

Revised 10/6/2022



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL COMMITTEE OF THE WHOLE MEETING**  
**TUESDAY, OCTOBER 11, 2022**  
**CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS**  
**C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR**  
**2:00 PM**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

**4. ITEMS REFERRED TO COMMITTEE:**

a) Items for the Public Hearing at 2:00 PM

- i) O2022-0005: An Ordinance amending and codifying Board of County Commissioners Resolution No. 2007-073101 dated July 26, 2007, and enacting new Chapter 727, Section 727.01 of the Cuyahoga County Code to change the period of time during which the County sales tax shall be levied at the aggregate rate of one and one-fourth percent; and declaring the necessity that this Ordinance become immediately effective.
- ii) O2022-0006: An Ordinance amending and codifying Board of County Commissioners Resolution No. 2007-073102 dated July 26, 2007, and enacting new Chapter 727, Section 727.02 of the Cuyahoga County Code to change the period of time during which the County use tax shall be levied at the aggregate rate of one and one-fourth percent; and declaring the necessity that this Ordinance become immediately effective.

b) Other items:

- iii) O2022-0007: An Ordinance Enacting New Chapter 703 of the County Code establishing a Justice Center Capital Projects Fund in accordance with ORC Section 5705.13; and declaring the necessity that this Ordinance become immediately effective.
- iv) R2022-0008: A Resolution declaring official intent under U.S. Treasury Regulations with respect to reimbursements from bond proceeds of temporary advances, made for payments in connection with the development of a new County jail, prior to issuance of bonds, and related matters; and declaring the necessity that this Resolution become immediately effective.
- v) R2022-0296: A Resolution authorizing the County Executive to accept assignment of a Real Estate Purchase Agreement, as amended, between the Greater Cleveland Community Improvement Corporation and Ohio Properties 2021 LLC in the amount not-to-exceed \$6,407,000.00 for the purchase of certain parcels of land containing approximately 40.67 acres bounded by Interstate 77 to the East and Heidtman Road to the South and West, Permanent Parcel Nos. 131-14-013, 131-14-014, 131-14-015, 131-14-016 and 131-14-021; authorizing the assignment of said Real Estate Purchase Agreement; authorizing the County Executive to take all necessary actions and to execute the agreement and all other documents consistent with said transaction and this Resolution; and declaring the necessity that this Resolution become immediately effective.
- vi) R2022-0297: A Resolution authorizing a Real Estate Purchase Agreement with UTS Realty, LLC in the amount not-to-exceed \$20,000,000.00 for the purchase of real property located at 2700 Transport Road, Cleveland, Ohio, Permanent Parcel Nos. 122-27-001, 122-27-013 and 122-27-007; authorizing a lease of said property to UTS Realty, LLC or its designee; authorizing the County Executive to take all necessary actions and to execute the agreements and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

**5. EXECUTIVE SESSION:**

- a) Pending or imminent litigation.
- b) Purchase or sale of property.

**6. MISCELLANEOUS BUSINESS**

**7. ADJOURNMENT**

*Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5<sup>th</sup> floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

*\*\*Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*

**County Council of Cuyahoga County, Ohio**  
**Ordinance No. O2022-0005**

<b>Sponsored by: County Executive Budish/Fiscal Office/Office of Budget and Management</b>	<b>An Ordinance amending and codifying Board of County Commissioners Resolution No. 2007-073101 dated July 26, 2007, and enacting new Chapter 727, Section 727.01 of the Cuyahoga County Code to change the period of time during which the County sales tax shall be levied at the aggregate rate of one and one-fourth percent; and declaring the necessity that this Ordinance become immediately effective.</b>
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WHEREAS, on July 26, 2007, the Board of County Commissioners adopted Resolutions No. 2007-073101 which authorized levying the County sales tax at the aggregate rate of one and one-fourth percent for a period of twenty years pursuant to ORC Sections 5739.026; and

