

# County Council of Cuyahoga County, Ohio

## Resolution No. R2020-0155

<b>Sponsored by: County Executive Budish/Fiscal Officer</b>	<b>A Resolution</b> authorizing a Sports Facility Agreement between Cuyahoga County, Cleveland Indians Baseball Company LLC and Gateway Economic Development Corporation of Greater Cleveland in the amount not-to-exceed \$3,500,000.00 in accordance with Supplemental Trust Indenture No. 5 between Cuyahoga County and The Huntington National Bank, as Trustee, dated 10/1/2017; authorizing the County Executive or his designee to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, the County and The Huntington National Bank, as Trustee, entered into Supplemental Trust Indenture No. 5, dated as of October 1, 2017, securing \$35,320,000.00 in County Sales Tax Revenue Bonds, Series 2017B (Quicken Loans Arena Project) (the “Indenture”); and

WHEREAS, the Indenture contemplates a Sports Facility Agreement between the County and a major league sports franchise to provide for improvements to a facility in which the major league sports team plays its regular season games (“Agreement”); and

WHEREAS, in accordance with the Indenture, the County Executive desires to enter into an Agreement with the Cleveland Indians Baseball Company LLC (the “Franchise”), as lessee and operator of Progressive Field, and Gateway Economic Development Corporation of Great Cleveland (“Gateway”) as the owner and lessor of Progressive Filed, in order to fund certain improvements at Progressive Field; and

WHEREAS, as set forth in the Agreement, Gateway has approved various Major Capital Repairs pursuant to the lease between the Franchise and Gateway and all funds provided under the Agreement will be used to fund approved Major Capital Repairs; and

WHEREAS, in accordance with Section 5.03 of the Indenture, funds for the Sports Facility Agreement will be drawn by the Trustee from funds being held in trust in the County Account of the Sports Facility Improvement Fund; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical service provided by Cuyahoga County can continue and to provide for the usual daily operations of a County entity.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The Cuyahoga County Council hereby authorizes an agreement between the County, the Cleveland Indians Baseball Company LLC, and the Gateway Economic Development Corporation of Greater Cleveland in the amount not-to-exceed \$3,500,000.00 in accordance with Supplemental Trust Indenture No. 5 between the County and The Huntington National Bank as Trustee, dated October 1, 2017 (“Indenture”); said amount to be drawn by the Trustee from funds being held in trust in the County Account of the Sports Facility Improvement Fund under the Indenture.

**SECTION 2.** The County Executive, or his authorized designee, is hereby authorized to execute the agreement and all other documents consistent with this Resolution. To the extent an exemption is needed for anything contemplated herein, it is hereby authorized.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Brady, seconded by Mr. Schron, the foregoing Resolution was duly adopted.

Yeas: Conwell, Jones, Brown, Stephens, Simon, Baker, Miller, Tuma, Gallagher,  
Schron and Brady

Nays: None

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: July 21, 2020

Committee(s) Assigned: Committee of the Whole

Journal CC039

August 4, 2020

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County  
Code Chapter 110]