



Legislation Text

File #: O-573-22, **Version:** 2

DPYS 2022 Ottawa Park Ice Rink Lease
Amendment - Council Members Sarantou and Hobbs

Authorizing the Mayor to enter into a lease agreement with Sylvania Tam-O-Shanter Sports Inc. (“STOSS”) for the purpose of the continued operation and maintenance of the Ottawa Park Ice Rink for public use; waiving the competitive bidding and 30-day notice requirement of Toledo Municipal Code Section 187.19; authorizing the acceptance and deposit of lease proceeds into the General Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

This legislation authorizes the Mayor to enter into a new lease for an initial term of five (5) years with five (5) renewals for five (5) years each, subject to City Council approval, at an annual rent of \$5.00 per year. Operating expenses are to be paid by STOSS.

STOSS shall pay to the City, without invoice and by January 31st of each year, fifty percent (50%) of all Net Revenue for the previous calendar year but not to exceed the fair market leasehold value of the Ottawa Park Ice Rink.

Both the City and STOSS agree to meet annually to discuss long-term maintenance issues and approve a schedule of capital improvements to the Premises. STOSS agrees to direct, manage and pay for improvements based upon the agreed upon schedule. Any costs associated with long-term maintenance and capital improvements born by STOSS will be deducted from any rent payments made to the City. The City in turn agrees to pursue the mutually agreed upon schedule of capital improvements to the premises subject to City Council approval.

STOSS shall have the right to use the Premises for the purpose of operating a public ice rink, which includes all activities related to or in furtherance of the operation of same including but not limited to public recreational and instructional ice and figure skating, ice hockey, roller hockey, related equipment rentals, and food and beverage concessions. No assignments or sublease rentals will be permitted without the prior written consent of City.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into a lease agreement with Sylvania Tam-O-Shanter Sports Inc. for a term of five years with the option to renew for five additional terms of five years each, each five-year renewal subject to City Council approval, for the purpose of the continued operation and maintenance of the Ottawa Park Ice Rink (“Lease Premises”) for public use, upon such terms and conditions as are acceptable to the Director of Parks and Youth Services and the Director of Law.

SECTION 2. That the lease shall contain an annual rent of \$5.00 and STOSS shall pay to the City annually fifty percent (50%) of all net revenue from the previous calendar year. Said proceeds shall be

deposited into the General Fund Account Code 1001-40100-7000340STDSTD.

SECTION 3. That City Council finds and determines that the Lease Premises is not needed by the City for any municipal purpose during the term of the lease and it is in the best interest of the City to waive the notice and competitive bidding provisions of TMC 187.19 for the reason that STOSS is uniquely qualified by reason of its success in operating similar public recreational facilities.

SECTION 4. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective to facilitate the continuous maintenance and operation of the premises for public use and enjoyment for the upcoming ice-skating season.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council