

RESOLUTION NO. 1211

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE LAND RENTAL AGREEMENT BETWEEN THE CITY OF CANBY AND SIMNITT NURSERY, LLC.

WHEREAS, The City of Canby, Oregon, through Ordinance No. 1281, purchased from Janice, Jerome, and Roberta Simmitt, approximately 2.35 acres of land identified as tax lot 200 of tax map 3-1E-28C, and more particularly described as the North one-half of Lot 25, PRUNELAND, in the County of Clackamas and State of Oregon; and

WHEREAS, since the time of the purchase of said property, the City of Canby and Simmitt Nursery, LLC have been parties to a Land Rental Agreement regarding this land; and

WHEREAS, the City of Canby and Simmitt Nursery, LLC desire to amend the terms of the agreement originally dated June 30, 2011 and amended with Resolution 1201, adopted by the City Council on September 17, 2014; and

WHEREAS, the City of Canby will continue to benefit from modifying the terms of the existing Land Rental Agreement and extending the Land Rental Agreement for an additional two years.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City of Canby Council that the City Administrator shall execute the Amendment to the Land Rental Agreement as set forth in the attached Exhibit "A".

This Resolution shall take effect on February 18, 2015.

ADOPTED this 18th day of February, by the Canby City Council.


Brian Hodson
Mayor

ATTEST:


Kimberly Scheaffer, MMC
City Recorder

Exhibit "A"

AMENDMENT TO THE LAND RENTAL AGREEMENT BETWEEN CITY OF CANBY,
OREGON, AND SIMNITT NURSERY, LLC

This amendment to the existing Land Rental Agreement between the CITY OF CANBY (City) and SIMNITT NURSERY, LLC (Simnitt) is to memorialize mutually agreed upon terms of the contract in the following ways:

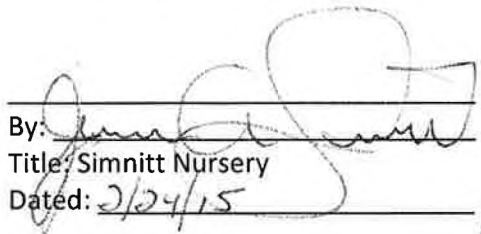
The Parties, City and Simnitt, agree to extend the Land Rental Agreement through July 31, 2018. Payments are to be \$300 for the period August 1, 2015 – July 31, 2016, \$600 for the period August 1, 2016 – July 31, 2017, and \$600 for the period August 1, 2017 – July 31, 2018.


City and Simnitt acknowledge that a portion of the land that was formerly the site of a residence on the Easterly end of the lease property is not currently suitable for agricultural use, due to the existence of trees, some of which may be diseased, and the uncertainty of the suitability of the soil for use by Simnitt. Simnitt may, at Simnitt's sole expense, elect to test the soils to determine suitability for use, and remove any trees that would hinder agricultural use. Simnitt shall be responsible, at the conclusion of this lease and at Simnitt's sole expense, to replace a like number of trees with trees approved for planting by City, and in locations on leased property selected by City. Should Simnitt elect to use the entire property as described in this paragraph, City and Simnitt agree that the Land Rental Payments shall increase to \$900 for each 12 month period in which the property is in use.

IT IS SO AGREED:

SIMNITT NURSERY, LLC

CITY OF CANBY

By: 
Title: Simnitt Nursery
Dated: 2/24/15

By: 
Title: City Administrator
Dated: 2/24/15