



Legislation Details (With Text)

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On agenda: 11/15/2021 **Final action:** 11/17/2021

Title: To authorize the Director of Finance and Management to execute those documents necessary to enter into a Third Amendment to Agreement for Lease of Real Property for Agricultural Purposes; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

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Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 11/17/2021 | 1 | ACTING CITY CLERK | Attest | |
| 11/16/2021 | 1 | MAYOR | Signed | |
| 11/15/2021 | 1 | COUNCIL PRESIDENT | Signed | |
| 11/15/2021 | 1 | Columbus City Council | Approved | Pass |

Background: Since December 1, 2016 the City, on behalf of the Department of Public Utilities, has leased farmland located in Delaware County surrounding the Upground Reservoir to Lowell Thomas Taylor for farming purposes by a Lease Agreement for Use of Real Property for Agricultural Purposes (“Lease”) as authorized by City Council Ordinance 2799-2016. The Lease has been amended by a First Amendment to Agreement For Lease of Real Property for Agricultural Purposes and the current Second Amendment to Agreement for Lease of Real Property for Agricultural Purposes (“2nd Amendment”), effective December 1, 2020 as authorized by City Council Ordinance 2812-2020. Lowell Thomas Taylor has been jointly farming the leased premises for many years with his son Zachary Lincoln Taylor as his partner. Lowell Thomas Taylor notified the City that he is planning to retire and that his son wishes to continue to farming the leased premises as the Tenant. This change in tenancy is acceptable to and supported by the Department of Public Utilities. In order to assign the Lease to Zachary Lincoln Taylor as Tenant and to modify related provisions to reflect this tenancy change, it is necessary for the City to enter into a Third Amendment to Agreement for Lease of Real Property for Agricultural Purposes. This legislation authorizes the Director of Finance and Management to execute those documents necessary to enter into a Third Amendment to Agreement for Lease of Real Property for Agricultural Purposes of that certain Lease Agreement for Use of Real Property for Agricultural Purposes (“Lease”), effective December 1, 2016, as amended by the First Amendment to Agreement for Lease of Real Property for Agricultural Purposes, effective December 1, 2020 and as amended by the Second Amendment to Agreement for Lease of Real Property for Agricultural Purposes effective December 1, 2020, to assign the Lease to Zachary Lincoln Taylor as Tenant and to modify related provisions to reflect this change. All other terms, conditions, and provisions of the Lease will remain unchanged and in full force and effect. This legislation is presented as emergency measure.

Fiscal Impact: \$0.00

Emergency Action: This legislation is presented as emergency measure to allow for immediate modifications to the Lease to be effective December 1, 2021 at the commencement of the Lease Year so that farming of the property can continue uninterrupted for the 2022 farming season.

To authorize the Director of Finance and Management to execute those documents necessary to enter into a Third Amendment to Agreement for Lease of Real Property for Agricultural Purposes; and to declare an emergency. (\$0.00)

WHEREAS, the Department of Finance and Management, through its Real Estate Management Office, leases vacant land in Delaware County on behalf of the Department of Public Utilities to Lowell Thomas Taylor for farming purposes, and

WHEREAS, Mr. Lowell Taylor has jointly farmed this land for many years with his son Zachary Lincoln Taylor as his partner; and

WHEREAS, Mr. Taylor has now decided to retire from farming and Zachary Lincoln Taylor wishes to continue farming the land as the Tenant; and

WHEREAS, the Department of Public Utilities supports the assignment of the Lease to Zachary Lincoln Taylor as the Tenant; and

WHEREAS, it is necessary to amend the Lease to assign it to Zachary Lincoln Taylor as Tenant and make other modifications related to this assignment; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director of Finance and Management to execute an amendment to the Lease at the earliest possible date to allow farming of the property to continue uninterrupted for the 2022 farming season beginning December 1, 2021, for the immediate preservation of the public health, peace, property, safety and welfare; and now, therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Finance and Management be, and hereby is, authorized to execute a Third Amendment to Agreement for Lease of Real Property for Agricultural Purposes by and between the City of Columbus and Zachary Lincoln Taylor, as prepared and approved by the Department of Law, Division of Real Estate.

SECTION 2. That the City Auditor is authorized to make any accounting changes necessary to ensure that this lease is properly accounted for and recorded accurately on the City's financial records.

SECTION 3. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.