

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0002

Sponsored by: Councilmember Brown	A Resolution approving an adjustment of the municipal boundary between the City of Cleveland and the City of Shaker Heights that bisects eight parcels of land on Van Aken Boulevard at the intersection with Sutton and Onaway Roads, in order to incorporate all of the land within the municipal boundary of the City of Shaker Heights; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the City of Shaker Heights owns eight parcels of real property on Van Aken Boulevard, at the intersection with Sutton and Onaway Roads, which parcels are located partly in the City of Shaker Heights and partly in the City of Cleveland, and consist of approximately 2.34 acres of vacant land, with no structures and no residents, that have the permanent parcel numbers 731-18-021, 731-18-023, 731-18-024, 731-18-025, 731-18-026, 731-18-027 and 731-18-028 (“the Property”); and,

WHEREAS, the cities of Shaker Heights and Cleveland have mutually determined that the most prudent and efficient manner to incentivize economic development within, and adjacent to, the Property requires the adjustment of the municipal corporation boundary within the Property pursuant to Section 709.37 of the Ohio Revised Code, by causing the entire Property to be located within the corporate boundaries of the City of Shaker Heights (“Proposed Boundary Adjustment”); and,

WHEREAS, the Cleveland City Council and Shaker Heights City Council each enacted legislation on December 7, 2015 and December 23, 2015, respectively, approving the Proposed Boundary Adjustment in consideration of a tax sharing agreement; and,

WHEREAS, Section 709.37 of the Ohio Revised Code states “[t]he ordinances setting forth such agreement shall be certified to the board of county commissioners. Upon receipt of such certified ordinances, the board shall proceed by resolution to approve such change of boundary and to make such adjustment of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the board determines to be proper. Transcripts of the ordinances, agreements, and resolution certified by the board shall be filed in the office of the secretary of state and shall also be filed and recorded in the office of the county recorder. All fees and costs for such filing shall

be assumed and paid by such municipal corporations in such proportions as the board determines;” and,

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

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

SECTION 1. That Cuyahoga County Council hereby approves the Proposed Boundary Adjustment as specified in Cleveland City Ordinance No. 1446-15 and Shaker Heights City Ordinance No. 15-104 pursuant to Section 709.37 of the Ohio Revised Code.

SECTION 2. The County Executive and Fiscal Officer are hereby authorized to record and/or execute any documents that may be necessary to effectuate the Proposed Boundary Adjustment approved herein, and to file a certified copy of this Resolution, including the certified copies of Cleveland City Ordinance No. 1446-15 and Shaker Heights City Ordinance No. 15-104, with the Secretary of State in accordance with Section 709.37 of the Ohio Revised Code.

SECTION 3. All fees and costs of filing and recording shall be borne equally by the City of Cleveland and the City of Shaker Heights.

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 concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Brown, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

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

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: January 12, 2016

Committee(s) Assigned: Council Operations & Intergovernmental Relations

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January 26, 2016