

ORDINANCE NO. 33-24

**AN ORDINANCE AUTHORIZING THE TRANSFER OF THE STADIUM
LEASE FROM BLUE DOG BASEBALL, LLC TO BUCKEYE BASEBALL, LLC
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Ordinance No. 79-08, Council authorized the Mayor to enter into a Lease Agreement with Avon Baseball, LLC, owners of the Lake Erie Crushers, a franchise that plays independent, non-affiliated baseball in the Frontier League, to play their games at the baseball complex owned by the City at the corner of Baseball Boulevard and Recreation Lane; and

WHEREAS, the original lease was to run from June of 2008 to October 31, 2024; and

WHEREAS, pursuant to Ordinance No. 162-15, which passed on December 28, 2015, the City of Avon authorized the transfer of the Stadium Lease from Avon Baseball, LLC to Blue Dog Baseball, LLC after Blue Dog purchased the team in December of 2015; and

WHEREAS, over the years the City and Blue Dog recognized the need for additional amendments to certain provisions of the Lease to address 1) rent payments for the year of 2020 and a lease extension until October 31, 2025 (pandemic); 2) turf replacement by the City; and 3) Tenant's minimum Net Advertising-Sponsorship Revenues for the year 2020 and thereafter. These provisions were addressed in Ordinance No. 105-20 passed on November 23, 2020; and

WHEREAS, recently, the owner of Blue Dog Baseball, LLC sold his interest in the team to Buckeye Baseball, LLC and

WHEREAS, Buckeye Baseball, LLC desires to continue to operate this independent Frontier League baseball franchise at the City's Recreation Complex under the current lease; and

WHEREAS, the transfer, pursuant to Section 12.4 of the said lease, from Blue Dog Baseball, LLC to Buckeye Baseball, LLC requires the consent of the City; and

WHEREAS, Council, after reviewing the qualifications of the new owner, considering the acceptance of the new owner into the Frontier League as the "Lake Erie Crusher" team within the independent Frontier League and the recommendation of the Administration, finds the transfer to be in the best interests of the health, safety, and welfare of the citizens of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the City of Avon hereby accepts and approves the transfer of the Stadium Lease from Blue Dog Baseball, LLC to Buckeye Baseball, LLC, thereby binding the transferee to all terms and conditions set forth in the original Stadium Lease Agreement as set forth in Ord. No. 79-08 incorporated herein by this reference and all subsequent amendments thereto.

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to permit the transfer of the lease between Blue Dog Baseball, LLC and Buckeye Baseball, LLC; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director