



## Legislation Details (With Text)

**File #:** 2049-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/13/2012      **In control:** Public Utilities Committee

**On agenda:** 12/10/2012      **Final action:** 12/12/2012

**Title:** To authorize the Director of Public Utilities to enter into a one year lease agreement for the Division of Sewerage and Drainage for the lease of City-owned land, just south of the Southerly Wastewater Treatment Plant on U.S. Route 23, for agricultural purposes with Jeff Writsel. (\$0)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 2049-2012 Farmland Bid Tab

Date	Ver.	Action By	Action	Result
12/12/2012	1	CITY CLERK	Attest	
12/11/2012	1	MAYOR	Signed	
12/10/2012	1	COUNCIL PRESIDENT	Signed	
12/10/2012	1	Columbus City Council	Approved	Pass
12/3/2012	1	Columbus City Council	Read for the First Time	

The purpose of this legislation is to authorize the Director of Public Utilities to enter into a lease agreement of land owned by the Division of Sewerage and Drainage to be used for agricultural purposes with Jeff Writsel.

The Division of Sewerage and Drainage owns approximately three hundred thirty five (335) acres, more or less, of City-owned tillable cropland located approximately 1/2 mile south of State Route 665, between State Route 104 and US Route 23. The 335 acres, more or less, consisting of 15 fields.

The Division of Sewerage and Drainage, Compost Facility received bids on October 9, 2008 for a per acre cost for each of the 15 fields. Five (5) bids were received and the tabulation of those bids is attached. The highest bidder was JRS Farms, however the company has declined the award of the contract, see letter attached. The next highest bidder was Jeff Writsel, 9220 Scioto Darby Road, Orient, OH 43146.

The lease agreement covers the period starting January 1, 2009 to and including December 31, 2013 on a year to year basis. The land will be used for agricultural purposes and the proceeds will be deposited into the Sewerage System Operating Fund. This agreement has been for 11 fields (288 acres) as four fields were in the process of being reclaimed. This modification to the lease agreement will continue to cover the 11 fields at the full price per acre.

Three farm fields were removed from the farm lease for 3 years during construction. After construction the contractor failed to fully restore the cropland to the "bid condition". The farmer's bid is no longer accurate based on the conditions of the fields (gravel, metal, compacted roadways, etc.); as a result the farmer won't honor the bid price for the non-reclaimed areas of these fields. Since a portion of the fields are okay it is in the City's best interest to establish crops on the non-reclaimed areas for weed control and determining a "value" for future bidding. This modification will now include Fields #10, 11, and 12. The farmer has agreed to modify the contract such that he would pay for half of the farmland (20 acres of 40 acres in subject fields only). He has been asked and is willing to plant all the acres, paying for

half the acres in these subject fields. This serves two purposes, 1) Provides weed/vegetation control on all 40 acres and, 2) Provides basis for bidding next summer (2013), as bidders can inspect the field / crop conditions and bid accordingly. It is in the City's best interest to keep this land in crop production, avoiding the cost of mowing, while preventing the land from turning into "wetlands".

Field #15 was used as a construction spoil staging area. It was left with rock and infertile soil on top. As with the other reclaimed fields, it is in the City's best interest to have the farmer plant all 7 acres but only pay for 3.5 acres.

This ordinance authorizes the 5th year of the lease beginning January 1, 2013 to and including December 31, 2013. The Division of Sewerage and Drainage will process bids for a new lease agreement during 2013.

**FISCAL IMPACT:** No funds are needed for this agreement. Lease payments will be made on a semi-annual basis on or before March 15 and October 15 and will be deposited into the Sewerage and Drainage Operating Fund 650. Proceeds for the 5th year are \$51,740.16. The total five (5) year proceeds are \$243,087.36.

To authorize the Director of Public Utilities to enter into a one year lease agreement for the Division of Sewerage and Drainage for the lease of City-owned land, just south of the Southerly Wastewater Treatment Plant on U.S. Route 23, for agricultural purposes with Jeff Writsel. (\$0)

**WHEREAS,** The Division of Sewerage and Drainage owns approximately three hundred thirty-five (335) acres, more or less, of City-owned tillable cropland located approximately 1/2 mile south of State Route 665, between State Route 104 and US Route 23. The 335 acres, more or less consist of 15 fields; and

**WHEREAS,** proposals were received by the Division of Sewerage and Drainage on October 9, 2008 for a per acre cost for lease of the land and the highest bid was received from JRS Farms, however the company declined the award and the award was made to the next highest bidder, Jeff Writsel, 9220 Scioto Darby Road, Orient OH 43146; and

**WHEREAS,** the property will be leased for five (5) years on a year to year basis from January 1, 2009 to and including December 31, 2013 to be used for agricultural purposes; and

**WHEREAS,** four of the farm fields were removed from the farm lease for 3 years during construction after which the contractor failed to fully restore the cropland to "bid conditions"; and

**WHEREAS,** it is in the City's best interest to have the farmer plant all acres, paying for half the acres in these four subject fields in order to provide weed/vegetation control on all acres, both tillable and non-reclaimed, and to provide a basis for bidding next summer (2013), as bidders can inspect the field / crop conditions and bid accordingly; and

**WHEREAS,** this ordinance is to authorize the 5th year of the contract from January 1, 2013 to and including December 31, 2013, proceeds to be \$51,740.16; and

**WHEREAS,** the total five year proceeds will be \$243,087.36 paid semi-annually on or before March 15 and October 15 each year; now, therefore

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

**SECTION 1.** That the Director of Public Utilities be and is hereby authorized to enter into the 5th year of a possible five (5) year lease agreement with Jeff Writsel for the lease of approximately three hundred eleven and one-half (311.50) acres, more or less, of City-owned tillable cropland, located approximately 1/2 mile south of State Route 665, between State Route 104 and U.S. Route 23, for agricultural purposes.

**SECTION 2.** That it is in the City's best interest to have the farmer plant all acres, including those in the non-reclaimed

areas of Fields 10, 11, 12 and 15. The farmer will not pay leasing fees for the use and planting of approximately twenty-three and one-half (23.50) acres, more or less, of City owned non-reclaimed cropland, located approximately 1/2 mile south of State Route 665, between State Route 104 and U.S. Route 23, in order provide weed/vegetation control on all acres, both tillable and non-reclaimed, and to provide a basis for bidding next summer (2013), as bidders can inspect the field / crop conditions and bid accordingly.

**SECTION 3.** That in consideration for the same, Jeff Writsel will pay to the Division of Sewerage and Drainage the sum of \$51,740.16 for the 5th year of the lease which is in effect from January 1, 2013 to and including December 31, 2013 with the proceeds to be deposited into the Sewerage System Operating Fund 650.

**SECTION 4.** The possible total lease amount of a five (5) year period is \$243,087.36 with bi-annual payments due on or before March 15 and October 15 of each year. The lease agreement is on a year to year basis.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.