



Legislation Text

File #: 2812-2020, **Version:** 1

Background: By a Lease Agreement For Use of Real Property For Agricultural Purposes, dated December 1, 2016, the City currently leases a portion of real property located on Mooney Road and identified as Delaware County Tax Parcel No. 100-300-01-043-000 of approximately 46.36 +/- acres to Lowell Thomas Taylor ("Tenant") and as amended by a First Agreement For Lease of Real Property For Agricultural Purposes for lease of Delaware County Tax Parcel No. 100-300-01-092-000 containing 44.61 +/- acres, comprised of 88 acres tillable for farming purposes. The following legislation authorizes the Director of the Department of Finance and Management, on behalf of its Department of Public Utilities, to execute those documents necessary to enter into a Second Amendment to Agreement For Lease of Real Property For Agricultural Purposes ("Second Amendment") to add an adjacent portion of land to the existing lease, comprised of approximately 359.25 acres of the city-owned property located on Smokey Road being Delaware County Tax Parcel Numbers 100-400-01-027-000, 100-400-01-034-000 and 100-400-01-035-000, containing approximately 312 tillable acres, that are currently being farmed by Timothy Ackley. The City recently became aware that due to financial setbacks suffered by Mr. Ackley, the option to renew his farm lease will not be exercised for the term that is to commence December 1, 2020. Lowell Thomas Taylor is currently farming the adjacent city-owned acreage and has agreed to lease and farm this additional acreage. The Real Estate Management Office has negotiated a Second Amendment with terms agreeable to the Department of Public Utilities for the lease of this additional 359.25 acres.

Fiscal Impact: No funds are required.

Emergency Action is requested in order to immediately authorize a Second Amendment for the lease of this additional 359.25 acres to avoid any delay in preparing the property for the upcoming farming season.

To authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a Second Amendment to Agreement For Lease of Real Property For Agricultural Purposes between the City of Columbus and Lowell Thomas Taylor and to declare an emergency. (\$0.00).

WHEREAS, the City is the owner of certain real property located on Mooney Road identified as Delaware County Tax Parcel No. 100-300-01-043-000 currently being leased and farmed by Lowell Thomas Taylor and certain real property located on Smokey Road identified as Delaware County Tax Parcel Numbers 100-400-01-027-000, 100-400-01-034-000 and 100-400-01-035-000 currently being leased and farmed by Timothy Ackley; and

WHEREAS, Timothy Ackley's option to renew a farm lease for 312 tillable acres will not be exercised for the next lease term; and

WHEREAS, Lowell Thomas Taylor currently leases and farms the adjacent city-owned parcels and has agreed to lease the acreage previously farmed by Mr. Ackley; and

WHEREAS, it is necessary to amend the City's current lease with Lowell Thomas Taylor to include this additional tillable acreage as part of the that lease; and

WHEREAS, after investigation by the City, it has been determined that the Second Amendment to include the additional acreage to be farmed by Mr. Taylor is in the City's best interest and meets with the concurrence of the Department of Public Utilities and with its concurrence; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management in that it is immediately necessary authorize the Director to execute, at the earliest feasible date, those documents necessary to enter into a Second Amendment by and between the City and Lowell Thomas Taylor for lease of 359.25, acres containing 312 tillable acres, for agricultural purposes thereby immediately 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 hereby is, authorized to execute those documents necessary to enter into a Second Amendment to Agreement For Lease of Real Property For Agricultural Purposes by and between the City of Columbus (“Landlord”) and Lowell Thomas Taylor (“Tenant”), in order to increase the total acreage of the lease to 450.22 +/- acres and increase the tillable acreage from 88 acres to 400 acres being portions of Delaware County Tax Parcel Numbers 100-400-01-027-000, 100-400-01-034-000 and 100-400-01-035-000 and Delaware County Tax Parcel No. 100-300-01-043-000 and 100-300-01-092-000.

SECTION 2. That the terms and conditions of the Second Amendment to Agreement For Lease of Real Property For Agricultural Purposes shall be in a form approved by the Department of Law, Division of Real Estate.

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 its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.