WHEREAS, to maintain a source of funding for the County's General Fund and to permit the future issuance of Sales Tax Revenue Bonds and other County obligations for various County purposes which mature after the current expiration date of September 30, 2027, this Council proposes to amend and codify Board of County Commissioners Resolution No. 2007-073101 and to levy the sales tax at the aggregate rate of one and one-fourth percent for a continuing period of time; and

WHEREAS, notice was published and public hearings were held, according to law, on the question of the adoption of this Ordinance to levy the County sales tax at the rate of one and one-fourth percent effective for a continuing period of time pursuant to ORC Section 5739.026; and

WHEREAS, this Council, having heard all interested persons who requested to be heard on such question, determines that this Ordinance should be adopted; and

WHEREAS, it is further necessary that this Ordinance become immediately effective in order to permit the County to consider the issuance of Sales Tax Revenue Bonds and other obligations of the County to fund various projects without violating the requirements of ORC Section 133.081 of the Ohio Revised Code and the County's Master Sales Tax Indenture dated December 1, 2014;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That Section 1 of Board of County Commissioners Resolution No. 2007-073101 be amended and new Chapter 727 of the Cuyahoga County Code be enacted to read as follows:

**Chapter 727: Sales Tax**

**Section 727.01: Generally**

Pursuant to ORC Sections 5739.021 and 5739.026 and for the purpose of providing for additional revenues for the County's general fund and paying the expenses of administering such levy, the rate of the existing tax, in addition to the tax imposed by ORC Section 5739.02, upon every retail sale, except sales of motor vehicles, made in the County, is levied at the rate of one and one-fourth percent and shall be levied for a continuing period of time.

SECTION 2. Subject to the provisions of ORC Sections 305.31 to 305.41, the amendment to Section 1 of Board of County Commissioners Resolution No. 2007-073101 and codification of new Chapter 727, Section 727.01 of the Code, providing for the levy of said tax for a continuing period of time, shall take effect not earlier than sixty-five days after the date on which the certified copy of this Ordinance is delivered to the Tax Commissioner of the State of Ohio pursuant to Section 3 hereof.

SECTION 3. The Clerk of Council is hereby directed to deliver to the Tax Commissioner of the State of Ohio, either personally or by certified mail, a certified copy of this Ordinance not later than October 29, 2022.

SECTION 4. It is necessary that this Ordinance 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 the preamble. Provided that this Ordinance receives the affirmative vote of all members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: 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 all 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 the Council relating to the adoption of this Ordinance 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: August 2, 2022

Committee(s) Assigned: Committee of the Whole

Journal \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

**County Council of Cuyahoga County, Ohio**  
**Ordinance No. O2022-0006**

<p>Sponsored by: <b>County Executive Budish/Fiscal Office/Office of Budget and Management</b></p>	<p><b>An Ordinance amending and codifying Board of County Commissioners Resolution No. 2007-073102 dated July 26, 2007 and enacting new Chapter 727. Section 727.02 of the Cuyahoga County Code to change the period of time during which the County use tax shall be levied at the aggregate rate of one and one-fourth percent, and declaring the necessity that this Ordinance become immediately effective.</b></p>
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WHEREAS, on July 26, 2007, the Board of County Commissioners adopted Resolution No. 2007-073102 which authorized levying the County use tax at the aggregate rate of one and one-fourth percent for a period of twenty years pursuant to Section 5741.023 of the Ohio Revised Code; and

WHEREAS, to maintain a source of funding for the County's General Fund and to permit the future issuance of Sales Tax Revenue Bonds and other County obligations for various County purposes which mature after the current expiration date of September 30, 2027, this Council proposes to amend and codify Board of County Commissioners Resolution No. 2007-073102 and to levy the use tax at the aggregate rate of one and one-fourth percent for a continuing period of time; and

WHEREAS, notice was published and public hearings were held, according to law, on the question of the adoption of this Ordinance to levy the County use tax at the rate of one and one-fourth percent effective for a continuing period of time pursuant to Section 5741.023 of the Ohio Revised Code; and

