

RESOLUTION R-2012-103
LUZERNE COUNTY COUNCIL

A Resolution Authorizing the County Manager to: Execute, on behalf of the County, the City-County-City Vest Participation Agreement; Accept title to the vacant land right to the Hotel Sterling Complex; and to reject City Vest's proposed "Mutual and General Release."

WHEREAS, on September 25, 2012, County Council concurred with the County Manager's recommendation to authorize funding from the Business Development Loan Fund, in an amount not to exceed \$232,729, for demolition and site clearance of the remaining Hotel Sterling improvements as part of the Hotel Sterling development project subject to the following conditions:

1. Condition No. 1. Receipt of an original signature executed copy of the City Vest-City-County Participation Agreement, executed by both the City of Wilkes-Barre ("City") and City Vest;
2. Condition No. 2. Receipt of an original adopted resolution from the City Vest Board of Directors recommending for further consideration, based upon its fulfillment of the project goals related to funding requirements of the US Department of Housing and Urban Development (HUD), a developer proposal received in response to City Vest's June 2012 Sterling Marketing RFP;
3. Condition No. 3. Receipt from the recommended developer of a fully responsive reply to the June 2012 Marketing RFP.

WHEREAS, since County Council's September 25, 2012 authorization, the three conditions proscribed by Council have been satisfied to the satisfaction of the County Manager;

WHEREAS, despite the above, City Vest refuses to adopt and execute the Participation Agreement to complete the demolition project until it receives an executed copy of a "Mutual and General Release" which was not part of the conditions agreed upon by and between the parties;

WHEREAS, the County Manager's Office and other County Departments have coordinated extensively with City Vest and have exhausted all efforts to remove this additional City Vest demand from the critical path of the execution of the Participation Agreement.

WHEREAS, the City Vest mutual and general release attempts to include language for City Vest board members that specifically protect the board members from a broad range of unknown civil liability risks.

WHEREAS, upon consultation with the County Solicitor's Office, the County Manager will not recommend approval of the Mutual and General Release

NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council authorizes the County Manager to:

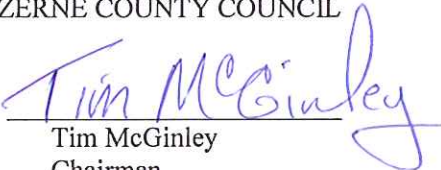
1. Execute, on behalf of the County, the City-County-City Vest Participation Agreement for the demolition of the improvements on the contiguous land parcels that together comprise the Hotel Sterling Complex.
2. Accept title to, and execute all documents necessary to convey, the contiguous land parcels that together comprise the Hotel Sterling Complex upon completion, to the County's satisfaction, of a) the demolition of all improvements contained within and, b) post-demolition reclamation of the site.

3. Reject the City Vest-proposed "Mutual and General Release" protecting City Vest board members against a broad range of possible future civil liability.

ADOPTED at a meeting of the Luzerne County Council held on November 26, 2012.


LUZERNE COUNTY COUNCIL

By:



Tim McGinley
Chairman

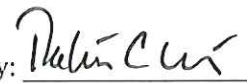
Attest:



Brittany M. Burgess
Clerk of Council

LUZERNE COUNTY MANAGER

By:



Robert C. Lawton
County Manager