



RESOLUTION 14-25

A Resolution authorizing the Village Manager to execute a Lease Agreement with American Legion Post #254, Inc.

WHEREAS, American Legion Post #254 is an Ohio Non-Profit Corporation, (hereinafter "Tenant") and wishes to lease of a portion of Lessor's property commonly known as 180 West Maple Street, Johnstown, Ohio 43031, consisting of the Recreation Center Building, tennis courts, basketball court, children's playground and horseshoe pit, all as shown on the attached map. (Hereinafter "Recreation Center") Also included in this Lease of the Recreation Center Building shall be all equipment located in the building including, but not limited to, tables and chairs. The lease shall be for an initial term of 99 years, at a rent of One Dollar and 00/100 (\$1.00) per year throughout the term of this Lease due on January 1 annually or in lump sum at the time of lease signing. The Premises shall be used for the purpose of operating a non-profit Veteran's organization and for recreational purposes, but for no other purposes without the express prior written consent of Lessor, which consent shall not be unreasonably withheld.

WHEREAS, the Village is the owner of the Recreation Center; and

WHEREAS, the Village has determined that eliminating competitive bidding in connection with the Village's lease of the Recreation Center is in the best interest of the public because no one other than Tenant has heretofore expressed any interest in leasing the Recreation Center and because leasing the Recreation Center to Tenant will enable Tenant to provide worthwhile and affordable recreation services to the community and relieve the Village of some of the expense of those services; and

WHEREAS, the fair market rental value of the Recreation Center, taking into account the current condition of the Recreation Center, is more than \$1.00 per year; however, the Village is agreeable to leasing the Recreation Center to Tenant, without payment of market value rent, because: (i) the Village desires to see the Recreation Center put to a productive use; (ii) maintenance of the Recreation Center is being undertaken by Tenant at no cost to the Village; and

WHEREAS, the Village is authorized to lease real property without publicly advertising and soliciting bids pursuant to its Home Rule authority under the Constitution of the State of Ohio and in conjunction with the Village Charter; now, therefore,

BE IT ORDAINED by the Council of the Village of Johnstown, State of Ohio:

Section 1. That the Village Manager is hereby authorized to execute a Lease Agreement with American Legion Post #254, Inc., an Ohio Non-Profit Corporation, ("Tenant"), substantially in the form attached

hereto as Attachment A, for the lease of a portion of the Recreation Center, for an initial term of 99 years.

Section 2. That eliminating competitive bidding in connection with the Village's lease of the Recreation Center to Tenant is in the best interest of the public because no one other than Tenant has heretofore expressed any interest in leasing and assuming the maintenance of the Recreation Center, and because leasing the Recreation Center to Tenant will enable Tenant to provide recreational service for the Residents of the Village of Johnstown and will relieve the Village of some of the costs of maintaining the Recreational Center

Section 3. That the fair market rental value of the Recreation Center, is greater than the stated rental amount, but that leasing the Recreation Center to Tenant at less than fair market rental value is justified because the Village desires to see the Recreation Center maintained and put to a productive use and the Village desires to facilitate this effort for the good of the community.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms the Charter, be effective immediately. The reason for the emergency is to enable the Village to execute the Lease Agreement as soon as possible so that Tenant can commence utilizing the Recreation Center and providing a benefit to the residents of the Village without delay.

Date of Introduction: May 20th, 2014

Date Passed: May 20th, 2014

Motioned By: Beth Orsini
Second By: David Keck

[Signature]
Mayor Sean Stanart



ATTEST TO:

[Signature]
Teresa Monroe
Clerk of Council

APPROVED AS TO FORM:

[Signature]
David Wigginton
Law Director

[Signature]
Jim Lenner, Village Manager