WHEREAS, this Council, having heard all interested persons who requested to be heard on such question, determines that this Ordinance should be adopted; and

WHEREAS, it is further necessary that this Ordinance become immediately effective in order to permit the County to consider the issuance of Sales Tax Revenue Bonds and other obligations of the County to fund various projects without violating the requirements of Section 133.081 of the Ohio Revised Code and the County's Master Sales Tax Indenture dated December 1, 2014;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That Section 1 of Board of County Commissioners Resolution No. 2007-073102 be amended and Section 727.02 of the Cuyahoga County Code be enacted to read as follows:

**Chapter 727: Sales Tax**

**Section 727.01: . . .**

**Section 727.02: Use Tax on Motor Vehicles and Other Tangible Personal Property**

Pursuant to ORC Section 5741.023 and for the purpose of providing additional revenues for the County's general fund and paying the expenses of administering such levy, the rate of the existing tax, in addition to the tax imposed by ORC Section 5741.02 on the storage, use or other consumption in the County of motor vehicles acquired on or after May 1, 1970 by a transaction subject to the tax imposed by ORC Section 5739.02 and, in addition to that imposed by ORC Section 5741.02 and on the storage, use or other consumption in the County of tangible personal property which is subject to the tax levied by The State as provided in ORC Section 5741.02, and on storage, use, or other consumption in the County of tangible person property, purchased in another county within the state, by a transaction subject to the tax imposed by ORC Section 5739.02, is levied at the rate of one and one-fourth percent and shall be levied for a continuing period of time.

SECTION 2. Subject to the provisions of ORC Sections 305.31 to 305.41, the amendment to Section 1 of Board of County Commissioners Resolution No. 2007-073102 and codification of new Chapter 727, Section 727.02 of the Cuyahoga County Code, providing for the levy of said tax for a continuing period of time, shall take effect not earlier than sixty-five days after the date on which the certified copy of this Ordinance is delivered to the Tax Commissioner of the State of Ohio pursuant to Section 3 hereof.

SECTION 3. The Clerk of Council is hereby directed to deliver to the Tax Commissioner of the State of Ohio, either personally or by certified mail, a certified copy of this Ordinance not later than October 29, 2022.

SECTION 4. It is necessary that this Ordinance 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 the preamble. Provided that this Ordinance receives the affirmative vote of all members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: 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 all 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 the Council relating to the adoption of this Ordinance 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: August 2, 2022

Committee(s) Assigned: Committee of the Whole

Journal \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2022-0007

Sponsored by: County Executive Budish/Fiscal Office/Office of Budget and Management	<b>An Ordinance Enacting</b> new Chapter 703 of the County Code establishing a Justice Center Capital Projects Fund in accordance with ORC Section 5705.13, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: <b>Councilmember Simon</b>	

WHEREAS, ORC Section 5705.13(C) authorizes the establishment of a capital projects fund for the purpose of accumulating resources for the construction of fixed assets of the County; and

WHEREAS, the County desires to create a capital projects fund in accordance with ORC Section 5705.13 to accumulate resources for the construction of a new County correction center and County courthouse and related improvements; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical service provided by the County can continue and to provide for the efficient and effective operation of the County.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

SECTION 1. That new Chapter 703 of the Cuyahoga County Code is enacted to read as follows:

### **Chapter 703: Capital Projects Fund**

#### **Section 703.01: Fund Established**

The Fiscal Officer is hereby directed to establish a separate fund in the General Fund designated the Justice Center Capital Projects Fund in accordance with ORC Section 5705.13, for collecting and expending funds for the purposes set forth herein.

#### **Section 703.02: Use of Capital Projects Fund**

Funds in the Justice Center Capital Projects Fund shall be used solely to fund acquisition for, construction of, and improvements to a County correction center and courthouse.

