Legislation Details (With Text)

File #:	03360	**Version:**	1	**Name:**	Authorizing the Mayor and City Clerk to execute a lease with Dennis Acker for four tracts of City-owned land comprising approximately 22 acres.
Type:	Resolution			**Status:**	Passed
File created:	4/5/2006			**In control:**	BOARD OF PARK COMMISSIONERS
On agenda:	5/16/2006			**Final action:**	5/16/2006
Enactment date:	5/19/2006			**Enactment #:**	RES-06-00439

Title: Authorizing the Mayor and City Clerk to execute a lease with Dennis Acker for four tracts of City-owned land comprising approximately 22 acres. 3rd Ald. Dist.

Sponsors: Judy Compton

Indexes:

Code sections:

Attachments: 1. 8435 Exhibit A.pdf, 2. 8435 Exhibit B.pdf

Date	Ver.	Action By	Action	Result
5/16/2006	1	COMMON COUNCIL	Adopt	Pass
5/10/2006	1	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/1/2006	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
4/18/2006	1	COMMON COUNCIL	Refer	
4/18/2006	1	BOARD OF PARK COMMISSIONERS	Refer	
4/10/2006	1	Community and Economic Development Unit	Referred for Introduction	
4/6/2006	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
4/5/2006	1	Community and Economic Development Unit	Fiscal Note Required / Approval	

Fiscal Note

Estimated income in the year 2006 of $2,310 will be deposited into Account No. GN01-78220.

Title

Authorizing the Mayor and City Clerk to execute a lease with Dennis Acker for four tracts of City-owned land comprising approximately 22 acres. 3rd Ald. Dist.

Body

WHEREAS, the City of Madison owns four (4) parcels of land located on the east side of the City in the vicinity of County Trunk Highway BB, which parcels were acquired for park purposes (the "City's Property"); and

WHEREAS, Dennis Acker is currently leasing and farming adjacent land owned by Dane County and is interested in farming certain portions of the City's Property; and

WHEREAS, the terms of a lease have been negotiated between Dennis Acker, the Parks Division and the Real Estate Section.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute a lease for farming purposes ("Lease") with Dennis Acker (the "Lessee") allowing for the use of four (4) tracts of land, comprising

approximately 22 acres, as described on attached Exhibit A and depicted on attached Exhibit B (collectively, the "Leased Premises"), subject to the following terms and conditions:

1. The term of the Lease shall commence as of January 1, 2006 and expire on December 31, 2006.
1)
1. The Lease may be renewed for subsequent one-year terms upon the agreement of the parties as to the terms of the renewal.
1)
1. The Lessee shall pay rent to the City in an amount equal to $105.00 per tillable acre, payable in two equal installments due on or before May 1, 2006 and December 31, 2006, respectively. The amount of tillable acres is estimated to be 22 acres. Following the completion of planting by the Lessee, the Lessee and the City shall verify the actual acreage tilled and rent shall be calculated based on such verified amount.
1)
1. Atrazine or any herbicide that lists atrazine as an active ingredient shall not be applied upon the Leased Premises.
1)
1. The Lessee shall not hunt upon the Leased Premises and shall ensure that the Leased Premises are not used for hunting purposes.
1)
1. The Lessee shall be responsible for all utilities furnished to the Leased Premises, Including water and storm water charges.
1)
1. The Lessee shall be liable to and shall indemnify, defend and hold harmless the City, and its officers, officials, agents, and employees, against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the City or its officials, officers, agents or employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the acts or omissions of the Lessee and/or its officials, officers, agents, employees, assigns, guests, invitees, sublessees or subcontractors, in or related to the performance of the Lease, whether caused by or contributed to by the negligent acts of the City, its officers, officials, agents, and employees. Additionally, the Lessee shall carry farm general liability insurance including contractual liability, with limits of liability acceptable to the City's Risk Manager. The policy or policies shall name the City as an additional insured. As evidence of this coverage, the Lessee shall furnish to the City a certificate of insurance on a form provided by the City.

2. 14.

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.

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