



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Town Council

Board Meeting Date: 2/28/2017

File #: 17-084, Version: 2

SUBJECT: Consent

Consideration Of An Ordinance Amending Lease Agreement Between The Town of Erie and Rob Lindow And Sindy Lindow dated April 26, 2016; Authorizing And Directing The Appropriate Town Officers To Sign Said Amendment; And Setting Forth Details In Relation Thereto; And, Declaring and Emergency Therefore.

DEPARTMENT: Parks & Recreation

PRESENTER: Farrell Buller, Parks & Recreation Director

FISCAL INFORMATION: N/A

Cost as Recommended:

Balance Available:

Budget Line Item Number:

New Appropriation Required:

STAFF RECOMMENDATION:

Adopt Ordinance Amending Lease Agreement Between The Town of Erie and Rob Lindow And Sindy Lindow.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

On April 26, 2016 the Town entered into an agreement to lease the farmable portion of the Allan Farms Open Space Property to Rob and Sindy Lindow for a period of five years commencing April 2016 and terminating December 31, 2021. During the 2016 growing season it was determined that a portion of the water shares were not useable by the Lindows. Therefore it is necessary to amend the original lease to reduce the amount of rent in years two through five by \$390.00.

Paragraph 3 "Rent and Security Deposit" of the original agreement shall be amended to read as follows:

- A. Lessee agrees to pay to Town rent for the Premises, in advance, without demand, deduction or setoff, for each year, due and payable on January 1 of each year, at the following rate:
 - 1) Year 1 (April 25, 2016 through December 31, 2016):
 - a) Rent - no payment required
 - b) Water shares - no payment required
 - 2) Year 2 (January 1, 2017 through December 31, 2017):
 - a) Rent - no payment required
 - b) Water - One thousand, Four hundred Three Dollars (\$1,013.00) for rental of the water shares

- 3) Years 3, 4 and 5 (January 1, 2018 through December 31, 2020)
 - a) Rent - Sixty Dollars (\$60.00) per farmable acre, 66 farmable acres for a total of Three Thousand, Nine Hundred Sixty Dollars (\$3,960.00) per year
 - b) Water - One thousand, Four hundred Three Dollars (\$1,013.00) per year for rental of the water shares

Additionally Exhibit "A" of the original agreement shall be amended to delete the reference to the 26 shares of the Leyner Cottonwood Ditch from the section of the Exhibit listing the water shares.

It is recommended declare and emergency and pass the ordinance on first reading because now is the time to prepare the soil and plant in order to farm effectively.

ATTACHMENTS:

1. First Amendment to Lease Agreement
2. Ordinance