

**Resolution authorizing the execution of a fifth amendment to an agreement of sublease with the Ohio Department of Rehabilitation and Correction pertaining to the financing of a portion of the cost of the Franklin County Community Based Correctional Facility.  
(Community Based Correctional Facility)**

**WHEREAS**, the County of Franklin, Ohio (the "County") entered into an Agreement of Sublease (the "Original Sublease") with the Department of Rehabilitation and Correction of the State of Ohio (the "Department"), made as of March 1, 1992, as amended by the First Amendment to Agreement of Sublease dated as of February 1, 1995, as amended by the Second Amendment to Agreement of Sublease dated as of July 21, 2009, as amended by the Third Amendment to Agreement of Sublease dated as of January 27, 2015, as amended by the Fourth Amendment on of Sublease dated as of June 5, 2018 (collectively, the "Sublease"); and

**WHEREAS**, the Department and County desires to amend the Sublease in accordance with the terms hereof and the Fifth Amendment of Sublease (the "Fifth Amendment") on file with the Board; and

**WHEREAS**, the Amendment will provide \$450,000.00 in funding to capital funds to complete capital improvements at the Franklin County Community Based Correctional Facility; now, therefore,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, FRANKLIN COUNTY, OHIO:

1. That the Sublease shall be amended as provided in the Fifth Amendment to Agreement of Sublease in the form on file with the Clerk of this Board and by this reference made part hereof as if fully rewritten herein.
2. That any two or more members of the Board are authorized and directed, for and in the name and on behalf of the County, to execute, acknowledge and deliver the Fifth Amendment in substantially the form on file with the Clerk of this Board. That instrument is approved with changes therein not inconsistent with this Resolution and not substantially adverse to the County which shall be approved by the members of the Board executing the Fifth Amendment; provided that the approval of those changes by those members of the Board and the character of such changes as not being substantially adverse to the County shall be evidenced conclusively by their execution of those instruments.

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3. That the Prosecuting Attorney of the County is hereby authorized and directed to deliver his opinion addressed to the Authority and the Department, with respect to the due authorization, execution and delivery of the Fifth Amendment by the County and such other matters with respect to the authority of and actions taken by the County in respect thereto, as such addressees may reasonably request.
4. That the proper officers of the County and this Board, as appropriate, are each authorized and directed to execute and deliver any additional certificates, documents, or instruments and to take such further actions which are necessary or appropriate to affect the intent and purposes of this Resolution and Fifth Amendment.
5. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions, were in meetings open to the public in compliance with the law.
6. That this Resolution shall take effect and be in force immediately upon its adoption, and to the extent inconsistent therewith, supersedes any prior resolution of this Board.

Submitted by: Brittany A. Razek