

RESOLUTION NO. 2009-089

Late Filing

SPONSOR Mr. Pry

DATE March 16, 2009

COMMITTEE: Public Safety

A Resolution authorizing the County Executive to execute, subject to the approval of the Board of Control, the Fourth Amendment to the Agreement of Sublease with the Ohio Department of Rehabilitation and Correction and accepted and consented to by the Ohio Building Authority pertaining to the financing of a portion of the cost of the Summit County Community Based Correction Facility (Project No. 95-FJ-J02-0084C), for Executive's Department of Law, Division of Public Safety—Justice Affairs, and declaring an emergency.

WHEREAS, the County of Summit, Ohio (the "County") entered into an Agreement of Sublease with the Department of Rehabilitation and Correction of the State of Ohio (the "Department"), made as of August 1, 1995, pursuant to Resolution No. 95-470, as amended and supplemented by the First Amendment to Agreement of Sublease, made as of December 1, 1996, pursuant to Resolution No. 96-670, the Second Amendment to Agreement of Sublease, made as of April 1, 2000, pursuant to Resolution No. 2000-210, and the Third Amendment to Agreement of Sublease, made as of December 1, 2000, pursuant to Resolution No. 2000-784 (collectively the "Sublease"); and

WHEREAS, the Department has awarded the County of Summit \$275,000.00 in construction funds to replace the roof of the male Community Based Correctional Facility located at 264 E. Crosier Street, Akron, Ohio, Akron, Ohio 44311, in Council District 5, which requires an amendment of the Sublease; and

WHEREAS, the Department's Bureau of Community Sanctions will assist in the construction and repair process; and

WHEREAS, the Department and the County desire to amend the Sublease with the consent of the Ohio Building Authority (the "Authority") in accordance with the terms thereof; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to authorize the County Executive to execute, subject to the approval of the Board of Control, the Fourth Amendment to the Sublease;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The Sublease shall be amended as provided in the Fourth Amendment to Agreement of Sublease (the "Fourth Amendment") in the form on file with the Clerk of this Council and by this reference made a part hereof as if fully rewritten therein.

SECTION 2

The County Executive is hereby authorized to execute, subject to the approval of the Board of Control, the Fourth Amendment to the Sublease in substantially the form on file with the Clerk of County Council. That instrument is approved with changes therein not inconsistent with this Resolution and not substantially adverse to the County which shall be approved by the County Executive; provide that the approval of those changes by the County Executive and the character of such changes as not being substantially adverse to the County shall be evidenced conclusively by the execution of those instruments.

SECTION 3

The County Prosecutor is hereby authorized to deliver her opinion addressed to the Authority and the Department, with respect to the due authorization, execution and delivery of the Fourth Amendment by the County and such other matters with respect to the authority of and actions taken by the County in respect thereto, as such addresses may reasonably request.

SECTION 4

The proper officers of the County and this Council, as appropriate, are each authorized and directed to deliver any additional certificates, documents or instruments and to take such further actions which are necessary or appropriate to effect the intent and purposes of this Resolution and the Fourth Amendment.

SECTION 5

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further reason of immediately authorizing the Executive to execute the Fourth Amendment and to facilitate the procession of needed funds.

SECTION 6

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 7

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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.


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INTRODUCED March 2, 2009

ADOPTED March 16, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED March 16, 2009


EXECUTIVE

ENACTED EFFECTIVE March 16, 2009

Voice Vote: 11-0 YES: Crossland, Schmidt, Comunale, Poda, Prentice
Smith, Crawford, Feeman, Rodgers, Shapiro, Kostandaras