

ORDINANCE NO. 205-24

**AN ORDINANCE AMENDING ORDINANCE NO. 37-24,
PASSED FEBRUARY 26, 2024, RELATIVE TO THE FIXED
BASE OPERATION LEASE FOR THE MEDINA MUNICIPAL
AIRPORT.**

WHEREAS: Ordinance 37-24, passed February 26, 2024, authorized the Fixed Base Operation Lease with Cold Stream Air Services related to fixed base operation facilities at the Medina Municipal Airport; and

WHEREAS: Ordinance No. 37-24, passed February 26, 2024 provides for an Initial Term for the Operation Lease of one (1) year and two (2) months ending December 31, 2024.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
OF MEDINA, OHIO:**

SEC. 1: That Ordinance No. 37-24, passed February 26, 2024 is hereby amended, authorizing the Mayor to enter into the Extension Amendment to Fixed Base Operation Lease for the City of Medina Municipal Airport, marked Exhibit A, attached hereto and incorporated herein.

SEC. 2: That a copy of the original Fixed Base Operation Lease is marked Exhibit B, attached hereto and incorporated herein.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: November 12, 2024

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: November 13, 2024

SIGNED: Dennis Hanwell
Mayor

Effective date – January 1, 2025 through December 31, 2027

ORD. 205-24
Exh. A

**EXTENSION AMENDMENT TO FIXED BASE OPERATION LEASE
FOR THE CITY OF MEDINA AIRPORT**

THIS AMENDMENT (“Amendment”) is made as of the 1st day of November, in the year 2024, by and between **CITY OF MEDINA, OHIO** (“City”), and **COLD STREAM AIR SERVICES, INC.** (“Tenant”).

RECITALS:

A. City and Tenant are parties to a Fixed Based Operation Lease for the City of Medina Airport (the “FBO Lease”) dated November 1, 2023 related to fixed based operation facilities at the Medina Municipal Airport is situated (the “Airport”);

B. Section 3.1 of the FBO Lease provides for an Initial Term of one (1) year and contemplates extensions of the Initial Term by mutual agreement of the parties; and

C. Both parties desire to extend the Initial Term for an additional three (3) year term (the “Term”) with an option included for an extension thereafter for two (2) additional years by mutual agreement of the parties.

NOW THEREFORE, the City and Tenant, for and in consideration of the covenants and agreements herein contained, mutually agree as follows:

A. EXTENSION OF TERM OF AGREEMENT

1. The Initial Term of the FBO Lease is hereby extended for three (3) years commencing as of the expiration of the Initial Term (as hereby extended, the “Term”). The Term of the FBO Lease Agreement may be further renewed by mutual written agreement of the parties at the end of the three (3) year Term for an additional two (2) years. Each time this Agreement is extended by renewal, it shall be upon the same terms as herein contained, except that Base Rent and other fees shall be subject to mutual agreement of the Tenant and the City. The Tenant and the City shall, as soon as practicable after a request for extension by either party, commence good faith negotiations to establish Base Rent and other fees payable.

B. MISCELLANEOUS

1. Except as modified pursuant to this Amendment the FBO Lease remains in full force and effect.

2. It is mutually agreed that the terms hereof shall inure to the benefit of and be binding upon the respective successors and permitted assigns of the parties hereto.

3. This Amendment shall be interpreted, and the rights and liabilities of the parties hereto

determined, in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the City and Tenant have hereunto caused their names to be affixed to this Amendment.

City:
CITY OF MEDINA, OHIO

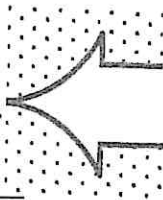
By: _____

Name: Dennis Hanwell

Title: Mayor

Dated: _____

Tenant:
COLD STREAM AIR SERVICES, INC.



By: _____

Name: _____

Title: _____

Dated: _____

Approved as to Form:

Gregory Huber, City of Medina, Law Director

NOTARY CLAUSES ON NEXT PAGE

STATE OF OHIO)
) ss:
COUNTY OF _____)

BEFORE ME, a Notary Public in and for said county and state, personally appeared Dennis Hanwell, as Mayor of **CITY OF MEDINA, OHIO**, who acknowledged that he did execute the foregoing instrument on behalf of same and that the same was his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as of this ____ day of _____, 202__.

Notary Public

STATE OF OHIO)
) ss:
COUNTY OF _____)

BEFORE ME, a Notary Public in and for said county and state, personally appeared Ronald Waldron, as President of **COLD STREAM AIR SERVICES, INC.**, an Ohio corporation, who acknowledged that he did execute the foregoing instrument on behalf of said corporation and that the same was his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as of this ____ day of _____, 202__.

Notary Public