

# COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2020-42

By Kim Smith Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH MOUNT ZION CHURCH FOR THE NON-EXCLUSIVE USE OF A PORTION OF THE CHURCH FOR MULTIPLE PURPOSES, INCLUDING RECREATION AND COMMUNITY PROGRAMMING, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City is in need of additional space for recreation and community programming; and

**WHEREAS**, Mount Zion Church has offered the use of one or more rooms of their facility to the City, in exchange for the City providing minor parking lot repairs, lawn mowing, leaf blowing and snow clearing services at their facility, with such rooms to be used for recreation and community programming.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

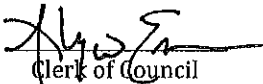
**SECTION 1.** That the Mayor is authorized to enter into a lease agreement with Mount Zion Church for the use of a portion of Mount Zion Church for recreation and community programming, in substantially the same form as attached in Exhibit "A".

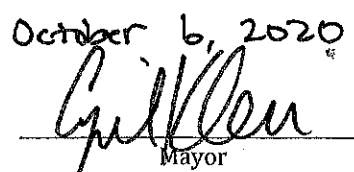
**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions 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 immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that additional space is immediately needed to provide the community with programming opportunities. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

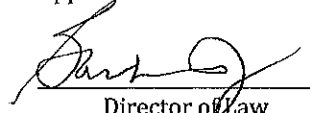
PASSED: October 5, 2020

  
President of Council

ATTEST:   
Clerk of Council

APPROVED: October 6, 2020  
  
Mayor

Approved as to Form:

  
Director of Law

**LEASE AGREEMENT BETWEEN THE  
CITY OF BERE A AND MOUNT ZION CHURCH**

This Lease executed this \_\_\_\_\_, 2020 by and between Mount Zion Church and the City of Berea, Cuyahoga County, Ohio.

**WHEREAS**, Mount Zion Church has space in its facility that is not regularly utilized for church purposes; and

**WHEREAS**, the City desires to enter into a non-exclusive lease with Mount Zion Church to use various rooms for recreation and community programming upon the following terms and conditions:

**ARTICLE I: USE**

The Parties agree that the City shall have the right to the non-exclusive use of various spaces in Mount Zion Church for the purpose of offering recreation and community programming, which will promote the general welfare of the community.

The City shall confer with a designee of Mount Zion Church on a monthly basis to determine future needs of the City for space. Mount Zion shall not unreasonably withhold consent for the City to use the requested space, unless the requested space is used for church purposes.

**ARTICLE II: TERM**

This lease may be terminated by either Party upon 30 days written notice to the other.

**ARTICLE III: CONSIDERATION**

In consideration of the non-exclusive right to use various spaces at Mount Zion Church, the City agrees to perform minor repairs to the parking lot, routine lawn mowing, leaf blowing and snow clearing services at Mount Zion Church at the City's sole expense.

**ARTICLE IV: ASSIGNMENT OR SUBLETTING**

The City shall not assign this lease, nor sublet, nor allow use by any other organization, unless said organization is offering a program or event in partnership with the City.

**ARTICLE V: LIABILITY/NOTICE**

The City shall designate Mount Zion Church, its officers and employees as "Additional Insured" under the City's general liability insurance policy.

**ARTICLE VI: MANNER OF OCCUPANCY**

The City will use and occupy the leased spaces in a careful, safe and proper manner.

IN WITNESS HEREOF this lease has been duly executed by the parties the day and year first above stated in Cuyahoga County, Ohio.

FOR MOUNT ZION CHURCH

• THE CITY OF BEREA

BY: \_\_\_\_\_  
Date

BY:  10/6/2020  
Date