

**ORDINANCE NO. 23-036**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE PAYMENT TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), OFFICE OF COASTAL MANAGEMENT FOR RENTAL PAYMENT ON SUBMERGED LANDS LEASE FILE NO. SUB-0385-ER FOR THE PERIOD OF MARCH 1, 2023, THROUGH FEBRUARY 28, 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky is the Lessee of a Submerged Lands Lease, File No. SUB-0385-ER, for the submerged land which is part of the Battery Park Marina and as the Lessee, is responsible for all terms and conditions contained in the Submerged Lands Lease, including any annual rent; and

**WHEREAS**, in 2020, the Battery Park marina and business assets were transferred from Sandusky Bay Investment Company, Ltd. to Marous Development Group, LLC through a Real Estate & Business Asset Purchase Agreement, and later assigned to Battery Park Sandusky, LLC; and

**WHEREAS**, the City Commission authorized the City Manager to execute a Consent Agreement to Assignment, approving the Assignment and Assumption of Lease Agreement between Sandusky Bay Investment Company, Ltd. and Battery Park Sandusky, LLC by Ordinance No. 20-125, passed on August 24, 2020; and

**WHEREAS**, upon request of the City and on November 17, 2020, the State of Ohio consented to a sublease of a portion of City's interest in the submerged lands, to Battery Park Sandusky LLC; and

**WHEREAS**, as part of the agreement with Battery Park Sandusky LLC, the cost for the annual Submerged Lands Lease rental payment is to be reimbursed by Battery Park Sandusky LLC to the City; and

**WHEREAS**, the total cost for Submerged Lands Lease File No. SUB-0385-ER, as reflected on the current unpaid invoice is \$18,976.01 for the period of March 1, 2023, through February 28, 2024, and will initially be paid by the City and then reimbursed by Battery Park Sandusky LLC in accordance with their Lease Agreement with the City; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to make payment in a timely manner to the Ohio Department of Natural Resources and prior to the due date of March 3, 2023; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Finance Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take

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immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager and/or Finance Director is authorized and directed to make payment to the Ohio Treasurer of State as requested by the Ohio Department of Natural Resources (ODNR), Office of Coastal Management, Sandusky, Ohio, for rental payment for Submerged Lands Lease File No. SUB-0385-ER, for the period of March 1, 2023, through February 28, 2024, in an amount **not to exceed** Eighteen Thousand Nine Hundred Seventy Six and 01/100 Dollars (\$18,976.01), consistent with the invoices submitted to the City.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST: \_\_\_\_\_  
CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: February 27, 2023