

RESOLUTION 13-20
CITY OF SOMERSET, KENTUCKY

WHEREAS, the City of Somerset, Kentucky owns a parcel of land adjacent to the City's water park, Somersplash, containing approximately 40 acres of currently undeveloped farm/rural land, and the City believes that said property is very limited in its potential to develop due to the natural contour and geographical aspects of the land as it currently lies, and further, that developing the property for any other purpose other than for recreational and/or camping activity is cost prohibitive to the City of Somerset and is not feasible at this time; and

WHEREAS, the City of Somerset believes therefore it is in its best interests to try and utilize the land as it lays naturally, and therefore believes that a recreational/rural use of the property would yield the most benefit to the City of Somerset financially now and in the future, said use to be specifically a developed Recreational Vehicle Park, with recreational activity areas, including a possible walking/running trail, community shelter/common areas, utility infrastructure, and any other park oriented development that would complement the current water park and the baseball fields to which the undeveloped property is adjacent to, all at a very minimal cost or risk to the City of Somerset; and

WHEREAS, the subject parcel of undeveloped land, specifically described in "Exhibit A" attached and incorporated in full herein by reference, is declared by the City to be, as it currently lies, unavailable for any other public purpose or use without the expending of substantial funds and therefore the City wishes to lease said property to a willing developer of such a Recreational Vehicle Park, with the understanding that said developer intends to clear, clean, and maintain the parcel at his/her own expense, including making improvements which shall include, but is not limited to, the laying of utility lines, the creation of camping areas and RV pads, and the creation of recreational common areas for camping and outdoor activities, all which should increase the value of the property and which will complement the water park and baseball fields of which it neighbors; and

WHEREAS, pursuant to KRS 45A.370-45A.375 of the Model Procurement Code, and all other applicable law, the City determined that Competitive Negotiations were preferable to conducting Sealed Bidding, specifically finding: that specifications could not be made sufficiently specific to permit an award on the basis of either a "lowest bid price" or on a basis of a "lowest evaluated bid price"; and

WHEREAS, the City determined that a public request for Proposals for a Camping/RV Park development on the subject land should be made pursuant to KRS 45A.365 and KRS 45A.370, said proposals to be made to the City on a certain date and time specified in the required advertisement; and

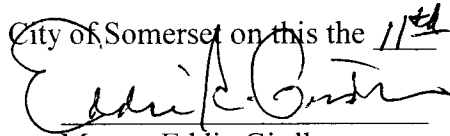
WHEREAS, the City receive only one (1) proposal in response to said advertised request, that being a proposal by Mr. Neal Haney, and therefore the City moved forward with the

proposal made by Mr. Haney on a "Non-Competitive Negotiation" basis as permitted under KRS 45A.380, during which Mr. Haney made an informal presentation of his submitted Proposal to the City Council, in an open meeting with Notice to the public as required under KRS, wherein Mr. Haney answered questions and took suggestions from Council members; and

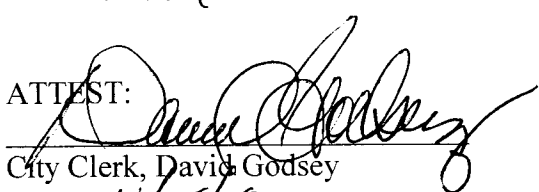
WHEREAS, the City herein states its intent and desire to accept the Proposal made by Mr. Haney and therefore enter into a long-term lease with said developer for the purposes stated above, with said Lease to have an initial term of no less than twenty (20) years, with two (2) additional five (5) year automatic renewals following the initial 20 year term, resulting in a minimum thirty (30) year Lease, with said Lease containing proper Termination Conditions and Clauses as shall be negotiated between the City and Mr. Haney, and with an express Term/Condition for adjustments to be made to the initial annual Lease amount agreed upon of \$10,000.00 (Ten Thousand Dollars and 00/100), said payment to be made to the City of Somerset once per calendar year, and adjusted no less than every five (5) years with said adjustment based on clear terms set forth in the final and binding Lease Agreement between the parties;

NOW THEREFORE, be it resolved and ordained by the Common Council of the City of Somerset that the Mayor is given express authority to enter into a Lease for the subject property, and any other accompanying contracts/agreements necessary to award Mr. Haney said Lease, so long as the Lease and other Contracts/Agreements are financially beneficial and a low risk to the City of Somerset, and so long as same are in accordance with the proposed use for a public purpose as described above, and the specific terms and conditions set forth above in this Resolution.

Approved by a majority of the Common Council of the City of Somerset on this the 11th day of November, 2013.


Mayor, Eddie Girdler

ATTEST:


City Clerk, David Godsey

Date: 11/15/13