

RESOLUTION NO. 71-2021 (PD)

By Council Member Ungar

A Resolution authorizing the City Manager to enter into an agreement with Tucker Ellis LLP to serve as special counsel to the City of Cleveland Heights in connection with the Cedar-Lee-Meadowbrook project; and declaring an emergency.

WHEREAS, the City identified the opportunity to develop the site of approximately 4.8 acres known as "Cedar-Lee-Meadowbrook;" and

WHEREAS, the City issued Requests for Qualifications and Preliminary Development Proposals for the site, with responses received by December 30, 2020; and

WHEREAS, this Council determined that was in the City's best interest to move forward with negotiations on the Cedar-Lee-Meadowbrook project with Flaherty & Collins Properties and authorized the same; and

WHEREAS, the City Manager, Director of Economic Development, and Director of Law have determined a need to retain the services of outside counsel to assist the City in the undertaking of the project; and

WHEREAS, the City has previously retained Tucker Ellis LLP for legal representation in connection with similar developments; and

WHEREAS, the City Manager has determined that the services of Tucker Ellis, LLP have been satisfactory and recommends the firm's engagement in connection with the Cedar-Lee Meadowbrook Project; and

WHEREAS, such services are professional services for which no bidding is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager be, and she is hereby, authorized to execute an engagement letter and any related documents with Tucker Ellis LLP to serve as counsel to the City of Cleveland Heights in connection with the Cedar-Lee-Meadowbrook project. Compensation for the services detailed herein shall not exceed One Hundred Twenty Thousand Dollars (\$120,000.00). All agreements hereunder shall be approved as to form and subject to the final approval of the Director of Law.

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SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to enter into the above-mentioned engagement letter at the earliest time possible to proceed to the next phase of the project detailed herein. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: June 7, 2021