



Legislation Text

File #: 0515-2016, **Version:** 1

Background: The City of Columbus owns multiple tracts of agricultural land in Delaware County that are being held for the future growth of the City's upground reservoir operations. Until such time as this land is needed for that purpose, it has been leased to various Tenants for the purpose of farming.

The Department of Finance and Management, through its Real Estate Management Office (REMO) leases the land for farming on behalf of the Department of Public Utilities. Tenant Mr. Richard Packer (K5E9, LLC), who leases 89 tillable acres for farming, decided not to renew his lease for the 2016 term. This particular farm acreage is difficult to access, being nearly landlocked, making an existing City tenant farming adjacent fields the most logical tenant for the acreage now available. This acreage was offered to two existing tenants farming adjacent parcels, one tenant declined, the other, Mr. Timothy Barnes, has agreed to assume the additional acreage as part of his farming operation for the term January 1, 2016 through December 31, 2016 thus necessitating an amendment to the existing Amended And Restated Farm Lease Agreement with the City to reflect the added tillable acres and the associated rent.

This ordinance authorizes the Director of the Department of Finance and Management to execute a Second Amendment To The Amended And Restated Farm Lease Agreement with Mr. Timothy Barnes to add the 89 tillable acres formerly farmed by K5E9, LLC to the lease, effective January 1, 2016 and to reflect the associated rent for this additional acreage. The new total tillable acreage leased by Mr. Barnes will be 470 acres.

Emergency action is requested to assure that the Lease Amendment can be executed expeditiously to allow Mr. Barnes to begin work in the field as soon as possible.

To authorize the Director of Finance and Management to enter into a Second Amendment to an Amended and Restated Farm Lease Agreement with Mr. Timothy A. Barnes to add approximately 89 tillable acres and to declare an emergency.

WHEREAS, the City of Columbus owns multiple tracts of agricultural land in Delaware County associated with upground reservoir operations of the Department of Public Utilities; and

WHEREAS, the City leases the land not actively used in the operation of the reservoir to Tenants for the purpose of farming; and

WHEREAS, one Tenant decided not to renew his farm lease for the 2016 term for 89 tillable acres; and

WHEREAS, due to the inaccessibility of this particular tillable acreage, the City offered the acreage to two existing Tenants farming abutting fields, with one tenant declining and the other accepting the acreage (Mr. Timothy A. Barnes); and

WHEREAS, the City's lease with Mr. Timothy A. Barnes, must be amended to add approximately 89 tillable acres to the existing lease and to reflect the associated rent for the additional acreage; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the Director of Finance and Management to execute those documents necessary to enter into Second Amendment to an Amended And Restated Lease with Timothy A. Barnes to allow Mr. Barnes to have access to the field

in time for planting season, 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, on behalf of the Department of Public Utilities, be and is hereby authorized to execute those documents necessary, as approved by the Department of Law, Real Estate Division, to amend an existing farmland lease with Timothy A. Barnes, to add approximately 89 tillable acres, amend the rent to reflect the increased rent for the additional acreage, and to amend any other necessary provisions.

SECTION 2. That the amendment shall be in a form approved by the Real Estate Division, Department of Law.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is thereby 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.