

ORDINANCE NO. 98-24

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE
“THIRD AMENDMENT TO LEASE” BETWEEN THE CITY OF
AVON AND 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, the original owners of the Lake Erie Crushers, a franchise that plays independent, non-affiliated baseball in the Frontier League, to play their games at the 9.7141- acre baseball complex owned by the City at the corner of Baseball Blvd. and Recreation Lane; and

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

WHEREAS, on December 28, 2015 Council passed Ord. No. 162-15 authorizing the transfer of the lease from Avon Baseball, LLC to new owner, Blue Dog Baseball, LLC; and

WHEREAS, due to the pandemic of 2020, baseball operations that year were cancelled and the City and Blue Dog Baseball suspended rent payments and agreed to a one-year extension of the original lease to October 31, 2025 (See, Ord. No. 105-20, passed November 23, 2020); and

WHEREAS, pursuant to Ordinance No. 33-24, which passed on March 4, 2024, the City of Avon authorized the transfer of the Stadium Lease from Blue Dog Baseball, LLC to Buckeye Baseball, LLC; and

WHEREAS, under the current terms of the lease, the Initial Term is set to expire on October 31, 2025. The Lease may be renewed at the Team’s option for five (5) additional years by notifying the City, in writing, of its intent to renew one (1) year prior to the expiration of the current Term or October 31, 2024; and

WHEREAS, the Administration and Buckeye Baseball are currently in negotiations which may require additional amendments to certain provisions of the Lease (3rd Amendment) and an extension of the original term to October 31, 2026; and

WHEREAS, Council, having reviewed the 3rd Amendment to the Lease with Buckeye Baseball, LLC, finds it is fair and equitable to the parties and that authorizing the Mayor to execute same is 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 Mayor is hereby authorized to execute the “3rd Amendment” to the lease between the City and Buckeye Baseball, LLC in substantially the form as set forth in the attached [Exhibit A](#), which is incorporated herein by this reference.

Section 2 - All other provisions of the Lease not amended as set forth in Exhibit A remain in full force and effect.

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Section 3 - 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 4 - 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 execute the 3rd Amendment to the Lease with Buckeye Baseball, LLC before October 31, 2024; 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

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director