquired properties, and both continued to use the lots previously owned by them. Thus although the property ownership technically changed, the use or possession of the lots did not change; and

WHEREAS, the County has since built a new juvenile court facility and vacated the old juvenile court facility; and

WHEREAS, the parties have concluded that the best solution would be to “reverse” the 1998 land exchange so each party would again own record title to the parking lot each one actually used; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council authorizes the reversal of the 1998 property swap and the conveyance of the parking lot parcel in the northwest corner of Olde Cedar (PPN 103-19-002) to CMHA in exchange for CMHA's return of the parking lot parcel on the north side of Cedar Avenue (PPN 103-13-019) to the County.

SECTION 2. That the County Executive or his authorized designee is authorized to take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby and facilitate the issuance of title insurance with respect thereto, (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law.

SECTION 3. That all documents to be executed in connection with this transaction be subject to the Law Director's approval as to legal form and correctness.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by Mr. Jones, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana and Connally

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: May 14, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

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May 28, 2013