

RESOLUTION NO. 2023-20

A RESOLUTION AUTHORIZING THE FIRE CHIEF TO ENTER INTO AN AGREEMENT WITH THE MOUND DEVELOPMENT CORPORATION FOR CONTINUED USE OF THE FIRE TRAINING GROUND LOCATED AT 775 ENTERPRISE COURT, MIAMISBURG, OHIO 45342.

WHEREAS, the City of Miamisburg, Ohio and Miami Township, Montgomery County, Ohio created the Miami Valley Fire District (the "District") consistent with Ohio Revised Code Section 505.371 via Joint Resolution, City Resolution No. 2786 and Township Resolution No. 121-2011; and

WHEREAS, the Miami Valley Fire District recognizes the vital importance of maintaining a state-of-the-art training ground for our firefighters to enhance their skills and proficiency in emergency situations; and

WHEREAS, the Mound Development Corporation owns the property located at 775 Enterprise Court, Miamisburg, Ohio 45342, on which the fire training grounds are located; and

WHEREAS, the Miami Valley Fire District and the Mound Development Corporation desire to formalize an agreement that will allow the continued use of the training ground for fire and emergency training purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI VALLEY FIRE DISTRICT BOARD OF TRUSTEES THAT:

Section 1.

The Fire Chief is authorized and directed to enter into an agreement with Mound Development Corporation, allowing the Miami Valley Fire District to continue utilizing the training ground located at 775 Enterprise Court, Miamisburg, Ohio 45342, for fire and emergency training purposes.

Section 2.

The agreement outlines the terms and conditions, including the duration of the usage, responsibilities for maintenance and upkeep, and any other pertinent provisions to ensure the efficient and safe utilization of the training ground.

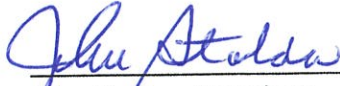
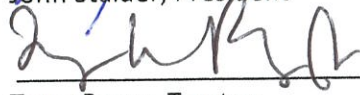

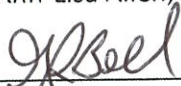
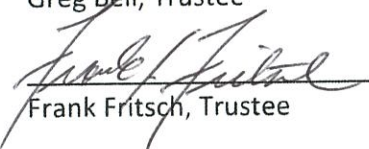
Section 3.

It is hereby found and determined that all formal actions of the Board concerning and relating to, adoption of this Resolution were adopted in an open meeting of the Board, and that any and all deliberations of the Board and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, but not limited to Section 121.22 of the Ohio Revised Code.

Section 4.

This resolution shall be in full force and effect August 10, 2023 and shall supersede any prior resolution or act of this Board, which may be inconsistent or duplicative with the provisions of this resolution.

Adopted this 10th of August 2023.

 _____ John Stalder, President	<input checked="" type="radio"/> Yes/No
 _____ Terry Posey, Trustee	<input checked="" type="radio"/> Yes/No
 _____ Ann-Lisa Allen, Trustee	<input type="radio"/> Yes/No
 _____ Greg Bell, Trustee	<input checked="" type="radio"/> Yes/No
 _____ Frank Fritsch, Trustee	<input checked="" type="radio"/> Yes/No

AGREEMENT

This agreement ("Agreement") is hereby entered into by and between The Mound Development Corporation, whose address is 965 Capstone Dr Ste 252, Miamisburg, OH, 45342 (the "Mound"), and the Miami Valley Fire District, Montgomery County, Ohio, whose address is 2710 Lyons Rd., Miamisburg, OH, 45342 ("MVFD") (collectively referred to as the "Parties") on this 14 day of ~~June~~ August 2023.

WHEREAS, the Mound is a non-profit organization who owns and operates the Miamisburg Mound Park (the "Park"), located at 900 Mound Rd, Miamisburg, OH 45342; and

WHEREAS, the Mound has permitted MVFD to utilize a section of the Park, located at 775 Enterprise Court, Miamisburg, Ohio, 45342 to conduct various Fire Department training exercises on the premises (the "Training Ground"); and

WHEREAS, the Parties desire to memorialize their obligations with respect to the continued use of the Training Ground.

THEREFORE, the Parties agree as follows:

Section 1. The Mound hereby agrees to permit MVFD to continue to utilize the Training Ground for Fire Department related training including but not limited to the following:

- Section 1(A). MVFD shall be permitted to utilize a series of shipping containers on the Training Ground in order to conduct live fire training exercises.
- Section 1(B). MVFD shall be permitted to utilize a refuse/waste dumpster on the Training Ground on an as needed basis to coincide with certain training events.
- Section 1(C). MVFD shall be permitted to utilize portable restroom structures on the Training Ground on an as needed basis.
- Section 1(D). MVFD shall be permitted to take all steps necessary to safely conduct training operations at night, including but not limited to establishing and maintaining an adequate artificial light source, which includes securing an adequate power supply for the same.

Section 2. In the event that the Mound sells the Park, the Training Ground, or otherwise revokes MVFD's permission to utilize the Training Ground, the Mound agrees to provide MVFD with at least one-hundred and twenty (120) days' written notice to vacate the Training Ground in order to ensure sufficient time to remove equipment and materials from the Training Ground.

Section 3. MVFD shall be responsible for all costs associated with its utilization of the Training Ground.

Section 4. This Agreement shall remain effective until such time that the Mound provides MVFD notice to vacate in accordance with Section 2, or until MVFD provides the Mound with written notice of its intent to vacate the Training Ground.

THE MIAMI VALLEY FIRE DISTRICT:

[Handwritten Signature]
Signature

FIRE CHIEF
Title

AUGUST 14, 2023
Date

THE MOUND DEVELOPMENT CORP:

Chris Fine
Signature

dotloop verified
08/14/23 2:48 PM EDT
PWV3-V1GS-72HH-RBPF

Board Member
Title

08/14/2023
Date

Section 4. This Agreement shall remain effective until such time that the Mound provides MVFD notice to vacate in accordance with Section 2, or until MVFD provides the Mound with written notice of its intent to vacate the Training Ground.

THE MIAMI VALLEY FIRE DISTRICT:

Jim A. Stolar
Signature

President
Title

8-10-2027
Date

THE MOUND DEVELOPMENT CORP:

Signature

Title

Date