



Legislation Text

File #: 05523, **Version:** 1

Fiscal Note

This lease amendment results in a \$200 reduction in the total annual rent payable by the City. Funds are available in Account No. ESTM-54510-562200.

Title

Authorizing the Mayor and City Clerk to execute an amendment to an existing lease with Russell C. and Marjorie A. Marty pertaining to lands located in Verona and Middleton Townships.

Body

WHEREAS, Russell C. Marty and Marjorie A Marty (collectively, the "Lessors") and the City of Madison ("City") are parties to a lease dated April 16, 2004 (the "Lease"), whereby the City leases from the Lessors two tracts of land totaling 3.375 acres (the "Leased Premises"); and

WHEREAS, the two tracts of land comprising the Leased Premises are referred to individually as "Leased Premises - Area 1" and "Leased Premises-Area 2"; and

WHEREAS, the Leased Premises are used for public stormwater drainage purposes; and

WHEREAS, the City has agreed to construct a grassed waterway through the site, and the City and the Lessors desire to amend the Lease to change the boundary and acreage of Leased Premises-Area 1 and to change the rent and use provisions of the Lease as applicable; and

WHEREAS, the boundary changes to Leased Premises-Area 1 shall reduce the acreage of the Leased Premises by 1.58 acres (i.e., from 3.375 to 1.795 acres); and

WHEREAS, the terms of an amendment to the Lease have been negotiated between the City's Engineering Division staff and the Lessors, and an amendment has been prepared by the Real Estate Section.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute an amendment to the lease dated April 16, 2004 (the "Lease") with Russell C. and Marjorie A. Marty (collectively, the "Lessors"), on the following terms and conditions:

1. The legal description of "Leased Premises-Area 1," which is attached to the Lease and hereto as "Exhibit A," shall be replaced with attached "Exhibit A-Revised 1/17/2007."
2. The locator map depicting the entire Leased Premises, which is attached to the Lease and hereto as "Exhibit C (page 1 of 3)," shall be replaced with attached "Exhibit C-Revised 1/17/2007 (page 1 of 3)."
3. The map of Leased Premises-Area 1, which is attached to the Lease and hereto as "Exhibit C (page 2 of 3)," shall be replaced with attached "Exhibit C - Revised 1/17/2007 (Page 2 of 3)."
4. Effective January 1, 2007, rent payable by the City for Leased Premises-Area 1 shall be reduced from \$400 per year to \$200 per year.
5. The following provision shall be added to the Lease:

"The City's use of the Leased Premises shall include the right to install a grassed waterway, including the removal of up to 3,500 cubic yards of material, and all grading, sloping, restoration, and incidentals required to facilitate such construction, all at the sole cost and expense of the City."

6. The provision of the Lease regarding the Lessors' right to use the Leased Premises, which allows for the planting of hay in Leased Premises-Area 2 and the planting of other crops in Leased Premises-Area 1, shall be deleted and replaced with the following:

"No crops shall be permitted in the Leased Premises. The Lessors shall maintain the Leased Premises as grassed waterways."

7. All other provisions of the Lease shall remain unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all additional documents that may be required to complete this transaction.