

P/C
Caucus 12/11/18
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3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11053-2018

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A
LEASE AGREEMENT WITH BEREA CITY SCHOOL DISTRICT OF A BASEBALL
FIELD LOCATED AT KENNEDY BASEBALL FIELD PURSUANT TO ORC 3113.04
AND ORC 3113.41 AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park (the City) is the owner of a baseball field located at Kennedy Baseball Field which is suitable for OHSAA varsity competition and,

WHEREAS, Berea City School District is the owner of two properties known as Brook Park Memorial ("Memorial" on approximately 18 acres) and Brookview Elementary ("Elementary" on approximately 10 acres) and consisting of the land and all improvements, rights, privileges and easements belonging to or in any way appertaining thereto (collectively "the District's Premises"), and

WHEREAS, City and District have agreed to exchange the Memorial and Elementary for a leasehold interest in Kennedy Baseball Field, waiver of building permit fees and certain allocation of expenses associated with the SRO, pursuant to Ohio Revised Code Sections 3313.40 and 3313.41, and,

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Mayor is hereby authorized to negotiate and enter into a lease for a baseball field located at Kennedy Baseball Field for the District's use for OHSAA varsity competition, a copy of which is attached hereto as Exhibit "A".

SECTION 2: The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance/Taxation is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance/Taxation is hereby

further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to authorize the Mayor to enter into a Lease Agreement with the School District for the exchange of land pursuant to ORC 3113.04 and ORC 3113.41; therefore provided this ordinance receives the affirmative vote of at least five (5) members elected to Council. It shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: December 18, 2018
as amended

[Signature]
PRESIDENT OF COUNCIL

ATTEST: [Signature]
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

12/18/18
DATE

CERTIFICATE
Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11053-2018 passed on the 18th day of December 2018 by said council.
[Signature]
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
commencing December 19, 2018
[Signature]
MICHELLE BLAZAK
Clerk of Council

Yea	Nay
<u>[Signature]</u>	
Stemm	
Mencini	
Orcutt	
Scott	
Burgio	
Poindexter	
Salvatore	