



## Legislation Text

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File #: 24-0004, Version: 1

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

Attached for your review and approval is a resolution to approve a five-year lease agreement with the Ann Arbor Public Schools (AAPS) for Eberbach Cultural Arts building at 1220 Wells Street for use as a public recreation facility. This lease will replace the existing lease with AAPS for the building, which expires on March 31, 2024. Per the draft lease agreement, AAPS will pay the City \$1.00 per year in rent and make capital facilities payments annually for each year of this lease.

The Eberbach Cultural Arts building is owned by the City and part of the Park system. The AAPS Recreation and Education Department has used the Eberbach Cultural Arts building exclusively for various cultural arts programming for over 30 years. Prior to 2009, the City had paid for all maintenance and capital expenses associated with the building and grounds. This proposed lease agreement will continue to provide for 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, AAPS will be responsible for maintaining the premises in a condition that is satisfactory to the City and will perform numerous routine maintenance activities at its sole cost and expense with respect to the building and grounds. In addition, AAPS will continue to be responsible to provide all utilities, including electricity, heat, air-conditioning, ventilation, water, and sewer services.

Since 2009 AAPS has made annual payments to the City that are kept in a balance sheet designated for maintenance expenses associated with the Eberbach Cultural Arts building. This arrangement has created a funding mechanism whereby the building can be properly maintained. The balance of the Eberbach balance sheet account as of January 1, 2024 is \$50,000.00. If the fund balance as of March 1st of each calendar year of this lease is at \$50,000.00 or greater then no capital facilities expense shall be due from the AAPS in that year. If the fund balance is between \$40,100.00 and \$49,999.00 on March 1st AAPS shall pay the difference between the fund balance and \$50,000.00 by April 1st. If the fund balance is less than \$40,100.00 a capital facilities payment in the amount of \$9,900.00 shall be due by April 1st. Annual capital facilities payments will continue to be deposited in a balance sheet account designated for the Eberbach location. These funds shall only be used for the capital facility needs for Eberbach, as well as for repairs and general maintenance for the premises that exceed \$3,000 per incident. Such work will be managed by the City in collaboration with AAPS.

The Park Advisory Commission recommended unanimously the approval of this lease at their January 16, 2024 meeting.

Prepared by: Josh Landefeld, Parks & Recreation Services Manager

Reviewed by: Derek Delacourt, Community Services Area Administrator

Approved by: Milton Dohoney Jr., 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 partnered together successfully over the last 10 years under the terms of the previous lease agreement;

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

Whereas, The Park Advisory Commission recommended approval of this lease at their January 16, 2024 meeting;

RESOLVED, That City Council approves a five-year lease agreement with AAPS for the Eberbach Cultural Arts Building, beginning April 1, 2024 and ending March 31, 2029;

RESOLVED, That the rent shall be \$1.00 per year plus a variable amount up to \$9,900.00 annually to be used by the City for maintenance costs of the leased property;

RESOLVED, That the Mayor and City Clerk are 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; and

RESOLVED, That the City Administrator is authorized to take all appropriate actions to implement this resolution and the lease, including all determinations delegated to the City under the lease.