

MASSILLON CITY COUNCIL
CITY OF MASSILLON
TONY M. TOWNSEND, PRESIDENT

AGENDA FOR SPECIAL MEETING
HELD TUESDAY, NOVEMBER 12, 2013 AT 6:00 P.M.

1. ROLL CALL

2. ACTION TAKEN WITH POSSIBLE PASSAGE ON THE FOLLOWING RESOLUTION:

RESOLUTION NO. 16 - 2013

BY: COMMITTEE OF THE WHOLE

A RESOLUTION directing the Director of Law, City of Massillon, Ohio, to prosecute the collection of moneys due and owing from the Massillon Senior Apartments Limited Partnership.

3. ADJOURNMENT

MARY BETH BAILEY
CLERK OF COUNCIL

DATE: NOVEMBER 12, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 16 - 2013

BY: COMMITTEE OF THE WHOLE

TITLE: A Resolution Directing the Director of Law, City of Massillon, Ohio, to Prosecute the Collection of Moneys Due and Owing from the Massillon Senior Apartments Limited Partnership.

Whereas, The City of Massillon has been declared to be in Fiscal Emergency by the Auditor of the State of Ohio as of October 9, 2013, and;

Whereas, the City of Massillon has entered in to a security agreement known as a Conditional Assignment of Rents, Leases and Profits, signed and dated 9 Nov 1994 with the Massillon Senior Apartments Limited Partnership - Instrument number 199411220060655 recorded in Volume 1742 page 771 of the Office of The Stark County Recorder, which secures the loan of \$1,300,000 made to the Massillon Senior Apartments Limited Partnership pursuant to Mortgage instrument # 199411220060654, and;

Whereas, The Ohio Revised Code, Section 733.53 states: "733.53 Duties as to suits. The city director of law, when required to do so by resolution of the legislative authority of the city, shall prosecute or defend on behalf of the city, all complaints, suits, and controversies in which the city is a party, and such other suits, matters, and controversies as he is, by resolution or ordinance, directed to prosecute. He shall not be required to prosecute any action before the mayor of the city for the violation of an ordinance without first advising such action, and;

Whereas, The Massillon Senior Apartments Ltd Partnership had been in default of its security agreement with the City of Massillon since 2009, and a controversy exists to which the City of Massillon is a party, now, therefore, be it

Resolved, That the Director of Law of the City of Massillon is hereby directed to petition the court for a receivership order to enforce the Conditional Assignment of Rents, Leases and Profits generated by the property known as 59 Duncan Place, Massillon, Ohio, or the Senior Citizens High Rise, as set forth in Stark County Instrument 199411220060655, immediately.

PASSED THIS _____ DAY OF _____, 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR