

**ORDINANCE NO. 26-2013**

**TITLE: MEMORANDUM OF AGREEMENT  
MAGICAL THEATRE COMPANY**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE MAGICAL THEATRE COMPANY FOR THE PROPERTY LOCATED AT 565 W. TUSCARAWAS AVENUE, ALSO KNOWN AS THE PARK THEATER, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City and the Magical Theatre Company maintained a month-to-month extension of the original lease that terminated on February 14, 2005; and

**WHEREAS**, the City and the Magical Theatre Company feel that amendments to the lease are necessary at this time.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That the Mayor is hereby authorized and directed to enter into a Memorandum of Agreement, attached hereto, with the Magical Theatre Company, for the property located at 565 W. Tuscarawas Avenue (also known as the Park Theater).

**SECTION 2.** That Council hereby authorizes the Mayor to execute the Memorandum of Agreement on behalf of the City, together with such revisions and additions as are approved by the Mayor and Director of Law as being consistent with the objectives of this ordinance. The Mayor and other City officials are authorized to execute such other documents and do all other things as are necessary for, and incidental to, carrying out the requirements of this ordinance and the terms of the Agreement.

**SECTION 3.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order that the terms of the Agreement commence as soon as possible, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2013

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Clerk of Council

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President of Council

Approved \_\_\_\_\_ 2013

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Mayor