

**ORDINANCE NO. 02-18 AC CMS**

**AN ORDINANCE AUTHORIZING AN ADDENDUM TO THE LEASE AGREEMENT BETWEEN THE BOARD OF PARK COMMISSIONERS, LORAIN COUNTY METROPOLITAN PARK DISTRICT, AND THE CITY OF OBERLIN, TO ACCEPT A CONTRIBUTION TOWARDS THE CONSTRUCTION OF A RECREATION STORAGE BUILDING AT THE HAMILTON STREET RECREATION COMPLEX AND DECLARING AN EMERGENCY**

WHEREAS, the City of Oberlin plans to construct a maintenance storage building at the Hamilton Street Recreation Complex; and

WHEREAS, the Board of Park Commissioners, Lorain County Metropolitan Park District, has authorized a contribution towards the construction of the storage building in the amount of \$37,000 in return for partial use of some of the facility; and

WHEREAS, the City of Oberlin desires to memorialize this arrangement by means of an addendum to the existing lease agreement between the parties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the proposed Memorandum of Understanding attached hereto is hereby approved as an addendum to the existing Lease Agreement between the City and the Park District.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or 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 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, to wit:

"to authorize the acceptance of a contribution from the Lorain County MetroParks towards the construction cost of a storage building at the Hamilton Street Recreation Complex as soon as possible in order to allow construction to proceed in a timely manner", and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading – February 4, 2002 (E)  
2<sup>nd</sup> Reading –  
3<sup>rd</sup> Reading –

ATTEST:

  
CLERK OF COUNCIL

  
CHAIR OF COUNCIL

POSTED: February 5, 2002

EFFECTIVE DATE: February 5, 2002

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding shall serve as an addendum to the Lease Agreement between the BOARD OF PARK COMMISSIONERS, LORAIN COUNTY METROPOLITAN PARK DISTRICT (hereinafter referred to as "Park District"), and the CITY OF OBERLIN, OHIO, (hereinafter referred to as "City") dated October 30, 2000.

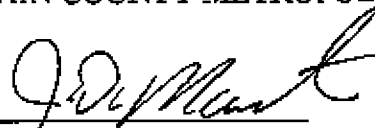
The City agrees to construct, in 2002, a park maintenance storage building on the grounds of the City's Hamilton Road Recreation Complex for the purpose of housing equipment and materials needed for the maintenance of park land and the operation of recreational facilities. The City shall maintain adequate property insurance for this building for the duration of this agreement.

The Park District agrees to provide \$37,000 towards the cost of constructing this building. In return, The Park District shall receive use of two of the main bays of this structure for the purpose of storage of equipment and materials for the duration of the lease agreement between the City and the Park District, and/or the useful life of the building, whichever first occurs.

The Park District shall have access to the building at all times. The City shall have a right of access to the Park District space, upon twenty-four hours advance notice, except less in an emergency, for the purpose of addressing maintenance, improvement and security needs, as determined by the City. Neither the Park District nor the City shall store hazardous materials nor conduct hazardous procedures that might put the building or people at risk. The Park District shall not sublet any of its allotted space without the prior written approval of the City. The Park District shall not make repairs or modifications to the structure without the prior written approval of the City.

IN WITNESS WHEREOF, the parties hereto have set their hands this 5<sup>th</sup> day of February, 2002.

BOARD OF PARK COMMISSIONERS  
LORAIN COUNTY METROPOLITAN PARK DISTRICT

By:   
James D. Martin  
Director / Secretary

CITY OF OBERLIN, OHIO

By:   
Robert DiSpirito  
City Manager

APPROVED AS TO FORM:

  
Eric R. Severs  
City Solicitor