

North Canton City Council
Finance and Property Committee

Resolution No. 17 - 2019

A resolution authorizing the Director of Law, on behalf of the City of North Canton, to commence and take all legal actions necessary to recover from R & S Golf Properties, Inc., David Scott DeMuesy, and Robert C. Purcell, Jr. ("Tenants"), lease payments and capital improvements due from Tenants and not provided to the City, under a lease agreement and subsequent amendments thereto, and declaring the same to be an emergency.

WHEREAS, the City has entered into a lease agreement with subsequent amendments with Tenants regarding the real property located at 1500 Rogwin Circle NW, commonly known as "The Fairways," or "Arrowhead Golf Course," requiring Tenants to make monthly lease payments to the City and complete various annual capital improvements to the real property; and

WHEREAS, Tenants are past due on monthly lease payments and failed to fully complete necessary capital improvements according to the lease agreement and subsequent amendments thereto; and

WHEREAS, the City desires its Law Director to take all legal actions necessary to recover from Tenants, amounts past due and unpaid for lease payments, and required, yet not completed, critical and immediate capital improvements to the real property, and when necessary in the Law Director's discretion, to retain outside legal counsel and forensic experts for assistance in potentially complex and voluminous legal obligations.

WHEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That, on behalf of the City of North Canton, its Law Director shall take all legal actions necessary to recover from Tenants, amounts past due and unpaid for lease payments, and required, yet not completed, critical and immediate capital improvements to the real property described above, and when necessary in the Law Director's discretion, to retain outside legal counsel and forensic experts for assistance in potentially complex and voluminous legal obligations.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the City to timely collect amounts past due and unpaid for lease payments, and required, yet not completed, critical and immediate capital improvements to the real property described above; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 16th day of December 2019

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed: December 16, 2019

ATTEST:

Benjamin D Young
Benjamin Young, Clerk of Council