**Section 703.03: Source of Capital Projects Funds**

Beginning January 1, 2028, the Fiscal Officer shall deposit monies from the General Fund and other legally available sources into the Justice Center Projects Fund no less frequently than biannually, in an amount equal to 20% of the amount collected annually under Chapter 727 of the Code, net of debt service on any obligations for capital projects as described in Section 703.02, above, and expenses associated with administering collection of any such sources.

**Section 703.04: Termination of Capital Projects Fund**

- A. The Justice Center Capital Projects Fund shall terminate on the earliest of:
  - 1. Ten years from the effective date of this Chapter;
  - 2. A total of \$250,000,000.00 is accumulated in the Justice Center Capital Projects Fund; or
  - 3. Repeal of this Chapter 703.
- B. Any funds remaining in the Justice Center Capital Projects Fund upon its termination shall be returned to the General Fund

SECTION 2. It is necessary that this Ordinance 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 the preamble. Provided that this Ordinance receives the affirmative vote of 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 all 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 3. It is found and determined that all formal actions of the Council relating to the adoption of this Ordinance 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: August 2, 2022  
Committee(s) Assigned: Committee of the Whole

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2022-0008

<p>Sponsored by: <b>County Executive Budish/Department of Finance/Department of Public Works</b></p>	<p><b>A Resolution</b> declaring official intent under U.S. Treasury Regulations with respect to reimbursements from bond proceeds of temporary advances, made for payments in connection with the development of a new County jail, prior to issuance of bonds, and related matters; and declaring the necessity that this Resolution become immediately effective.</p>
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**WHEREAS**, United States Treasury Regulations §1.150-2 (the “Reimbursement Regulations”) prescribe conditions under which proceeds of bonds, notes or other obligations (“Bonds”) used to reimburse advances made for capital and certain other expenditures (“Original Expenditures”) paid before the issuance of such Bonds will be deemed to be expended (or properly allocated to expenditures) for purposes of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the “Code”), upon such reimbursement so that the proceeds so used will no longer be subject to requirements or restrictions under those sections of the Code; and

**WHEREAS**, certain provisions of the Reimbursement Regulations require that there be a Declaration of Official Intent not later than 60 days following payment of the Original Expenditures expected to be reimbursed from proceeds of Bonds, and that the reimbursement occur within certain prescribed time periods after an Original Expenditure is paid or after the property resulting from that Original Expenditure is placed in service; and

**WHEREAS**, this Council wishes to take steps to comply with the Reimbursement Regulations in connection with the financing, construction and operation of a new jail, and to take other preliminary actions in connection with the Bonds.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1. Intent to Issue Bonds.** This Council declares that it reasonably expects that capital and other expenditures for a new County jail will be reimbursed with the proceeds of Bonds and this Council hereby agrees to exercise its reasonable efforts to authorize and issue Bonds of the County, in one or more series, in an aggregate principal amount not to exceed \$550,000,000.00, the present estimated cost of the new jail, or such other amount as is necessary to pay actual costs of the new jail.

**SECTION 2. Reimbursement Declaration.** This Resolution constitutes a Declaration of Official Intent under the Reimbursement Regulations. This Council declares that it reasonably expects that the expenditures to be incurred by the County will be reimbursed with proceeds of the Bonds described in Section 1 with respect to Original Expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced and that is reasonably expected to be reimbursed (in accordance with applicable authorizations, policies and practices) from the proceeds of Bonds, to make appropriate reimbursement and timely allocations from the proceeds of the Bonds to reimburse such Original Expenditures, and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Code.

**SECTION 3. Further Action.** That the County Executive or his authorized designee is authorized to take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby.

