

ORDINANCE NO. 23-3713

ORDINANCE AUTHORIZING AMENDING THE RESTAURANT LEASE AGREEMENT WITH HIGHGRAIN BREWING COMPANY, LLC TO LEASE 6860 PLAINFIELD ROAD OWNED BY THE VILLAGE OF SILVERTON, AND TO COMPLETE ALL OTHER TRANSACTIONS CONTEMPLATED BY THE LEASE, AND DECLARING AN EMERGENCY

WHEREAS, Article X, Section 13 of the Charter of the Village of Silverton provides that real property may be sold or traded "as provided by ordinance;" and

WHEREAS, the Village of Silverton entered into a Master Development Agreement (MDA) with HighGrain Brewing Company, a legal entity in the State of Ohio, on September 8, 2017 through the adoption of Ordinance No. 17-3568 on September 7, 2017

WHEREAS, the Village of Silverton renewed and amended the MDA with HighGrain Brewing Company by adopting Ordinance 18-3584 on April 19, 2018; and

WHEREAS, the Village of Silverton and HighGrain entered into a 5-year lease agreement governing the terms of the lease of the former Municipal Building at 6943 Montgomery Road by Ordinance 18-3584.

WHEREAS, the Village has completed its renovation of a building at 6943 Montgomery Road to serve as a Town Hall and HighGrain Brewing has secured all necessary funding to proceed with the establishment of a craft brewery, taproom, and restaurant at 6860 Plainfield Road and the parties have proceeded under the lease for five years; and

WHEREAS, the Village and HighGrain desire to amend the terms of the lease; and

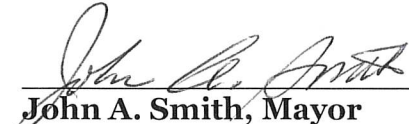
NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silverton, Ohio, that:

SECTION I. The Village Manager is hereby authorized to execute all documents necessary to effectuate the amendment to the Restaurant Lease Agreement, and any other transactions contemplated or arising from the MDA or amended Lease substantially similar (as determined by the Manager and Village Solicitor) to those set forth and attached hereto and made a part hereof. The Silverton property at 6860 Plainfield Road is no longer needed for municipal purposes. The Village Manager is also authorized to take all necessary steps and to complete all necessary transactions, including the lease, purchase option, right of first refusal, and any other instrument, contract, or document contemplated under the Master Development Agreement.

SECTION II. This Ordinance is declared to be an emergency measure necessary to preserve the public peace, health, safety and welfare of the citizens of the Village of Silverton; the reason for the emergency being the immediate need to memorialize and to effectuate an amendment to the Restaurant Lease at the earliest possible time.

Accordingly, this Ordinance shall take effect and be in force immediately from and after its passage and approval.

Passed this 16th day of November, 2023.




John A. Smith, Mayor

ATTEST:



Jack Cameron, Village Manager

Approved as to form:

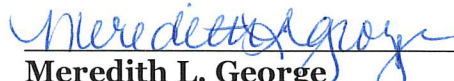


Bryan E. Pacheco, Village Solicitor

CERTIFICATION:

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 23-3713 has been duly made by posting true copies in two (2) places that are accessible by the public in said municipality, as determined by Council as follows: 1) Silverton Town Hall lobby area and Council Chambers foyer; and 2) Silverton's official website. Said posting was for a period of fifteen days

commencing Nov 17, 2023.



Meredith L. George
Clerk of Council of Silverton,
Ohio