

**ORDINANCE NO. 2018-03
INTRODUCED BY: MS. EVANS**

4078

**AN ORDINANCE
TO AUTHORIZE THE MAYOR TO EXECUTE A DOCUMENT
CONSENTING TO AN ASSIGNMENT AND ASSUMPTION
AGREEMENT AS LESSOR FOR PROPERTY KNOWN AS
PARCEL NUMBER 931-13-058 AND ENTERING INTO AN
AMENDMENT TO A LEASE FOR SUCH PREMISES WITH
SWC BAN CASA HOLDINGS, LLC AND DECLARING AN
EMERGENCY**

WHEREAS, the Village of Chagrin Falls entered into a lease on June 12, 2012 with 15 Bell Street LLC to lease the parcel known as 931-13-058 ("Village Parcel") on Bell Street ("Lease"); and

WHEREAS, the Lease Tenant, 15 Bell Street LLC, has sold the adjacent property known as 13 Bell Street, Parcel Number 931-13-057 ("13 Bell") to SWC Ban Casa Holdings, LLC ("SWC") on December 28, 2017 as evidenced by a deed recorded as Instrument Number 201712280562; and

WHEREAS, SWC and 15 Bell Street LLC have requested that the Village consent to the assignment of the Lease to SWC; and

WHEREAS, the Council for the Village of Chagrin Falls has determined that consent to assignment of the Lease is in the best interests of the Village, so long as certain terms of the Lease are amended; and

WHEREAS, Village consent to Lease assignment should occur concurrently with amending the Lease.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, OHIO:

Section 1 - The Mayor is hereby authorized to execute consent to the assignment of the Lease to SWC concurrently with amending the Lease, upon terms acceptable to the Mayor and Law Director, but in any event the Lease shall be amended to provide (i) that the Tenant in the Lease shall also always be the owner of 13 Bell; (ii) any proposed permitted use change in the Lease shall require the consent of the Village Council; (iii) the Village specifically reserves the right at any time to gain access to the Village Property to underground or above ground utilities for maintenance, repair, replacement and removal; (iv) the Tenant provide evidence acceptable to the Village that it has the financial wherewithal by its net worth or insurance coverage to indemnify the Village as required by the Lease; and (v) the liability coverage be increased to at least \$2,000,000 per claim and provide liquor liability coverage in the event the Village Property is used for the consumption and/or sale of alcohol, wine and/or beer, naming the Village as an

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additional insured and that SWC provide such coverage evidence to the Mayor and/or Law Director before the Mayor executes the Lease assignment consent and Lease amendment.

SECTION 2. The Village hereby determines that 15 Bell Street LLC renewed the lease for a new five-year term in 2017, ending on June 11, 2022.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the habitants of the Village and for the further reason that this Ordinance is necessary to go into immediate effect in order for the owner of 13 Bell to be the same party as the Tenant in the Lease and to properly provide for insurance coverage for use of the Village Property and for the protection of the Village and its residents, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in full force after the earliest period allowed by law.

PASSED: January 22, 2018




Karl Maersch, Council President

Submitted to the Mayor for
his approval on this

23 day of January, 2018


Approved by the Mayor

January 23, 2018



Mayor William Tomko

I hereby certify that Ordinance No. 2018- 03 was duly enacted on the 22 day of January, 2018, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council