

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0089

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

A Resolution authorizing an agreement with and various payments to Dana Green for the purchase of property located at 430 Richmond Road, Richmond Heights, Permanent Parcel No. 662-22-013, in connection with the Cuyahoga County Airport Master Plan; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, the County Executive Budish/Department of Public Works has recommended (1) an Agreement for Sale and Purchase of Real Estate with Dana Green in the amount of \$128,000.00 for the purchase of certain property owned by Dana Green and located at 430 Richmond Road, identified as Permanent Parcel Number 662-22-013, in the City of Richmond Heights, Ohio (the "Property"); and (2) relocation payments to Dana Green in the total amount not-to-exceed \$80,000.00 in connection with the purchase of the Property; and

WHEREAS, the County of Cuyahoga owns and operates a public airport known as the Cuyahoga County Airport, 26300 Curtiss Wright Parkway, Richmond Heights, Ohio 44143 and situated in the cities of Richmond Heights, Highland Heights and Willoughby Hills; and

WHEREAS, Dana Green is the owner of the Property; and

WHEREAS, the County of Cuyahoga has identified the Property as a protective area on the Cuyahoga County Airport Master Plan approved by the Federal Aviation Administration (the "FAA") on November 10, 2010 and the County of Cuyahoga desires to acquire the Property from Dana Green for the purpose of bringing the Airport into FAA compliance pursuant to the Airport Master Plan; and

WHEREAS, the County will make application to the FAA for reimbursement for the purchase and relocation costs associated with this acquisition. Under current Federal guidelines, the County is eligible for a maximum of 90% of these costs to be reimbursed.

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 (1) an Agreement for Sale and Purchase of Real Estate with Dana Green in the amount of \$128,000.00 for the purchase of certain property owned by Dana Green and located at 430 Richmond Road, identified as Permanent Parcel Number 662-22-013, in the City of Richmond Heights, Ohio; and (2) relocation payments in the total amount not-to-exceed \$80,000.00 to Dana Green in connection with the purchase of the Property.

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, the Agreement for Sale and Purchase of Real Estate with Dana Green, and all documents to be executed by the County thereunder, (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, 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, (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 3. 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 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. Tuma, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

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

Nays: None


County Council President

5-16-18
Date


County Executive

5-17-18
Date


Clerk of Council

5/15/2018
Date

First Reading/Referred to Committee: April 24, 2018
Committee(s) Assigned: Public Works, Procurement & Contracting

Legislation Amended in Committee: May 2, 2018

Journal CC030
May 15, 2018