

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH WINDSTREAM WESTERN RESERVE, LLC TO ACQUIRE APPROXIMATELY 4.0128 ACRES OF REAL PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF OWEN BROWN STREET AND MORSE ROAD IN THE CITY OF HUDSON FOR PUBLIC PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, for several months the City administration and this Council have considered and discussed the acquisition of approximately four acres of property owned by Windstream Western Reserve, LLC near the southwest corner of Own Brown Street and Morse Road in the City of Hudson (hereinafter collectively referred to as the “Windstream Property”) that is needed to carry out the planned commercial area of the Downtown Redevelopment, Phase II, Project for economic development purposes; and

WHEREAS, this Council determines that the acquisition of the Windstream Property is for a proper public purpose and can be made at a fair and reasonable price for this important economic redevelopment project.

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

Section 1. The City Manager is authorized to enter into an agreement for the purchase of real property in fee simple from Windstream Western Reserve, LLC for 4.0128 acres of property located the near the southwest corner of Owen Brown Street and Morse Road in the City of Hudson (the legal description of which is attached hereto and incorporated herein as Exhibit “A”) in an amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000) and the agreement shall be in a form similar to the agreement on file with the Council Clerk and as is also acceptable to the City Manager and City Solicitor.

Section 2. The City Manager is authorized to execute all other documents necessary to close the transaction set forth in Section 1 and to pay the agreed upon closing costs upon the closing of the transaction.

Section 3. 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 authorized in Section 1 of this Resolution.

Section 4. 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 transaction that is the subject to this Resolution to occur in order to proceed with Phase II of the Downtown Redevelopment Project within the planned schedule for the Project; 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:

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on _____, 2016.

Elizabeth Slagle, Clerk of Council

Exhibit "A"

PARCEL B WESTERN RESERVE TELEPHONE TO CITY OF HUDSON

Situated in the City of Hudson, County of Summit, State of Ohio and known as being part of Original Hudson Township Lot No. 55 and being more fully described as follows:

Beginning at a mag spike set on the centerline of Owen Brown Street (40' R/W) at the centerline of Morse Road (60' R/W);

Thence S 00° 33' 55" E along the centerline of said Morse Road, 20.00 feet;

Thence S 89° 20' 00" W, 30.00 feet to the west line of said Morse Road;

Thence S 00° 33' 55" E along the west line of said Morse Road, as appears on the plat of the City of Hudson Downtown Redevelopment Project as recorded with Reception No. 54972817 of Summit County Records, 200.00 feet to a capped iron pin set and the True place of beginning for the parcel intended to be described herein;

Thence continuing along the west line of said Morse Road, S 00° 33' 55" E, 137.75 feet to a capped iron pin set;

Thence southwesterly 138.03 feet along the west line of said Morse Road and the arc of a curve deflecting to the right having a radius of 170.00 feet and a chord of 134.27 feet that bears S 22° 40' 59" W to a capped iron pin set;

Thence S 46° 05' 19" W along the west line of said Morse Road, 95.98 feet to a capped iron pin set at the north line of lands of the City of Hudson and being part of the Brandywine Office Condominium Phase II as recorded in Plat Cabinet E slide 850 of Summit County Records;

Thence N 58° 13' 37" W along the said north line of City of Hudson lands, 92.45 feet to a capped 5/8" rebar found;

Thence northwesterly 414.79 feet along the northerly line of said City of Hudson lands and the northeasterly line of the Norfolk Southern Railroad (formerly Cleveland & Pittsburgh Railroad) as shown on deed recorded in Volume 6130 page 121 of Summit County Records and the arc of a curve deflecting to the right having a radius of 2516.20 feet and a chord of 414.32 feet that bears N 48° 31' 30" W to a 1" iron pipe found and passing a capped rebar found 0.14' right at 312.90 feet;

Thence N 44° 43' 23" W along the northeasterly line of the said Norfolk Southern Railroad lands, 277.17 feet to a capped iron pin set on the south line of Owen Brown Street as aforesaid;

Thence N 89° 20' 00" E along the south line of said Owen Brown Street, 465.70 feet to a capped iron pin set;

Thence S 00° 33' 55" E, 180.00 feet to a capped iron pin set;

Thence S 51° 58' 02" E, 31.99 feet to a capped iron pin set;

Thence N 89° 20' 00" E, 21.00 feet to the True place of beginning and containing 4.0128 acres of land as surveyed by Robert J. Warner, P.S. 6931 for Environmental Design Group in March 2016.

Capped iron pins are 5/8" x 30" and have a cap stamped "Environ Design Group, Akron, OH".

Bearings are based on Grid North in the Ohio State Plane Coordinate System, North Zone, NAD83(2011).