

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH MODERN TRACTOR SUPPLY COMPANY AND LAWRENCE LIPSCOMB FOR CITY'S USE OF CERTAIN REAL PROPERTY AS YOUTH RECREATIONAL LEAGUE PRACTICE FIELDS

WHEREAS, the City of Republic, Missouri ("City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly organized and existing under the laws of the State of Missouri; and

WHEREAS, the Parks and Recreation Department is in need of land to utilize as practice fields for its Youth Soccer and other athletic leagues; and

WHEREAS, Lawrence "Larry" Lipscomb ("Owner"), owner of Modern Tractor and Supply ("Modern Tractor"), has agreed to allow the City to utilize two parcels of real property located on West Frisco Boulevard ("the Parcels") owned by Modern Tractor, through a Memorandum of Understanding ("MOU") detailing the terms of such use; and

WHEREAS, under the proposed MOU, the City will utilize the Parcels primarily as soccer fields to accommodate the growing number of participants in the sport, as well as other athletic leagues provided by the City on an as-needed basis; and

WHEREAS, Owner has agreed to provide the City use of the Parcels on the condition the City will provide routine maintenance and upkeep of the Parcels, prepare the Parcels to be utilized as soccer (or other recreational) fields, provide portable restrooms on the Parcels while in use by the City, to be serviced by a qualified provider at the City's expense, and agree to fully defend, indemnify and hold harmless Modern Tractor and Owner for any liability, damages and claims arising out of the City's use of the Parcels; and

WHEREAS, the Council finds it is in the best interest of the City to enter into the proposed Memorandum of Understanding with Owner and Modern Tractor, which will enable the City to utilize the Parcels for Republic Parks and Recreation Department leagues and other recreational activities on an annual basis, without the need to purchase or otherwise acquire additional real estate for the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

- Section 1.** The City Administrator and/or his designee, on behalf of the City, is authorized to enter into a Memorandum of Understanding with Modern Tractor and Supply and its owner, Lawrence "Larry" Lipscomb, for the use of two parcels of real estate located within City limits, to be in substantially the same form as that attached hereto as "Attachment 1", at a total cost not to exceed \$40.00 annually without separate, additional approval from the Council.
- Section 2.** The City Administrator, or his designee(s), on behalf of the City, is authorized to take other reasonable, necessary steps to implement this Resolution.
- Section 3.** The whereas clauses are specifically incorporated herein by reference.
- Section 4.** This Resolution shall take effect after passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2023.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: