ORDINANCE NO. 170-26

AN ORDINANCE AMENDING ORDINANCE NO. 108-23, PASSED AUGUST 28, 2023, AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE MEDINA COUNTY BOARD OF COMMISSIONERS AND THE CITY OF MEDINA FOR THE LEASE OF A PORTION OF THE MEDINA COUNTY COURTHOUSE COMPLEX KNOWN AS THE 1969 COURTHOUSE.

WHEREAS: Both parties entered into an Amendment to Lease Agreement, Ord. No. 134-24, passed July 8, 2024, amending Ord. 108-23, passed August 28, 2023 regarding the Lease Agreement between Medina County Board of Commissioners and the City of Medina, for the operation of the Medina Municipal Court.

WHEREAS: After renovations to the 1969 Courthouse and surrounding properties, the Parties discovered that the 1969 Courthouse cannot be separately metered for electrical service in compliance with the Lease Agreement, thus requiring the Second Amendment to the Lease.

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

SEC. 1: That the Mayor is hereby authorized to execute a Second Amendment to Lease Agreement between the City of Medina, Ohio and the Medina County Board of Commissioners pertaining to the lease of a portion of the Medina County Courthouse Complex known as the 1969 Courthouse for the purpose of operating the Medina Municipal Court and amending Ordinance No. 108-23, passed August 28, 2024.

SEC. 2: That a copy of the Second Amendment to Lease Agreement is marked Exhibit A, 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 considered in full force and effect at the earliest period allowed by law.

PASSED: October 26, 2026

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: October 26, 2026

SIGNED: James A. Shields
Mayor

ORD. 170-21
Exh. A

SECOND AMENDMENT TO LEASE AGREEMENT

This Second Amendment to the Lease Agreement ("***Amendment***") shall be effective as of October 1, 2026, by and between the Board of County Commissioners of Medina County ("***County***") and the City of Medina, Ohio ("***City***") (each a "***Party***" and collectively the "***Parties***").

WHEREAS, section 307.09 of the Ohio Revised Code authorizes a board of county commissioners to lease county-owned property to a municipal corporation of the State of Ohio for public purposes where such lease is consistent with the needs of the county for public use of the property, upon such terms as the board deems to be in the best interest of the county; and

WHEREAS, on or about October 23rd, 2023, the Parties executed a Lease Agreement for certain property, including the building known as the "***1969 Courthouse***" located at 93 Public Square, Medina, Ohio, 44256 ("***Lease Agreement***"), and on or about June 25, 2024, the Parties amended the Lease Agreement, and both the Lease Agreement and Amendment provide that the City maintain separate meters for electric service for the 1969 Courthouse; and

WHEREAS, after renovations to the 1969 Courthouse and surrounding properties, the Parties discovered that the 1969 Courthouse cannot be separately metered for electrical service in compliance with the Lease Agreement.

NOW, THEREFORE BE IT RESOLVED, in consideration of the mutual covenants and agreements herein set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to amend the Lease Agreement as follows:

Section 3.3 of the Lease Agreement shall now read:

> City shall maintain separate meters for water and gas services for the areas of exclusive use identified in Exhibit A and shall be responsible for the associated and ongoing utility usage costs for that area. Due to the impracticality of separate metering for electric for the areas of exclusive use identified in Exhibit A, the City will be charged twenty percent (20%) of the overall monthly electric usage. The twenty percent (20%) is based on the City's proportionate share of occupied square footage within the building. Due to the impracticality of separate metering for the County Law Library area of the 1969 Courthouse and the shared use areas, the City shall pay all utility costs for the Medina County Law Library area, and the County shall pay for all utility costs in the shared use areas.

The Parties agree that all remaining terms of the Lease Agreement and the amendment dated June 25th, 2024, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to Lease Agreement as of the date first written above.

COUNTY:
THE MEDINA COUNTY, OHIO, BOARD OF COUNTY COMMISSIONERS

By: _____
COLLEEN M. SWEDYK, President

By: _____
AARON M. HARRISON

By: _____
STEPHEN D. HAMBLEY

Approved as to form and correctness:

_____
MICHAEL K. LYONS, Assistant Prosecuting Attorney

CITY:
CITY OF MEDINA, OHIO

By: _____
JIM SHIELDS, Mayor

Approved as to form and correctness:

_____
GREGORY A. HUBER, Director of Law