

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO BOTH A PURCHASE AND SALE AGREEMENT WITH THE HUDSON CITY SCHOOL DISTRICT AND RELATED DONATION AGREEMENT WITH AN ANONYMOUS DONOR TO ACQUIRE AND IMPROVE REAL PROPERTY LOCATED AT 34 NORTH OVIATT STREET (PERMANENT TAX PARCEL NO. 32-00118) IN THE CITY OF HUDSON FOR PUBLIC PURPOSES AND ALSO AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR COMPETITIVE BIDS FOR THE PURPOSE OF IMPROVING THE PROPERTY LOCATED AT 34 NORTH OVIATT STREET; ~~AND DECLARING AN EMERGENCY.~~

WHEREAS, the Hudson City School District (the "Hudson Schools") is the owner of an approximately 2.1-acre tract of vacant real property located at 34 North Oviatt Street (the "Old School Green"); and

WHEREAS, an anonymous donor (the "Foundation") desires to (1) assist the development of a passive open space for the use of the neighborhood surrounding the Old School Green, and (2) assist the Hudson Schools by providing compensation for the Old School Green; and

WHEREAS, the Foundation has committed to donate Five Hundred Thousand Dollars (\$500,000.00) plus an additional donation of Five Thousand Dollars (\$5,000.00) to cover costs of acquisition, and plus an additional amount up to Two Hundred and Fifty Thousand Dollars (\$250,000.00) for landscaping costs, on the condition that the City will (1) acquire the Old School Green from the Hudson Schools as described herein, (2) apply the donated funds to professionally landscape the Old School Green as open space pursuant to the donation agreement, and (3) grant to the Hudson Schools an easement for the installation by the Hudson Schools of a monument on the Old School Green commemorating the site of the Hudson Schools' first school building; and

WHEREAS, pursuant to Section 3313.41(C) of the Ohio Revised Code, the Hudson Schools have agreed to sell the Old School Green to the City of Hudson for the purchase price of Five Hundred Thousand Dollars (\$500,000.00) on the condition that the City accepts the Foundation's donations for the stated purposes; and

WHEREAS, as a condition to the Foundation's above described donations, the Foundation demands that immediately upon the transfer of title to the Old School Green a ninety-nine (99) year open space easement be placed on the Old School Green property; and

WHEREAS, this Council determines that the acquisition and improvement of the Old School Green property is for a valid public purpose and can be made at a fair and reasonable acquisition price; and

WHEREAS, this Council wishes to express its most sincere appreciation to the Foundation

for its generous donations.

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

Section 1. The City Manager is authorized to accept the donations from the Foundation totaling Seven Hundred and Fifty Thousand Dollars (\$750,000.00) for the purchase and improvement of the Old School Green and the additional donation of up to Five Thousand Dollars (\$5,000.00) for any costs associated with the acquisition of the Old School Green and to enter into a donation agreement therefor in a form acceptable to the City Manager and the City Solicitor.

Section 2. The City Manager is authorized to enter into an agreement for the purchase of real property in fee simple from the Hudson City School District for the property located at 34 North Oviatt Street in the City of Hudson (Permanent Tax Parcel No. 32-00118) in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) and the City agrees that the amount that will be paid by the City is the net amount of the total purchase price of Five Hundred Thousand Dollars (\$500,000.00) minus a charitable donation by the Foundation to the City in the amount of Five Hundred Thousand Dollars (\$500,000.00) which charitable donation shall be deposited in escrow with the closing escrow title agent by the Foundation and applied to the purchase price for a total cost paid by the City of zero dollars (\$0.00) and the purchase agreement shall be in a form acceptable to the City Manager and City Solicitor.

Section 3. The City Manager is authorized to execute all other documents necessary to close the transactions set forth in Sections 1 and 2 of this Resolution.

Section 4. To the extent it is required, the Director of Finance is authorized and directed to appropriate to a proper account the funds necessary for the agreement(s) authorized in Sections 1, 2, and 3 of this Resolution.

Section 5. The City Manager is authorized to advertise for a period of at least once a week for two (2) weeks in a newspaper of general circulation within the municipality requesting the submission of bids or to utilize the services of joint or cooperative purchasing programs as authorized by City Charter Section 6.04 for the purposes of acquiring the lowest and best bidder for Council's consideration in accordance with the specifications as supplied by the City Manager or her designee for the purchase or lease of labor, services, materials, equipment and supplies for the purpose of improving the Old School Green through the installation of professionally landscaped open space in accordance with the landscaping plan contained in the donation agreement referenced above.

Section 6. With respect to Section 5 above, the City Manager is authorized and directed to return all certified checks and bid bonds submitted by any unsuccessful bidders.

Section 7. On behalf of the City of Hudson and its citizens, this Council expresses its most sincere appreciation to the Foundation for its generous donation.

Section 8: 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 9. This Resolution is ~~determined to be an emergency measure necessary to further the public health, safety and general welfare and for the further reason that it is immediately necessary for the transactions that are the subject of this Resolution to occur in order to plan for, contract, and accomplish the purchase and improvement of the Old School Green so as to timely provide this important community benefit to the Residents of Hudson; wherefore, this Resolution shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council except that six (6) affirmative votes shall be required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.~~

PASSED: December 18, 2018

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution No. 18-187 was duly passed by the Council of said Municipality on December 18, 2018.

Elizabeth Slagle, Clerk of Council

First Reading: December 11, 2018
Second Reading: December 18, 2018