

VILLAGE OF RICHFIELD

RESOLUTION NO. 86-2000

Offered by All of Council

A RESOLUTION APPROVING A CONTRACT FOR THE SALE OF A CERTAIN 1.0167 ACRE PARCEL OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BRECKSVILLE ROAD AND BROADVIEW ROAD AND DECLARING AN EMERGENCY

WHEREAS, CAM, Inc. and M&P Associates have proposed to use approximately 1.0167 acres of land now owned by the Village of Richfield as part of the seven (7) acre parcel to be conveyed to the State of Ohio for the location of its new Bureau of Criminal Investigation (BCI) facility, and

WHEREAS, the Council of the Village of Richfield has determined it is in the Village's best interest to subdivide the approximately 2.8076 acre parcel of land now owned by the Village, and sell to CAM, Inc. and/or M&P Associates an approximately 1.0167 acre parcel to be included in the property to be conveyed to the State of Ohio for its new BCI facility, and

WHEREAS, the Council of the Village of Richfield has, through extensive discussions and deliberations, determined that the appropriate consideration to be paid for this parcel shall be a combination of a cash contribution from CAM, Inc. and/or M&P Associates, improvements to the properties to be paid for by CAM, Inc. and/or M&P Associates, the transfer of certain conservation district properties to the Village of Richfield, and the transfer of access easement rights to the conservation district property, and

WHEREAS, the Council of the Village of Richfield recognizes that the consideration to be provided by CAM, Inc. and/or M&P Associates includes items that are of benefit to both the Village and CAM, Inc. and/or M&P Associates, and the Council has determined that the relative value of the payments, improvements and transfers to the Village constitute adequate consideration for the property being conveyed to CAM, Inc. and/or M&P Associates.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit and State of Ohio:

Section 1: That the Mayor and the Finance Director be, and they hereby are, authorized and directed to enter into an Agreement with CAM, Inc. and M&P Associates, a copy of which is attached as Exhibit "A" and incorporated herein fully as if by reference.

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 the 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.

Section 3: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Richfield and the inhabitants thereof, and for the further reason that the resolution of this issue is immediately necessary to facilitate final approvals by the State of Ohio for the purchase of the subject site, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

PASSED: August 29, 2000

Michael J. Lyons
President of Council

Louise B. Larsen
Mayor

Dated: 8/29/2000

ATTEST:

Carole Tibson
Clerk of Council

9/10/00

AGREEMENT

THIS AGREEMENT is made this 20th day of September, 2000, by and between the Village of Richfield, 4410 West Streetsboro Road, P. O. Box 387, Richfield, Ohio 44286-0387 ("the Village"), and CAM, Inc., 1525 Corporate Woods Parkway, P. O. Box 3515, Akron, Ohio 44309, M & P Associates, 1525 Corporate Woods Parkway, P. O. Box 3515, Akron, Ohio 44309 and Seabreeze North Corporation, 2958 Brecksville Road, Richfield, Ohio 44286 (the "Developers").

CAM
9/15/2000

WHEREAS, the Village owns a parcel of land, approximately 2.8076 acres, on the southwest corner of the intersection of Brecksville Road, Broadview Road and Wheatley Road, and

WHEREAS, Developers have proposed to develop the property to the west and adjacent to the Village land as part of the overall development of a certain 134.2574 acre parcel of land which was recently rezoned from Industrial, O/LI and Residential Districts to the Planned Commerce District and Conservation District, and

WHEREAS, there is a specific proposal to locate a new State of Ohio Bureau of Investigation Regional Office ("BCI Facility") on an approximately seven (7) acre site, which includes approximately 1.0167 acres of the land currently owned by the Village, as depicted on the plat map attached hereto as Exhibit "A", and

WHEREAS, The Village has determined it is in the Village's best interest to sell approximately 1.0167 acres of the Villages land to Developers to facilitate the location of the BCI Facility to a more desirable location as the entrance to the new development, and to facilitate the vacation and more appropriate utilization of Broadview Road Extension, the removal and relocation of the existing utility lines now on utility poles above ground along Broadview Road Extension, the landscaping and improvement of the remaining 1.2505 acres of land that will be retained by the Village and to insure the long term maintenance of that property as green space and/or park area, and

