

RESOLUTION NO. 04 -2018**A RESOLUTION FOR THE PURPOSE OF AUTHORIZING A LEASE OF MUNICIPAL PROPERTY TO THE GOOD NEIGHBOR FOOD CUPBOARD AND FOR OTHER PURPOSES;**

WHEREAS, the City of Diamond City, Arkansas owns property located at 320 Grand Avenue, Diamond City, Arkansas 72630; and

WHEREAS, the real property and building located at 320 Grand Avenue, Diamond City, Arkansas 72630, is no longer used by or needed by the City of Diamond City, Arkansas for any municipal purpose; and

WHEREAS, the Good Neighbor Food Cupboard currently leases the real property and building located at 320 Grand Avenue, Diamond City, Arkansas 72630; and

WHEREAS, the Good Neighbor Food Cupboard is a nonprofit corporation licensed to do business in the State of Arkansas; and

WHEREAS, the Good Neighbor Food Cupboard provides food assistance and food security to the citizens of Diamond City, Arkansas, and the surrounding area; and

WHEREAS, the Good Neighbor Food Cupboard has approached the City of Diamond City, Arkansas, seeking to extend its lease and has informed the City that an extended lease would allow the Good Neighbor Food Cupboard to qualify for a grant to acquire a walk-in freezer, which will enhance the Good Neighbor Food Cupboard's ability to provide services for the citizens of Diamond City, Arkansas;

WHEREAS, after debate and consideration, it is the finding and conclusion of the City Council of Diamond City, Arkansas, that the citizens of the City of Diamond

City, Arkansas, receive substantial benefit as a result of the charitable services provided by the Good Neighbor Food Cupboard; and

WHEREAS, after debate and consideration, it is the finding and conclusion of the City Council of Diamond City, Arkansas, that the benefits provided to Diamond City, Arkansas by the continued presence and enhancement of Good Neighbor Food Cupboard are a significant public advantage, the value of which is difficult to ascertain, and

WHEREAS, after debate and consideration, it is the finding and conclusion of the City Council of Diamond City, Arkansas, that the public advantage received by Diamond City, Arkansas vastly exceeds the market value rental rate that the City of Diamond City, Arkansas would receive for a lease of the property located at 320 Grand Avenue, Diamond City, Arkansas 72630; and

WHEREAS, after debate and consideration, it is the finding and conclusion of the City Council of Diamond City, Arkansas, that the public advantage received by the citizens of Diamond City, Arkansas, is more than adequate consideration for the execution of a new lease to Good Neighbor Food Cupboard;

WHEREAS, after debate and consideration, it is the finding and conclusion of the City Council of Diamond City, Arkansas, that it is in the best interest of the citizens of Diamond City, Arkansas, for the Mayor and Recorder to negotiate and execute a lease of the property located at 320 Grand Avenue, Diamond City, Arkansas 72630, to the Good Neighbor Food Cupboard;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
DIAMOND CITY, ARKANSAS:**

Section 1. That the Mayor and Recorder are hereby directed and authorized to execute a Lease with the Good Neighbor Food Cupboard, which grants usage of the property located at 320 Grand Avenue, Diamond City, Arkansas 72630, thereby obtaining for the City the substantial benefits of the Lease and the benefits to the City of the charitable services provided by the Good Neighbor Food Cupboard.

Section 2. That said lease shall be for a term not longer than twenty (20) years in duration;

Section 3. That said lease shall contain a provision providing that said lease shall terminate automatically in the event the Good Neighbor Food Cupboard ceases providing charitable services to the citizens of Diamond City, Arkansas;

Section 4. That the consideration for said lease shall be negotiated by the Mayor, but shall be no less than the above referenced public advantage received by the citizens of Diamond City, Arkansas and the amount of \$1.00 per year, to be paid on or before September 1, 2018, and each year thereafter.

Section 5. That the Mayor shall have the authorization and approval of the Council to negotiate any additional terms necessary;

Section 6. That the Mayor and Recorder are authorized to take such steps as are necessary to execute such Lease and any related documentation as is necessary to obtain for the citizens of Diamond City, Arkansas, the benefits of the Lease.

Section 7. That this resolution shall become effective from and after the date of its adoption.


Section 8. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

Section 9. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.


PASSED AND APPROVED this the 28 day of August, 2018, in a regular meeting.

Aye 5 Nay 0 Absent 1 Abstain 0

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisniewski, acting Mayor
