

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0207

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution amending Resolution No. R2014-0040 dated 4/22/2014, which authorized a Purchase and Sale Agreement with Playhouse Square Foundation for the sale of the Loew's Building, to clarify that the County is transferring all County-owned properties associated with the Loew's Building; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, the County Executive/ Department of Public Works has submitted a request to amend Resolution No. R2014-0040 dated April 22, 2014, which approved a Purchase and Sale Agreement with the Playhouse Square Foundation for the sale of County-owned property commonly known as the Loew's Building, located at 1501 Euclid Avenue, and authorized the County Executive to terminate the Indenture of Lease (the "Lease"), as amended, and execute the said Purchase and Sale Agreement; and

WHEREAS, it has been the intent of the County to transfer to the Playhouse Square Foundation, in addition to the Loew's Building, all County-owned properties associated with the Loew's Building, and to enter into all necessary Purchase and Sale Agreements to effectuate such intent; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue without interruption, and to provide for the usual, daily operation of a county development.

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

SECTION 1. That Resolution No. R2014-0040, dated April 22, 2014, is hereby amended as follows:

- A. The fifth "WHEREAS" clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, because the purpose of the County's original purchase in 1977 has been achieved, the County and the Playhouse Square Foundation have agreed to terminate the Lease, as amended, and transfer the title of the

property known as the Loew's Building and associated County-owned properties described as Permanent Parcel Nos. 103-01-013, 103-01-014 and 103-01-015 to the Playhouse Square Foundation; and,

- B. The sixth "WHEREAS" clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, the sale of the property known as the Loew's Building and associated County-owned properties to the Playhouse Square Foundation would result in significant savings in operating costs to the County; and,

- C. Section 1 is hereby deleted in its entirety and replaced with the following:

That the Cuyahoga County Council authorizes the County Executive to terminate the Lease, as amended, and enter into Purchase and Sale Agreements with the Playhouse Square Foundation for the sale of the property commonly known as the Loew's Building and the associated County-owned properties for the amount of \$1.00.

SECTION 2. 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 3. 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. Schron, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

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

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 26, 2014

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

Journal CC015

September 9, 2014