



Legislation Text

File #: 0645-2024, **Version:** 1

Background: This legislation authorizes the Director of Finance and Management to execute those documents necessary to further amend the Agreement for Lease of Real Property for Agricultural Purposes, dated December 1, 2016, with Jeffrey L. Writsel and as amended by that First Amendment to Agreement for Lease of Real Property for Agricultural Purpose, dated December 1, 2019, to further reduce the tillable acreage of the Leased Premises used for farming around the Southerly Wastewater Treatment Plant (SWWTP) and Compost Facility for the 2024 farming season. The Department of Public Utilities will begin construction in 2024 of a floodplain compensatory storage project, in compliance with a Federal Emergency Management Agency (FEMA) finding, that necessitates reducing the amount of tillable acreage leased to Mr. Writsel for farming by 82 acres. This reduction in the acreage comprising the Leased Premises from 276.2 tillable acres to 208.5 tillable acres will result in a \$10,155.00 reduction in annual rental income to the City.

Fiscal Impact: The City's annual lease income will be reduced by \$10,155.00, to \$31,275.00.

Emergency Action: This legislation is presented as emergency in order to properly identify the fields and acreage associated with the Lease and to allow the Department of Public Utilities to immediately commence due diligence activities on the 82 acres in preparation for its construction project.

To authorize the Director of Finance and Management to execute an Second Amendment to Agreement for Lease of Real Property for Agricultural Purposes with Jeffrey L. Writsel to reduce the acreage of land leased for farming purposes, and to declare an emergency.

WHEREAS, the Department of Finance and Management on behalf of the Department of Public Utilities, through its Real Estate Management Office, by an Agreement for Lease of Real Property for Agricultural Purposes, dated December 1, 2016, and as amended by that First Amendment to Agreement for Lease of Real Property for Agricultural Purpose, dated December 1, 2019, leases 276.2 tillable acres around the Southerly Wastewater Treatment Plant (SWWTP) and Compost Facility to Jeffrey Writsel for farming purposes; and

WHEREAS, the Department of Public Utilities plans to undergo the construction of floodplain compensatory storage project, required by Federal Emergency Management Agency (FEMA), and,

WHEREAS, in order to construct the project to provided compensatory flood storage, it is necessary to remove 82 tillable acres from the Leased Premises currently being farmed by Jeffrey Writsel, and

WHEREAS, it is now necessary to amend the Lease to reflect the reduction in the Leased Premises acreage from 276.2 tillable acres to 208.5 tillable acres and the associated reduction in the annual rent from \$41,430.00 to \$31,275.00, and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus and that it is immediately necessary to authorize the Director of the Department of Finance and Management to execute the Second Amendment to Lease Agreement for Use of Real Property for Agricultural Purposes with Jeffrey L. Writsel in order for the Department of Public Utilities to commence studies and testing on the land in preparation for construction, all for the immediate preservation of the public health, peace, property, safety and welfare; and **NOW, THEREFORE**

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

SECTION 1. That the Director of Finance and Management be, and hereby is, authorized to execute those documents as prepared and approved by the Department of Law, Real Estate Division, necessary to the Agreement for Lease of Real Property for Agricultural Purposes, dated December 1, 2016, and as amended by that First Amendment to Agreement for Lease of Real Property for Agricultural Purpose, dated December 1, 2019, by and between the City of Columbus and Jeffrey L. Writsel, to reduce the size of the Leased Premises by 82 acres and the associated annual rent.

SECTION 2. That the City Auditor is authorized to make any accounting changes necessary to ensure that this lease is properly accounted for and recorded accurately on the City's financial records.

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