

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0252

<p>Sponsored by: County Executive FitzGerald/Department of Public Works</p> <p>Co-sponsored by: Councilmembers Gallagher, Jones and Miller</p>	<p>A Resolution making a revenue generating award on RQ24534 to Olmsted Township Board of Trustees in the amount of \$210,000.00 for the lease with option to purchase Fitch Road Yard, located at 7924 Fitch Road, Olmsted Township; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transaction; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Cuyahoga County engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and,

WHEREAS, Allegro recommended that the County place 13 properties then owned by the County for sale, including the Fitch Road Yard located at 7924 Fitch Road, Olmsted Township; and,

WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and,

WHEREAS, CBRE worked with the County to prepare and issue a request for proposals, RFP #24534, (the “RFP”) for the real property consolidation project in accordance with the Cuyahoga County Code, Chapter 501 Contracts and Purchasing Procedures; and,

WHEREAS, the County received a proposal from Olmsted Township Board of Trustees to purchase the land commonly known as the Fitch Road Yard, located at 7924 Fitch Road, Olmsted Township, Ohio; and,

WHEREAS, the proposal is to sell the property to the Township for TWO HUNDRED TEN THOUSAND and 00/100 Dollars (\$210,000.00) under a lease with option to purchase agreement (“LOP Agreement”); and,

WHEREAS, a deposit of TWENTY ONE THOUSAND and 00/100 Dollars (\$21,000.00) is due upon the delivery of the LOP Agreement; and,

WHEREAS, the term of the lease under the LOP Agreement is TEN (10) years and annual rent under the LOP Agreement is TWENTY ONE THOUSAND and 00/100 Dollars (\$21,000.00); and,

WHEREAS, by separate agreement the Olmsted Township Board of Trustees agree to maintain certain County roads and County facilities in the Township; and,

WHEREAS, in the event the roadway maintenance agreement is terminated, either during the term of the lease or after the Township exercises its option to purchase the property, the County retains the right to occupy a portion of the property, as determined by the parties, as reasonably necessary for the County to maintain the County roads and facilities the Township was otherwise maintaining; 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 hereby makes an award on RQ24534 to Olmsted Township Board of Trustees in the amount of \$210,000.00 for the lease with option to purchase Fitch Road Yard located at 7924 Fitch Road, Olmsted Township in connection with the Cuyahoga County Real Estate Portfolio Consolidation project and authorizes the County Executive to enter into said lease with an option to purchase.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) 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, including, but not limited to, a lease with the option to purchase, a Purchase and Sale Agreement and all documents to be executed by the County thereunder, and any and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (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 or his authorized designee, and (b) agree to such payments,

prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions.

SECTION 3. That all documents to be executed in connection with the transactions contemplated herein be subject to approval as to legal form and correctness as authorized by the Director of Law or his authorized designee.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional 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 Mr. Gallagher, the foregoing Resolution was duly adopted.

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

Nays: None

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County Council President	Date

_____	_____
County Executive	Date

_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: November 12, 2013
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: November 12, 2013

Additional Sponsorship Requested: November 20, 2013

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