

ORDINANCE NO. 2012- 3607

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE FOR THE FOLLOWING DESCRIBED PROPERTY (THE TREE FARM PROPERTY) PURSUANT TO OHIO REVISED CODE SECTION 721.03 AND DECLARING AN EMERGENCY.

WHEREAS, this Council finds that the property owned by the City of Fremont as described in the attached Exhibit A was formerly used as a tree farm and is currently being used as a sludge dump for the Water Pollution Control Center, and

WHEREAS, the property contains approximately 38.8 acres of tillable land, and

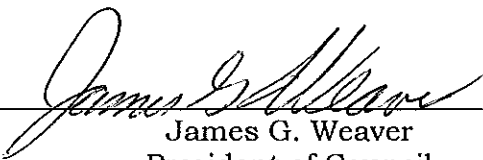
WHEREAS, it would be in the best interests of the City to lease said property for agricultural use so as to balance the nutrient content of the soil,

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:

SECTION 1. That the Mayor is authorized and directed to enter into an agreement to lease the real estate described in the attached Exhibit A for agricultural purposes in accordance with Ohio Revised Code Section 721.03 for a period of three years.

SECTION 2. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to prepare the farmland in an expeditious manner.

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

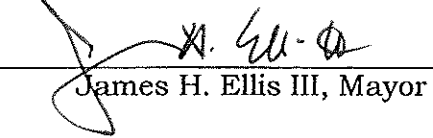

James G. Weaver
President of Council

PASSED: 11-1-12

Effective date: 11-1-12

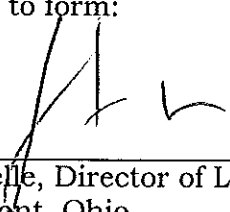
YEAS: 6 NAYS: 0


Elaine J. Huntley, City Council Clerk


James H. Ellis III, Mayor

ORDI751

Approved as to form:

A handwritten signature in black ink, appearing to read 'JFM', is written over a horizontal line. The signature is stylized and somewhat cursive.

James F. Melle, Director of Law
City of Fremont, Ohio

EXHIBIT A

Legal description:

Situated in the Township of Rice, County of Sandusky, and the State of Ohio, and being 38.8295 acres of land in part of the north part of the east half of the NE Quarter of Section Four (4), T 5 N, R 15 E, being all of Carl F. Taube and Ila Mae Taube's land in said quarter section but saving and excepting there from the following described real property:

Commencing at a railroad spike found marking the north quarter post of Section No. 4, thence South $80^{\circ}49'00''$ West in the centerline of Co. Rd. 127, also being the northerly line of said section, a distance of 249.26 feet to a nail and shiner set in said centerline; thence South $0^{\circ}00'00''$ East and passing through an iron rod set at 33.00 feet a distance of 639.70 feet to an iron rod set; thence North $89^{\circ}49'00''$ East and passing through an iron rod set at 219.26 feet a distance of 249.26 feet to a nail and shiner set in the centerline of State Route #19; thence North $00^{\circ}00'00''$ West in said centerline, also being the north-south half section line, a distance of 639.70 feet to the place of beginning, containing 3.6605 acres of land, more or less.

Bearings are base upon the assumption that the north-south half section line of Section #4 from the center of said section to the north quarter post bears North $00^{\circ}00'00''$ West.

Description of reserved parcel furnished by John L. Cronin, Reg. Sur. #5769 from a survey made by him in August, 1976.

LEASE AGREEMENT

This lease is entered into this _____ day of _____, 2012, between the City of Fremont, an Ohio Municipal Corporation, hereinafter referred to as City or Lessor, whose mailing address is 323 S. Front St., Fremont, Ohio 43420, and _____, hereinafter referred to as Lessee, whose mailing address is _____.

The City hereby leases to the Lessee that property described in Exhibit A, attached hereto, containing approximately 38 tillable acres, rotated annually for one 19 acre tract to be occupied by Lessee for planting and harvesting grain crops, which shall include corn, wheat, soybeans, or such other crop as may be agreed to by City.

Said lease shall commence on January 1, 2013 and continue until December 31, 2015. Lessee shall pay to the City the amount of \$ _____ per acre, which shall be paid to City in 3 equal installments on or before January 7th of each of the years 2013, 2014 and 2015. The City reserves the right to adjust the tillable acreage that is the subject of this Lease if such acreage should be required for municipal purposes. Any such adjustments shall result in the proration of rent due Lessor. Any such adjustment in acreage shall be communicated to Lessee by Lessor on or before January 1 of each year of said Lease.

Lessor reserves the right to enter said premises in connection with its future intended use of said premises as a fresh water reservoir.

The Lessee agrees to farm the land in a husbandlike manner.

This Lease shall be binding upon the heirs, executors, administrators, and successors of both Lessor and Lessee.

In case of inability to settle disagreements concerning this Lease, the matter shall be submitted to arbitration. A committee of three (3) disinterested persons, one to be chosen by the Lessor, one by the Lessee, and the two thus chosen shall select a third, shall arbitrate the conflict and their decision shall be binding on both parties.

The Lessee agrees that at the expiration of this Lease, Lessee will yield possession of the property to the Lessor without further notice and that it will be in as good order and condition as when the same was entered by the Lessee, loss by fire, or other unavoidable casualty and ordinary wear and tear excepted.

The Lessee will not re-lease or subject said property or any part thereof without the written consent of the Lessor.

IN WITNESS WHEREOF, the parties have signed this Lease on the date named.

In the presence of:

Lessor:

THE CITY OF FREMONT

By: _____
James H. Ellis III, Mayor

Lessee:

By: _____