



## Legislation Details (With Text)

**File #:** 1660-2014      **Version:** 1

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

**File created:** 7/1/2014      **In control:** Public Utilities Committee

**On agenda:** 7/14/2014      **Final action:** 7/17/2014

**Title:** To authorize the Director of the Department of Finance and Management to execute an Amended And Restated Farm Lease Agreement with Timothy A. Barnes; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 7/17/2014 | 1    | CITY CLERK            | Attest   |        |
| 7/16/2014 | 1    | MAYOR                 | Signed   |        |
| 7/14/2014 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 7/14/2014 | 1    | Columbus City Council | Approved | Pass   |

**Background:** The City of Columbus owns real property in Delaware County associated with operation of its Upground Reservoirs. Tillable land, not actively used in these operations is leased for farming purposes to help the City minimize its cost for property maintenance and activities related to ongoing management of the properties. The City entered into a Farm Lease Agreement with Timothy A. Barnes, dated November 27, 2012, for the purpose of farming tracts of land on four (4) City owned parcels of land located on or near State Route 257. Due to construction of pump stations and a canoe launch on the parcels, the Farm Lease Agreement inadvertently incorrectly identified the leased and tillable acreage on the parcels. Consequently, it is necessary that the lease be amended and restated in order to correct the leased areas and to protect the City's property rights. This ordinance authorizes the Director of Finance and Management to execute an Amended And Restated Farm Lease Agreement by and between the City of Columbus and Timothy A. Barnes that correctly identifies the leased real property and acreages.

**Fiscal Impact:** N/A.

**Emergency action** is requested to protect the City's interest so that the real property and the acreages leased for agricultural farming purposes are correctly identified.

To authorize the Director of the Department of Finance and Management to execute an Amended And Restated Farm Lease Agreement with Timothy A. Barnes; and to declare an emergency.

**WHEREAS**, the City of Columbus and Timothy A. Barnes entered into a Farm Lease Agreement dated November 27, 2012; and,

**WHEREAS**, the Farm Lease Agreement incorrectly identified the real property and the acreage of the land being leased for agricultural farming purposes; and

**WHEREAS**, in order to protect the City's property interests it is necessary to enter into an Amended And Restated Farm Lease Agreement with Timothy A. Barnes to correctly identify the real property and the acreage leased for agricultural farming purposes; and,

**WHEREAS**, an emergency exists in the daily operation of the City of Columbus in that it is immediately necessary to authorize the Director of the Department of Finance and Management to execute an Amended And Restated Farm Lease Agreement to protect the City's property interests thereby preserving the public health, peace, property, safety, and welfare; now therefore,

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

**Section 1.** That the Director of the Department of Finance and Management be, and hereby is, authorized to execute those documents, as prepared and approved by the Department of Law, Division of Real Estate, necessary to amend and restate the farm lease agreement between the City of Columbus and Timothy A. Barnes, including the right to make further amendments should portions of the leased real property be needed for public use.

**Section 2.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.