



Legislation Text

File #: 0439-2017, **Version:** 1

Background: The City of Columbus owns multiple tracts of agricultural land in Delaware County on behalf of its Department of Public Utilities that are being held generally for future growth and as a buffer for the Upground Reservoir located on Taway Road. This agricultural land is leased to farmers to reduce the maintenance cost of holding the land, for example, the cost of mowing the fields, maintaining fences, tree lines, etc. and to keep the land in productive use preventing the formation of wetland conditions. Nine (9) acres of this agricultural land has been leased since 2012 to Mr. Edward A. Zimmerman and Mrs. Lori S. Zimmerman.

Mr. and Mrs. Zimmerman recently notified the City that they no longer wish to lease and farm this nine (9) acre tract. The City leases adjacent acreage for farming to Mr. Timothy A. Barnes and he has agreed to expand his farm operation to include this nine acre tract. In addition Mr. Barnes wishes to farm this tract and the acreage under his existing lease with his son Chad Barnes as Barnes Unlimited LLC. An amendment to the existing Agreement For Lease Of Real Property For Agricultural Purposes with Mr. Barnes is necessary to reflect the addition of the nine (9) acre tract and to add Chad Barnes dba Barnes Unlimited LLC as a tenant under the lease.

This ordinance authorizes the Director of the Department of Finance and Management to execute a First Amendment To Agreement For Lease Of Real Property For Agricultural Purposes with Mr. Timothy A. Barnes to increase the tillable acreage of the existing Agreement For Lease Of Real Property For Agricultural Purposes from 660 acres to 669 acres and to amend the name of the tenant from Tim Barnes to Timothy A. Barnes and Chad Barnes dba as Barnes Unlimited, LLC. All other terms, conditions and provisions of the Agreement For Lease Of Real Property For Agricultural Purposes will remain unchanged.

Fiscal Impact: No expenditure of funds is required for this ordinance and there is no change in income to the City as acreage rented is just being transfered from one tenant to another.

Emergency action is requested to amend the current lease to properly identify the fields and acreage available for the 2017 farming season to allow farming preparations to begin without delay.

To authorize the Director of Finance and Management to enter into a First Amendment To Agreement For Lease Of Real Property For Agricultural Purposes with Mr. Timothy A. Barnes to increase the acreage of land leased for farming; to add Chad Barnes dba Barnes Unlimited LLC as an additional tenant; and to declare an emergency.

WHEREAS, the City of Columbus owns multiple tracts of agricultural land in Delaware County associated with the Department of Public Utilities' Upground Reservoir located on Taway Road; and

WHEREAS, the City leases the land not actively used in the operation of the Upground Reservoir to farmers to reduce the maintenance cost of holding the land; and

WHEREAS, the City was recently notified that Edward A. and Lori S. Zimmerman no longer wish to lease and farm a nine (9) acre tract; and

WHEREAS, an amendment to the existing Agreement For Lease Of Real Property For Agricultural Purposes is necessary to reflect the addition of the nine (9) acre tract to the acreage to be farmed and to amend the name of the tenant

from Tim Barnes to Timothy A. Barnes and Chad Barnes dba as Barnes Unlimited, LLC; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management in that it is immediately necessary to authorize the Director to execute a First Amendment to Agreement For Lease Of Real Property For Agricultural Purposes with Timothy A. Barnes and Chad Barnes dba Barnes Unlimited LLC to allow the amended lease to be in place in time to prepare for the 2017 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 Tim Barnes, to add approximately 9 tillable acres to the leased acreage, amend the rent to reflect the additional tillable acreage, and to modify the tenant entity.

SECTION 2. That the terms and conditions of the amendment shall be in a form approved by the Real Estate Division, Department of Law and shall include the following:

- a) The leased acreage shall be amended to add nine (9) tillable acres and the rent shall be amended to reflect an increase for the additional tillable acreage.
- b) The named tenant will be amended to reflect Timothy A. Barnes and Chad Barnes dba Barnes Unlimited LLC.
- c) That all other terms, conditions, covenants, and provisions shall remain unchanged and in full force and effect.

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.