

ORDINANCE NO. 23-19

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE
“FIRST AMENDMENT TO LEASE” BETWEEN THE CITY OF
AVON AND BLUE DOG 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 9.7141 acre baseball complex owned by the City at the corner of Baseball Blvd. and Recreation Lane; and

WHEREAS said lease is to run from June of 2008 to October 31, 2024; and

WHEREAS, pursuant to Ordinance No. 162-15, Council authorized the transfer of said Lease from Avon Baseball, LLC to Blue Dog Baseball, LLC , after Blue Dog purchased the team in December of 2015; and

WHEREAS, since that time, certain provisions of the Lease pertaining to advertising revenues have become obsolete and in need of revision; and

WHEREAS, the Administration negotiated with the owner of the team (Blue Dog Baseball) and both parties believe they have now arrived at a more equitable method of scheduling games for the Avon Local School teams and calculating and sharing advertising revenues which the City will deposit into its Stadium Highway Marquee Fund No. 284 for future capital improvements; and

WHEREAS, Council, having reviewed the amendments to the Lease with Blue Dog Baseball, LLC, finds them to be fair and equitable to both the City and the Lessee 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 “First Amendment to Lease” between the City and Blue Dog 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.

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.

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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 amend the Lease with Blue Dog Baseball, LLC before the start of the upcoming baseball season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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