

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0103

Sponsored by: County Executive Budish/Department of Public Works	A Resolution authorizing a Purchase and Sale Agreement, in the amount of \$9,250,000.00, and lease backs with City of Cleveland for the property commonly known as the City of Cleveland Police Department Headquarters, located at 1300 Ontario Street, Cleveland, Ohio; authorizing the County Executive to take all necessary actions and to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive, through the Department of Public Works, has recommended a Purchase and Sale Agreement, in the amount of \$9,250,000.00, and lease backs with City of Cleveland for the property commonly known as the City of Cleveland Police Department Headquarters, located at 1300 Ontario Street, Cleveland, Ohio; and

WHEREAS, pursuant to the terms of the Purchase and Sale Agreement, the title of the City of Cleveland Police Department Headquarters will be transferred to the County on or about the Closing Date, estimated to be October 2, 2018; and

WHEREAS, the County desires to enter into an agreement to lease space from the City of Cleveland in the City of Cleveland Police Department Headquarters for the period 10/2/2017 - 10/1/2018 for a lease amount of \$1.00 per year; and

WHEREAS, after the Closing Date, the County desires to enter into a revenue generating agreement to lease space to the City of Cleveland in the City of Cleveland Police Department Headquarters for the period 10/2/2018 - 10/1/2019 for a lease amount of \$10.00 per square foot per annum, plus parking fees and the cost of the City of Cleveland's proportional share of utilities; and

WHEREAS, funding for the agreement with City of Cleveland is 100% from the General Fund; 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 authorizes a Purchase and Sale Agreement with City of Cleveland in the amount of \$9,250,000.00 for the property commonly known as the City of Cleveland Police Department Headquarters, located at 1300 Ontario Street, Cleveland, Ohio.

SECTION 2. That the Cuyahoga County Council hereby authorizes an agreement with the City of Cleveland to lease space in the City of Cleveland Police Department Headquarters, located at 1300 Ontario Street, Cleveland, Ohio, for the period 10/2/2017 - 10/1/2018 for a lease amount of \$1.00 per year.

SECTION 3. That the Cuyahoga County Council hereby authorizes a revenue generating agreement with the City of Cleveland to lease space in the City of Cleveland Police Department Headquarters, located at 1300 Ontario Street, Cleveland, Ohio, for the period 10/2/2018 - 10/1/2019 for a lease amount of \$10.00 per square foot per annum, plus parking fees and the cost of the City of Cleveland's proportional share of utilities.

SECTION 4. To the extent that any exemptions are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution.

SECTION 5. 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 Purchase and Sale Agreement, the lease agreements and all documents to be executed by the County thereunder, (ii) all other and further documents, instruments, certificates, agreements, amendments, subleases, assignments, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, deeds 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, (b) agree to such payments and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions, and (c) prosecute and/or defend any actions or proceedings that may be necessary or advisable relative to any of the foregoing matters.

SECTION 6. That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director's approval as to legal form and correctness.

SECTION 7. 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 8. 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. Gallagher, seconded by Mr. Schron, the foregoing Resolution was duly adopted.

Yeas: Jones, Brown, Hairston, Simon, Baker, Miller, Tuma, Gallagher, Schron and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 13, 2017
Committee(s) Assigned: Public Safety & Justice Affairs

Committee Report/Second Reading Pending Committee Recommendation –
Legislation Tabled on the Floor: June 27, 2017

Legislation Substituted in Committee: September 19, 2017

Journal CC027
September 26, 2017