



Staff Report

File #: 23-506
Version: 1

Date: 1/22/2024
Item #: 5.a.

TO: Mayor and City Council
THROUGH: Keith Stahley, City Manager
FROM: Scott Archer, Deputy City Manager for Community Services

SUBJECT:

Memorandum of Understanding between the City of Salem, Willamette University, and the Salem Baseball Club LLC to participate in good faith negotiations on the renovation of the Willamette baseball stadium and softball stadium and make them available to LLC as noted in the recitals.

Ward(s): Ward 2

Councilor(s): Nishioka

Neighborhood(s): SCAN

Result Area(s): Natural Environment Stewardship; Safe and Healthy Community; Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

SUMMARY:

This Memorandum of Understanding (MOU) memorializes the Parties' intention to work collaboratively for the renovation of the Willamette baseball stadium and softball stadium and make them available for use for a potential summer-league baseball team comprised of collegiate players.

ISSUE:

Shall City Council authorize the City Manager to execute the Memorandum of Understanding.

RECOMMENDATION:

Authorize the City Manager to execute the Memorandum of Understanding.

FACTS AND FINDINGS:

Willamette University owns the baseball stadium located at 730 Mission St. SE, Salem, OR 97302 and has a long-term lease of its softball stadium located at 501 14th St. SE, Salem, OR 97301, which is owned by Tokyo International University of America, and uses both for its athletic programs, in particular, the sports of baseball and softball. The baseball stadium sits adjacent to the City-owned Bush's Pasture Park and a portion of the stadium lies within the Park subject to an easement. Willamette University and the City have an existing Agreement dated 09/24/1982 to allow (attached), in part, for the baseball stadium. The LLC has an interest in leasing the baseball stadium. The City has an interest in seeing the LLC use the baseball stadium. The Parties, collectively, have an interest in supporting improvements identified in this MOU to both the baseball stadium and the softball stadium. The City and Willamette have an interest in continuing their existing agreement and amending it to permit the expanded encroachment into the Park created through the improvements.

The project will require careful design and consideration to comply with the Pre-Application Report from the project's Conference with the City on 4/10/2023, attached hereto as Attachment 1.

Terms of the MOU include:

- a. This MOU shall be effective on the date last signed by all parties, and shall expire on October 31, 2024, unless extended.
- b. No Legally Binding Force or Effect: It is expressly understood and agreed by the Parties that this MOU does not create any legally binding or enforceable obligation on the part of any Party, either with respect to the MOU. If the Parties wish to create a legally enforceable agreement, the Parties agree to negotiate such agreement which shall be executed by the authorized individuals for each Party.
- c. Applicable law. This MOU shall be construed and enforced in accordance with the laws of the State of Oregon.
- d. No partnership or joint-venture. Nothing in this MOU shall be construed so as to make the Parties partners or joint-venturers.
- e. No attorney fees. The Parties shall be responsible for their own attorney fees, legal costs and disbursements incurred in enforcing or administering this MOU.
- f. Public Record. This MOU is a public record as defined by Oregon law and may be provided to the public upon request.

BACKGROUND:

Salem Baseball, LLC intends to form a new summer collegiate baseball team to play in the West Coast League. The West Coast League is a summer collegiate baseball league encompassing Oregon,

Washington, British Columbia, and Alberta. It showcases professional prospects from major collegiate conferences around the nation.

Salem Baseball desires to utilize the Willamette University baseball stadium ("Stadium"). Salem Baseball and Willamette University envision renovations and improvements to the Stadium for the benefit of their uses, as well as for the benefit of the Salem community. The main improvements desired include the installation of sports lighting, a synthetic turf playing surface and increased accessibility. The project also includes the renovation of the softball stadium at Tokyo International University of America. The renovations and use of the Stadium require expanded encroachment in the City's adjacent Bush's Pasture Park. The City has an interest in supporting the improvements at the Stadium for use by the University and Salem Baseball, LLC. Additionally, the City recognizes and supports the benefits and enjoyment to the community by making Salem the home of a new team in a premier summer baseball league. It is not anticipated that the City would provide financial support for the project, but would be asked to allow additional encroachments of the Stadium into the Park.

This MOU memorializes the Parties' intention to participate in good faith negotiations for the next 10 months on the renovation of the Stadium and softball stadium.

Scott Archer
Deputy City Manager, Community Services

Attachments:

1. MOU_City_University_SB LLC
2. MOU_Attachment 1 - Pre Application
3. Original Agreement BB Stadium 09.24.82