

# RECORD OF ORDINANCES

Ordinance No. 2015- 03

Passed MARCH 23 2015

**AN ORDINANCE AUTHORIZING THE  
VILLAGE ADMINISTRATOR AND THE FISCAL OFFICER TO ENTER INTO AN  
AMENDMENT TO A LEASE AGREEMENT WITH BALTIMORE DOWNTOWN  
RESTORATION COMMITTEE FOR THE THEATER LOCATED ON THE UPPER  
FLOORS OF THE VILLAGE TOWN HALL AT 103 WEST MARKET STREET,  
BALTIMORE, OHIO, AND THE DECLARATION OF AN EMERGENCY**

WHEREAS, the Village previously entered into a lease agreement, in Ordinance 2013-40, with the Baltimore Downtown Restoration Committee (hereinafter "Committee"), which Committee is engaged in the business of repairing, restoring and improving the former theater located on the upper floors of the Village Town Hall; and,

WHEREAS, the Committee currently leases the former theater space from the Village on the unused and unoccupied upper floors of the Village Town Hall located at 103 West Market Street; and,

WHEREAS, the Committee desires an amendment to the original lease agreement in order to provide for an additional lease period of five (5) years from December 31, 2018, in order to qualify for funding for the repair, restoration and improvement of the former theater; and the condition and age of the former theater make it impractical for the Village to consider leasing the building to a for-profit entity, or for proceeding with formal bidding; and,

WHEREAS, the Village's Service Committee has reviewed the proposed amendment to the original lease agreement and recommends approval of the same; and,

WHEREAS, as the Committee desires to move forward with the process of securing funding and commencing restoration in an expeditious fashion, Council desires to approve this ordinance on an emergency basis;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL  
OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY,  
OHIO, THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: The Village Administrator and the Fiscal Officer are hereby authorized and directed to enter into an amendment to the original lease agreement, to provide for an additional five (5) year period from December 31, 2018, for the former theater on the upper floors of Village-owned property at 103 West Market Street, Baltimore, Ohio. A copy of said Amendment to Lease Agreement is attached hereto and incorporated herein.

SECTION 2: For the reasons noted in the preamble, this Ordinance is declared to be an emergency measure necessary for the health, safety and general welfare of the community. Therefore, this ordinance shall become effective immediately upon its passage by Council.



Robert M. Kalish, Mayor

DATE OF PASSAGE: 3-23-2015

EFFECTIVE DATE: 3-23-2015

ATTEST:   
Florence D. Welker, Fiscal Officer

SPONSOR: Keller

APPROVED AS TO FORM:   
Jeffrey Feyko, Village Solicitor

**AMENDMENT TO AGREEMENT OF LEASE BETWEEN THE  
VILLAGE OF BALTIMORE, OHIO, AND THE  
BALTIMORE DOWNTOWN RESTORATION COMMITTEE**

This is an Amendment to the Agreement of Lease approved by the Village Council of Baltimore, Ohio on December 9, 2013 in Ordinance No. 2013-40, for the lease of the former theater space from the Village by the Baltimore Downtown Restoration Committee, the theater space being located on the currently unused and unoccupied upper floors of the Village Town Hall at 103 W. Market Street in Baltimore, Ohio.

Whereas, the original Agreement of Lease provides for a five (5) year lease term, to commence January 1, 2014 and terminate on December 31, 2018, and the parties desire to amend the original lease term in order to provide for an additional five (5) year lease term.


Therefore, the parties agree to the following amendment, in order to provide for an additional term:

1. The Agreement of Lease shall commence on January 14, 2014, and terminate on December 31, 2023, at the rental rate of One Dollar (\$1.00) per year, payable on or before January 1<sup>st</sup> of each year.

All other terms and conditions of the Agreement of Lease approved on or about December 9, 2013, shall remain in full force and effect.

**VILLAGE OF BALTIMORE, OHIO, Lessor**

3/23/15  
Date


By:   
Scott A. Brown, Administrator

3/30/15  
Date

By:   
Florence D. Welker, Fiscal Officer

**BALTIMORE DOWNTOWN  
RESTORATION COMMITTEE, Lessee**

7 APRIL 2015  
Date

By:   
Judith L. Cosgray Chairperson  
(Printed Name & Title)