

**Resolution Amending Use Agreement with the
City of Brecksville regarding Stadium Drive Property**

Whereas, the Board of Education acquired certain property located on Stadium Drive, Brecksville, Ohio, (“the Property”) from the City of Brecksville (“the City”), by deed recorded with the Cuyahoga County Recorder on or about August 29, 1949, (“the deed”) for use by the Board of Education as an athletic field; and

Whereas, the Board of Education and the City of Brecksville (“the City”), entered into a Use Agreement whereby a limited portion of the Property (“the City’s Use Area”), not interfering with the Board of Education’s use of the Property as an athletic field, could be utilized and maintained as basketball courts at the City’s expense and responsibility without triggering the reversionary clause contained in the deed; and,

Whereas, the City wishes to convert the basketball facilities it maintained in the City’s Use Area to a community garden at its expense and responsibility; and

Whereas, the Board of Education concurs that the City’s proposal for the City’s Use Area is in the best interests of all concerned; and,

Whereas, the City has acknowledged and agreed that the community garden use in the City’s Use Area will not interfere with or impair the Board of Education’s use of the Property as an athletic field or otherwise trigger the reversionary clause the deed;

Now, Therefore, be It Resolved that

1. The Board of Education hereby agrees and consents that the City may convert the basketball use in the City’s Use Area of the Board of Education’s Property located on Stadium Drive, Brecksville, Ohio to a community garden use at its expense and responsibility and otherwise in accordance with the Use Agreement executed by the parties.
2. The Board of Education’s agreement and consent is in express reliance and condition upon the City’s agreement and acknowledgement that the community garden use in the City’s Use Area will not interfere with or impair the Board of Education’s use of the Property as an athletic field or otherwise trigger the reversionary clause the August 29, 1949 deed from the City to the Board of Education.
3. The President of the Board of Education, Superintendent and/or Treasurer are hereby authorized to execute any and all documents and take other actions necessary or appropriate to carry out the foregoing agreement regarding the City’s Use Area.