

**Memorandum  
Community Economic Development Department**



**To:** Thomas Thomas, City Manager  
**Subject:** Coyne Farm Lease – Big Island  
**Date:** February 12, 2016

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Mr. James E. Coyne, resident at 10412 13th Street, Milan, IL, has leased the property known as Big Island at the northeast interchange of I-280 and IL-92 since 2014. Mr. Coyne would like to renew his lease agreement with the City to continue to farm the site until such time that it becomes feasible for the City to develop it. The proposed lease rate for 2016 is \$87.75 per tillable acre for a total of \$7,020 annually, which is consistent with the other City farm leases proposed for 2016. The lease agreement requires the operator to farm the land in an efficient and steward-like manner, including:

- Compliance with pollution control, water quality, and environmental protection requirements as required by local, state, and federal agencies;
- Compliance with all local, state, and federal laws and regulations governing activities related to the application of manure; and
- Control of weeds in fields, fence rows, road ditches, and all other areas of the farm utilizing conventional tillage practices.

The lease allows the property to stay in productive agricultural use as the City proceeds with its intended plan of developing the property.

**RECOMMENDATION:** The CED Department recommends City Council approve the lease agreement with Mr. James E. Coyne subject to minor modifications by the City Attorney and authorize the City Manager to execute the contract documents.

**Submitted by:** Jeffery A. Eder, Assistant City Manager/CED Director  
Brandy Howe, AICP, Urban Planner

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**Approved by:** Thomas Thomas, City Manager

**CITY OF ROCK ISLAND  
FARM LEASE  
COYNE**

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between the City of Rock Island (City), a municipality under the laws of the State of Illinois, and Mr. James E. Coyne (Operator) of 14012 13 Street, Milan, Illinois.

**THE PARTIES AGREE AS FOLLOWS:**

The City of Rock Island, in consideration of the terms specified herein, hereby leases to the Operator for agricultural purposes Parcel Numbers 11-131, 11-131-A, 11-132, 11-134, 11-137, 11-3669, 11-4129, and 11-143 (depicted on Exhibit A), commonly known as the Big Island Farm, in Blackhawk Township, City of Rock Island, Illinois.

1. **Term of Lease.** The term of this lease shall be for a period of one year beginning March 1, 2016 and ending February 28, 2017.
2. **Purpose of the Lease.** The Operator shall have the right to use the property for agricultural purposes.
3. **Rent.** The Operator agrees to pay the City annual cash rent for the above described farm in the amount determined by the following method.
  - a. The annual cash rent shall be the sum of \$7,020. This represents 80.0 tillable acres of cropland at \$87.75 per acre.
  - b. The rent shall be paid in full at the time of expiration of the lease on February 28, 2017
4. **Government Payment.** The lessee is entitled to 100% of any government payment, if the farm is applicable.
5. **Operator Duties and Conditions.** Operator agrees to:
  - a. Farm the land in an efficient and steward-like manner. Crops shall be planted and harvested in a timely fashion as weather conditions permit. In the event Operator fails to do so, the City reserves the right, personally or through designated agents, to enter upon the real estate and properly care for and harvest all growing crops, charging the cost of the care and harvest to the Operator. In the case of termination of this agreement, the Operator shall not perform any tillage nor incur any other expense for the City for the following year's crop without prior written consent of the City.
  - b. Comply with pollution control, water quality, and environmental protection requirements as required by local, state, and federal agencies, as well as to implement soil erosion control practices to comply with the soil loss standards mandated by local, state, and federal agencies.
  - c. Comply with all local, state, and federal laws and regulations governing activities related to the application of manure and the cultivation of crops and the compliance thereof.

- d. Use reasonable efforts to control weeds in fields, fence rows, road ditches, and all other areas of the farm utilizing conventional tillage practices.
- e. Conduct agricultural activities no closer than 15 feet from the toe of the levee.
- f. Allow access and pathway for any needed engineering testing to be completed on the site for potential levee medications.

6. **Lessor Duties.**

- a. The Lessor agrees to notify the operator at least ten (10) days in advance of any engineering testing to be completed on the site.
- b. If at any time during the term of this lease, the crop is destroyed due to expansion of a right of way, buildings, or access to timberland, the Lessor will reimburse the Operator for all expenses incurred and lost revenue using production average and a price of commodity at time of loss.

7. **Indemnification.** Operator does hereby agree to release, indemnify, defend, and hold the City harmless from any and all claims, causes of action, damage, liability and cost and expenses, including litigation costs and attorneys' fees, against or incurred by the City, and hereby further agrees to waive and release any and all claims or causes of action of every kind and nature whatsoever, both in law and equity, whether known, unknown, foreseen, unforeseen, which the undersigned, or anyone claiming through or against the undersigned, might have, including without limitation claims for personal injury, death or property damage resulting from, arising out of, or being in any way connected with the use of the subject property. This indemnity agreement shall also be effective to the maximum extent permitted by law.

OPERATOR

CITY

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James E. Coyne

Thomas Thomas, City Manager

ATTEST

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Aleisha Patchin, City Clerk



## Exhibit A

- Big Island Farmland Lease
- City of Rock Island Parcels
- 11143 Parcel Number

0 150 300 600 900 1,200 Feet



Disclaimer: This map is not a substitute for an actual field survey or online investigation. The accuracy of the map is limited to the quality of the records from which it was assembled. The City of Rock Island makes no warranty concerning this information.

Created on: February 12, 2016