

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE DOCUMENTS NECESSARY TO REMOVE CERTAIN TITLE MATTERS RELATIVE TO THE PROPERTIES LOCATED AT 53 FIRST STREET, 17 WEST STREETSBORO ROAD, AND 36 NORTH MAIN STREET; AND DECLARING AN EMERGENCY.

WHEREAS, via deed recorded in Summit County Records, Volume 7322, Page 424, from Incom International, Inc. to the Village of Hudson, dated October 23, 1986, both the Village of Hudson and Incom International, Inc. agreed to certain covenants as more fully described in the letter attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, via deed recorded in Summit County Records, Volume 19, Page 690, from the Village of Hudson to Richard A. Merino, dated April 22, 1988, conveying parcel number 32-04005, both the Village of Hudson and Richard A. Merino agreed to certain covenants as more fully described in the letter attached hereto and incorporated herein as Exhibit “A” (the covenants described here, together with the covenants described above in the first recital of this Resolution, are hereinafter collectively referred to as the Merino Properties’ “Title Issues”); and

WHEREAS, the Margaret Clark Morgan Foundation (hereinafter, “MCM”) is currently under contract to purchase 53 First Street, 17 West Streetsboro Road, and 36 North Main Street (collectively, the “Merino Properties”); and

WHEREAS, as part of the title report commissioned by MCM in its current efforts to purchase the Merino Properties, the above Title Issues were identified; and

WHEREAS, the above Title Issues limit MCM’s use of the Merino Property and do not reflect the current or past uses of the Merino Properties and surrounding area; and

WHEREAS, this Council finds and concludes that the above referenced Title Issues are no longer necessary due to the subsequent development of the Merino Properties and surrounding area and will only cause further issues in the future if they are not permanently released and removed; and

WHEREAS, this Council finds and concludes that the above referenced Title Issues no longer serve a public purpose and the City Manager is authorized to take the steps necessary to release and remove the same from the record permanently.

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

Section 1: The City Manager is authorized to take the steps necessary to release and remove the Title Issues described above (and as further identified in Exhibit A to this Resolution) and is further authorized to execute all other documents necessary to effect the purpose of this Resolution – including issuing a letter on behalf of the City of Hudson that the City of Hudson will not act on or attempt to enforce the above described Title Issues.

Section 2: 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 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.

Section 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that it is immediately necessary to release and remove the Title Issues relative to the Merino Properties so that a local foundation may take ownership of the subject area and preserve the collective parcels' use; wherefore, this Resolution shall go into effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto, except that six (6) affirmative votes shall be required if all members of Council are present at the meeting at which it is passed; otherwise, it shall be in full force and effect from and after the earliest period allowed by law..

PASSED:

Craig A. Shubert, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution No. 20-72 was duly passed by the Council of said Municipality on _____, 2020.

Elizabeth Slagle, Clerk of Council



LISTEN. SOLVE. EMPOWER.

P: 330.253.5060 F: 330.253.1977 W: bmdllc.com
75 East Market Street, Akron, Ohio 44308

Exhibit A – Resolution No. 20-72

Jason A. Butterworth

Member

D: 330.374.3216

F: 330.374.5188

E: jabutterworth@bmdllc.com

May 28, 2020

VIA EMAIL TO: mvazzana@hudson.oh.us

City of Hudson

City Hall

1140 Terex Road

Hudson, OH 44236

Attention: Matthew Vazzana

Re: Purchase of the Baldwin-Buss House property.

Dear Mr. Vazzana:

This office represents the Margaret Clark Morgan Foundation with respect to its efforts to purchase the Baldwin-Buss House and Merino Property located at 53 First Street, 17 West Streetsboro Road, and 36 North Main Street, Hudson, OH 44236 (the “Merino Property”).

MBI has received Title Commitment No. NCS-1004233-AKR from First American Title Insurance Company, which revealed several matters of record limiting the use of the Merino Property. It seems as if some of these title matters have been ignored such that it would be best for all involved that they be removed from title permanently. The matters of concern are listed in a deed from Incom International, Inc. to Village of Hudson, dated October 23, 1986, and in a deed from the Village of Hudson to Richard A. Merino, dated April 22, 1988.

Because MBI wishes to purchase the Merino Property free from title restrictions that are no longer current or relevant to the property, MBI requests your assistance in clearing these matters.

The first matter of concern is the deed recorded in the Summit County Records, Volume 7322, Page 424, from Incom International, Inc. to Village of Hudson, dated October 23, 1986, wherein the parties agreed that:

- a. The donated land, believed to be Parcel 32-03943 (abutting First Street), shall be used solely for the benefit of the Village of Hudson and its citizens for public interests;
- b. The Village of Hudson shall protect the Grantor’s property from runoff surface water or other adverse effects;

- c. The Village of Hudson shall provide a 6' high chain link fence with 1' additional barbed wire top around the subject premises;
- d. The Village of Hudson shall make provision for a 30' sliding gate in the north end of the premises to permit Grantor's traffic in and out of its facility;
- e. The Village of Hudson shall arrange for and bear the cost of the relocation of all utility lines intersecting or otherwise affected by the proposed road.

After having the Merino Property surveyed, it is not clear which property is benefited and which is burdened by these matters. This is likely due to the fact that the Merino Property substantially changed after the First & Main development. It is clear that no fence or gate is located on the property. Since the First & Main development occurred, the above-mentioned covenants are no longer necessary and will only cause further issues in the future if they are not removed or released.

As such, MBI requests that the City of Hudson acknowledge that it will not act on or attempt to enforce Items (b) – (e) as described above and that the City of Hudson will not require the property, described in Item (a) above, to be used solely for the benefit of the City and its citizens.

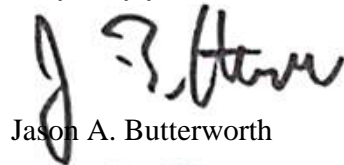
The second matter is found in the deed recorded in the Summit County Records, Volume 19, Page 690, from the Village of Hudson to Richard A. Merino, dated April 22, 1988, conveying Parcel 32-04005. This deed states the property will be used only for parking purposes, and further requires that the owner construct a barricade approximately 50 feet north of the right of way of Streetsboro Street to prevent the use of Parcel 32-04005 as a drive through or access road. However, a building was built quickly after the above-mentioned parking covenant was created. The building covers three parcels, including Parcel 32-04005. As such, this parcel is not currently and does not seem to have ever been used for parking purposes only.

MBI asks the City of Hudson to release this parking covenant burdening Parcel 32-04005, thereby allowing MBI to keep the current building in place and/or to freely develop the property without the fear that the City of Hudson may require the destruction of the current building, or any building thereafter built, and replace such building with a parking lot.

Due to the age of these matters and the current use of the Merino Property, MBI requests that the City of Hudson agree to terminate and release its interest in these matters described in the deeds mentioned above.

Please contact me directly if you have any further questions.

Very truly yours,



Jason A. Butterworth

cc: Rick Kellar

Enclosure

4833-3878-2653, v. 1