



Legislation Details (With Text)

**File #:** 09-0398      **Version:** 1      **Name:** 5/4/09 Eberbach Lease Agreement  
**Type:** Resolution      **Status:** Passed  
**File created:** 5/4/2009      **In control:** City Council  
**On agenda:** 5/4/2009      **Final action:** 5/4/2009  
**Enactment date:** 5/4/2009      **Enactment #:** R-09-160

**Title:** Resolution to Approve a Lease Agreement with the Ann Arbor Public Schools for Eberbach Cultural Arts Building (8 Votes Required)

**Sponsors:** Christopher Taylor

**Indexes:**

**Code sections:**

**Attachments:** 1. Eberbach Lease, 2. Exhibit A, 3. Exhibit C, 4. Inspection and Maintenance Schedule

Date	Ver.	Action By	Action	Result
5/4/2009	1	City Council	Approved	Pass

**Resolution to Approve a Lease Agreement with the Ann Arbor Public Schools for Eberbach Cultural Arts Building (8 Votes Required)**

Attached for your review and approval is a five year lease agreement with the Ann Arbor Public Schools for Eberbach Cultural Arts building at 1220 Wells Street for use as a public recreation facility. Per the lease agreement, the Ann Arbor Public Schools will pay the City \$1.00 per year in rent and make capital facilities payments of \$9,900.00 for each year of this lease.

The Eberbach Cultural Arts building is owned by the City. The Ann Arbor Public Schools (AAPS) Recreation and Education Department has used the Eberbach Cultural Arts building exclusively for various cultural arts programming for over 20 years. During this period of time, the City has paid for maintenance and capital expenses associated with the building and grounds. This proposed lease agreement will provide for the AAPS to cover the operating, maintenance and anticipated capital expenses associated with the building and grounds during this lease period.

In exchange for the \$1.00 annual rent payment, the Ann Arbor Public Schools will be responsible for maintaining the premises in a condition that is satisfactory to the City and will perform the following responsibilities at its sole cost and expense with respect to the Premises: (1) custodial upkeep, (2) snow removal and exterior grounds care, (3) maintenance and repair of the parking lot, (4) maintenance and repair of the heating, ventilation, air conditioning, plumbing and electrical systems, (5) installation and maintenance of exterior signs identifying the Building, (6) interior painting, (7) general inspection, repairs and maintenance, including at a minimum, all items listed in the Inspection and Maintenance Schedule. In addition, the Ann Arbor Public Schools will be responsible to provide all utilities for the Premises, including electricity, heat, air-conditioning, ventilation, water, and sewer services as well as a insure the Premises, at its expense, against loss or damage.

The City will establish a separately maintained Eberbach Capital Facilities Fund. The Eberbach Capital Facilities Fund shall only be used for the capital facility needs for the Premises, as well as for repairs and general maintenance for the Premises that exceed \$2,000 per incident. If the lease is

extended through an extension of this Lease, or a replacement lease with modified terms, the City will carry over any remaining balance of the Eberbach Capital Facilities Fund at the end of the term of this Lease for capital building needs, repairs and general maintenance for the Premises.

Prepared by: Jayne Miller, Community Services Administrator

Approved by: Roger W. Fraser, City Administrator

Whereas, The Eberbach Cultural Arts building at 1220 Wells Street is a City owned park facility;

Whereas, The Ann Arbor Public Schools (AAPS) uses the Eberbach Cultural Arts building for various cultural arts programming and has a desire to continue to have exclusive use of the building for continued cultural arts programming;

Whereas, The City and AAPS have developed a lease agreement that will allow the AAPS to continue to use the facility for public recreational programming while having the AAPS cover the operating, maintenance and anticipated capital expenses associated with the building and grounds during the lease period;

RESOLVED, That City Council approve the five year lease agreement between the City and Ann Arbor Public Schools for Eberbach Cultural Arts building;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the lease agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council authorize the establishment of the Eberbach Capital Facilities Fund for the capital facility needs for the Eberbach Cultural Arts building and grounds per the lease agreement; and

RESOLVED, That the City Administrator is authorized to take all necessary administrative actions to implement this resolution.

Sponsored by: Councilmember Taylor