**SECTION 4. Effective Date.** 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. Open Meeting.** 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: January 11, 2022  
Committee(s) Assigned: Finance & Budgeting

Moved to Committee of the Whole: September 7, 2022

Journal \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2022-0296

<p>Sponsored by: <b>County Executive Budish/Department of Public Works</b></p>	<p><b>A Resolution</b> authorizing the County Executive to accept assignment of a Real Estate Purchase Agreement, as amended, between the Greater Cleveland Community Improvement Corporation and Ohio Properties 2021 LLC in the amount not-to-exceed \$6,407,000.00 for the purchase of certain parcels of land containing approximately 40.67 acres bounded by Interstate 77 to the East and Heidtman Road to the South and West, Permanent Parcel Nos. 131-14-013, 131-14-014, 131-14-015, 131-14-016 and 131-14-021; authorizing the assignment of said Real Estate Purchase Agreement; authorizing the County Executive to take all necessary actions and to execute the agreement and all other documents consistent with said transaction and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Ohio Properties 2021 LLC is a party to a Real Estate Purchase Agreement, as amended relating to certain parcels of land containing approximately 40.67 acres bounded by Interstate 77 to the East and Heidtman Road to the South and West (the "Property"); and

WHEREAS, the County desires to obtain control of the Property in order to facilitate the acquisition of real property located at 2700 Transport Road, Cleveland, Ohio, for the construction of a new corrections center; 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 the County Executive to accept assignment of a Real Estate Purchase Agreement, as amended, between the Greater Cleveland Community Improvement Corporation and Ohio



Properties 2021 LLC in the amount not-to-exceed \$6,407,000.00 for the purchase of certain parcels of land containing approximately 40.67 acres bounded by Interstate 77 to the East and Heidtman Road to the South and West, being permanent parcel numbers 131-14-013, 131-14-014, 131-14-015, 131-14-016 and 131-14-021.

**SECTION 2.** That the Cuyahoga County Council hereby authorizes the assignment of said Real Estate Purchase Agreement to UTS Realty, LLC, or its successors or assigns, in order to facilitate the acquisition of certain real property located at 2700 Transport Road, Cleveland, Ohio, as the location for a new county corrections center.

**SECTION 3.** If any specific appropriation is necessary to effectuate this settlement, such appropriation is approved, and the Director of the Office of Budget and Management is authorized to submit the requisite documentation to financial reporting to journalize the appropriation.

**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, 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



# County Council of Cuyahoga County, Ohio

## Resolution No. R2022-0297

<p>Sponsored by: <b>County Executive Budish/Department of Public Works</b></p>	<p><b>A Resolution</b> authorizing a Real Estate Purchase Agreement with UTS Realty, LLC in the amount not-to-exceed \$20,000,000.00 for the purchase of real property located at 2700 Transport Road, Cleveland, Ohio, Permanent Parcel Nos. 122-27-001, 122-27-013 and 122-27-007; authorizing a lease of said property to UTS Realty, LLC or its designee; authorizing the County Executive to take all necessary actions and to execute the agreements and all other documents consistent with said award and this Resolution, and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive, through the Department of Public Works, intends to enter into a Real Estate Purchase Agreement with UTS Realty, LLC in the amount not-to-exceed \$20,000,000.00 for the purchase of real property located at 2700 Transport Road, Cleveland, Ohio, Permanent Parcel Nos. 122-27-001, 122-27-013, and 122-27-007 (the "Property"); and

WHEREAS, the primary goal of the agreement is to purchase land to be used for construction of a new Cuyahoga County Corrections Center; and

WHEREAS, in order to facilitate acquisition and redevelopment of the Property the County intends to lease the Property to UTS Realty, LLC, or its designee, for a limited period of time; and

WHEREAS, the real property is located in Council District 7; and

WHEREAS, this purchase is funded by 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 approves a Real Estate Purchase Agreement with UTS Realty, LLC, in the amount not-to-exceed

\$20,000,000.00 for the purchase of real property located at 2700 Transport Road, Cleveland, Ohio, Permanent Parcel Nos. 122-27-001, 122-27-013, and 122-27-007; and approves a lease of said Property to UTS Realty, LLC, or its designee for a limited period of time.

**SECTION 2.** 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 3.** If any specific appropriation is necessary to effectuate this settlement, such appropriation is approved, and the Director of the Office of Budget and Management is authorized to submit the requisite documentation to financial reporting to journalize the appropriation.

**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, a lease agreement 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.