WHEREAS, Developers have agreed, as consideration for the transfer of 1.0167 acres of the Village land, to contribute \$50,000.00 to the Village's current Brecksville Road reconstruction project, pay all costs associated with the movement of the utility lines from their current location on telephone poles along Broadview Road Extension to an underground configuration routed along Brecksville Road and Broadview Road, to pay for the development of a landscaping plan acceptable to the Village for the property being retained by the Village, including the design of a storm water retention basin that will accommodate retention that may be needed for Brecksville Road and Broadview Road, to pay for the cost of implementing the landscaping and storm water retention plan on the Village land, to assume responsibility for the maintenance of that area as part of the overall development of the approximately 134.2574 acre parcel of land which was recently rezoned, to transfer to the Village an approximately 23.0734 acre parcel of land designated in the overall development plan as Conservation District land, and to provide easements and rights of way acceptable to the Village for access to the Conservation District land from the roadway(s) being developed as part of the overall development proposal.

NOW, THEREFORE, the parties agree as follows:

I. Developers shall do the following:

- A. Pay to the Village \$50,000,
- B. Arrange for and pay all costs associated with the movement of the utility lines from their current location on telephone poles above ground along Broadview Road Extension to an underground configuration routed along Brecksville Road and Broadview Road,
- C. Develop a landscaping plan acceptable to the Village, to be done by a landscape architect, for the property being retained by the Village, including the design of a storm water retention basin that will accommodate retention that may be needed for Brecksville Road and Broadview Road,
- D. Pay the full cost of installing the storm water retention portion of the plan,
- E. Pay for the cost of implementing the landscaping portion of the plan on the land to be retained by the Village up to \$25,000.00,
- F. Assume responsibility for the maintenance of the land to be retained by the Village as part of the overall development of the approximately 134.2574 acre parcel of land which was recently rezoned,
- G. Transfer to the Village an approximately 23.0734 acre parcel of land designated in the overall development plan as Conservation District land,
- H. Provide easements and rights of way acceptable to the Village for access to the Conservation District land from the roadway(s) being developed as part of the overall development,
- I. Transfer the 1.0167 acre parcel of land being transferred to Developers to the State of Ohio as part of the parcel being used as the site for the new BCI Facility.
- J. Developers will create an association which will be responsible for maintenance of retention basins on Village-owned property,
- K. Developers shall pay for the sewer tap-in for the building on the BCI property, and
- L. Developers shall pay for all costs of the lot split to create the 1.0167 acre parcel of Village land to be transferred as part of this transaction.

II. The Village shall:

- A. Transfer to Developers an approximately 1.0167 acre parcel of land identified in the approximate configuration of the plat map attached hereto as exhibit A.


III. Miscellaneous:

- A. Assignment. This agreement may not be assigned by either party without the prior written consent of the other party.

IN WITNESS WHEREOF, the Village and Developers have caused this Agreement to be signed by their duly authorized officials and officers effective on the date shown above.

VILLAGE OF RICHFIELD

By: Mayor Donald Larsen

By: 
Donald Larsen, Mayor

And: 
Eleanor Lukovics, Finance Director

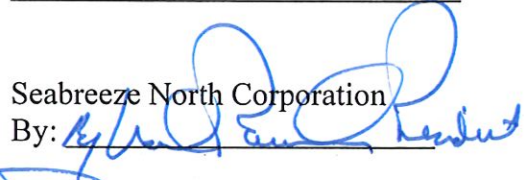
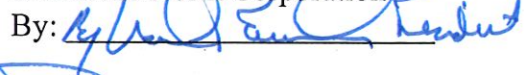
DEVELOPERS:

CAM, Inc
By: Charles A. Mockbee


CHAIRMAN / CEO

Richfield, LLC com 9/15/2000
M & P Associates
By: Charles A. Mockbee

MANAGING MEMBER


Seabreeze North Corporation
By: 
President

APPROVED AS TO FORM.


CHARLES T. RIEHL, Law Director
Village of Richfield