

RESOLUTION NO.: 2022-R47
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: AUGUST 9, 2022

ASSIGNED TO: _____

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH ECC GREEN OH LLC OHIO CVS STORES, LLC AND WELLS FARGO TRUST COMPANY, FOR THE PROPERTY LOCATED AT 3761 MASSILLON ROAD, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.

WHEREAS, in July of 2022 a settlement was reached between the City of Green and ECC Green OH LLC, ET AL, Ohio CVS Stores, Wells Fargo Trust Company, to resolve the City's petition for the appropriation of property at 3761 Massillon Road, Uniontown, Ohio 44685, Parcel #28-15928; and

WHEREAS, Green City Council approved Resolution 2021-R54 which declared the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in and to various premises along State Route 241, Massillon Road, altogether with the necessary appurtenances to be further identified as the Massillon Road at Boettler Road & Corporate Roundabout Project ("Project"); and

WHEREAS, ECC Green OH LLC was one of the property owners the City of Green deemed necessary to appropriate for street purposes certain fee simple interests and easement in order to facilitate construction as part of Resolution 2021-R54; and

WHEREAS, the City submitted payment of Ninety-Six Thousand Two Hundred Dollars (\$96,200.00) with the Summit County Probate Court as deposit of settlement until an Agreement was reached; and

WHEREAS, the Court settlement was reached in the amount of One Hundred Seventeen Thousand Dollars (\$117,000.00) and the City of Green shall pay an additional Twenty Thousand Eight Hundred Dollars (\$20,800.00), a copy of which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, pursuant to the general laws of the State of Ohio, it is necessary to cover all obligations certified from or against an appropriation; and

WHEREAS, the Administration is requesting first (1st) reading passage on August 9, 2022, to satisfy the Court's ruling that the additional Twenty Thousand Eight Hundred Dollars (\$20,800.00) must be paid within thirty (30) days of the approval and recording of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

Green City Council authorizes the Mayor to enter into the Agreed Judgment Entry, a copy of which is attached hereto as Exhibit "A", which have been agreed upon by the Plaintiff and Defendants showing good cause for the location at 3761 Massillon Road.

SECTION TWO:

The Finance Director is authorized to appropriate the sum of Sixteen Thousand Four Hundred Forty Dollars and Zero Cents (\$16,640.00), which represents 80% of the federal grant award, to the Massillon Road/Boettler Rd Roundabout Account (Acct. #232-2100-53632) from the unappropriated balance of the Federal Grant Fund.

SECTION THREE:

The Finance Director is authorized to make payments to Wells Fargo Trust Company through the established purchase order procedure.

SECTION FOUR:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

Green City Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and so that the Project may proceed immediately and forthwith to satisfy the Summit County Probate settlement judgement. Provided that this legislation receives the affirmative vote of three-fourths ($\frac{3}{4}$ ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: _____

Nichole Messner, Clerk of Council

Dave France, Council President

APPROVED: _____, 2022

Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: _____, 2022

ON ROLL CALL: Babbitt _____ Brandenburg _____ DeVitis _____ France _____

Noble _____ Meager _____ Yeargin _____

Southside Leader publication on _____ and _____

Nichole Messner, Clerk of Council