

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0200

Sponsored by: **County Executive Budish/Department of Public Works**

Co-sponsored by: **Councilmembers Jones, Schron, Conwell and Tuma**

A Resolution authorizing a Purchase and Sale Agreement with Greater Cleveland Regional Transit Authority in the amount of \$3,800,000.00 for the property commonly known as the Harvard Garage, located at 2501 Harvard Road, Newburgh Heights; authorizing the County Executive to take all necessary actions and to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, County Executive Budish/Department of Public Works has recommended a Purchase and Sale Agreement with Greater Cleveland Regional Transit Authority in the amount of \$3,800,000.00 for the property commonly known as the Harvard Garage, located at 2501 Harvard Road, Newburgh Heights, Ohio; and

WHEREAS, on October 24, 2017, the Board of Trustees of the Greater Cleveland Regional Transit Authority adopted Resolution No. 2017-93 authorizing the sale of the Harvard Garage to the County; and

WHEREAS, the purchase of the Harvard Garage is part of Phase III of the County's property consolidation project; and

WHEREAS, funding for the Purchase and Sale Agreement with Greater Cleveland Regional Transit Authority is 100% from the General Fund with anticipated reimbursement estimated to be 70% from Sanitary and 20% from Road and Bridge; 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 Greater Cleveland Regional Transit Authority in the

amount of \$3,800,000.00 for the property commonly known as the Harvard Garage, located at 2501 Harvard Road, Newburgh Heights, Ohio.

SECTION 2. That the County reserves the opportunity to reimburse the advance made by the General Fund for the \$3.8 million purchase of the property from future sale of bonds for purposes consistent with this purchase consistent with 26 CFR §1.150-2 and all other applicable laws and regulations.

SECTION 3. 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 4. 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 5. 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 6. 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 7. 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. Miller, the foregoing Resolution was duly adopted.

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

Nays: None


County Council President

11-29-17
Date


County Executive

11-30-17
Date


Clerk of Council

11/28/2017
Date

First Reading/Referred to Committee: November 14, 2017
Committee(s) Assigned: Public Works, Procurement & Contracting

Legislation Substituted in Committee: November 16, 2017

Additional Sponsorship Requested on the Floor: November 28, 2017

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