

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Manager – Approve Termination of Farming Agreement and Development of Request for Proposal for land at Torrance Municipal Airport – Zamperini Field

RECOMMENDATION

Recommendation of the City Manager that City Council approve a Termination of Farming Agreement by and between the CITY OF TORRANCE, a municipal corporation (“City”), and THE 2008 TOM T. AND MAYAKO ISHIBASHI FAMILY TRUST (“Lessee”) and authorize the development of a Request for Proposal for re-use of the farm area at Torrance Municipal Airport Zamperini Field.

FUNDING

Funding is not required for this item. Annualized maintenance cost for the City will increase due to the addition of acreage until a new Agreement is in place.

BACKGROUND

The Ishibashi Family has a long farming history with the City of Torrance. The first Farming Agreement was entered into in 1949 and covered seven acres of the airport area. Since that original agreement, there have been several modifications, amendments and new agreements developed to continue the use of the area for farming.

The original 1949 Agreement was with Kay Ishibashi, the many iterations of the Agreement had it assigned to her husband Tom Ishibashi in 1964. Tom and Kay continued to farm the property. Kay Ishibashi passed away in November 2009 and at that time Tom Ishibashi was thinking about retiring from farming. He changed his mind and continued to farm the property until his death in May 2011. At this time the Ishibashi Family has requested a period to wind down the operation and vacate the property.

ANALYSIS

TERMINATION OF FARMING AGREEMENT

The current Farming Agreement allows for an annual renewal every February for a one-year term. The Ishibashi Family wishes to terminate the Agreement once they have removed all equipment and have vacated the premises. The attached Termination of Farming Agreement allows for termination prior to the one-year period as outlined in the Farming Agreement. The Ishibashi family is working to complete the clean up of the property and remove possessions and equipment; they estimate that they will be complete on or before May 31, 2012. The Termination of Farming Agreement allows for the termination of the agreement, clean up of property and a final mowing of the farm areas prior to termination.

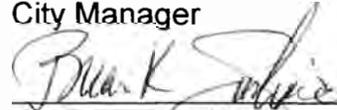
REQUEST FOR PROPOSAL (RFP)

The area utilized for farming is not suitable for development of commercial or retail operations due to Federal Aviation Administration (FAA) regulations. Because of this the area is only suitable for farm use or to be maintained by City forces. The use of the property for farming is a win-win for the City as it produces some revenue and saves the City on maintenance costs as City crews do not have to mow and maintain the areas.

At this time, staff would like to move forward in developing an RFP for farm use of the areas traditionally covered by the Ishibashi Farm area. Staff has contracted with a survey company to develop a new Lease Area legal description and exact acreage for the new agreement. Once completed, it will be circulated with an RFP to develop a list of candidates to begin farming the area. Since Mr. Ishibashi's passing, there has been interest shown by area growers to contract for the property, the RFP process will allow for a review process for candidates so as to find the best fit for the City and the property to be farmed.

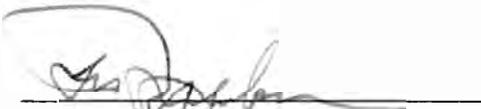
Respectfully submitted,

LeROY J. JACKSON
City Manager



By: Brian K. Sunshine
Assistant to the City Manager

CONCUR:



LeRoy J. Jackson
City Manager

Attachment A: Termination of Farming Agreement

TERMINATION OF FARMING AGREEMENT

THIS TERMINATION OF FARMING AGREEMENT (the "Agreement") is effective as of the 1st day of February, 2012, (the "Effective Date"), by and between the CITY OF TORRANCE, a municipal corporation ("City"), and THE 2008 TOM T. AND MAYAKO ISHIBASHI FAMILY TRUST ("Lessee").

R E C I T A L S

(a) City is the owner in fee of the real property located at 24999 Crenshaw Boulevard, in the City of Torrance, California (the "Leased Premises"). The Leased Premises are a part of the Torrance Municipal Airport, the boundaries of which are described in that certain Quitclaim Deed ("Quitclaim Deed") executed by the United States of America, dated March 5, 1948, and recorded on May 13, 1948, in Book 27145, Page 362, of Official Records in the Office of the County Recorder of Los Angeles County ("Official Records").

(b) By instrument of Release dated July 25, 1962 (the "Release"), which was recorded on August 24, 1962, in Book R-1308, Page 800, of Official Records, the United States of America, acting by and through the Administrator of the Federal Aviation Administration, released, with certain exceptions, the Leased Premises, among other lands, from the conditions, reservations and restrictions of the Quitclaim Deed.

(c) Pursuant to that certain Farming Agreement dated October 1, 1949 (the "1949 Agreement"), City previously leased to Kay Ishibashi, the leased premises described therein (which included the Leased Premises or a portion thereof). The 1949 Agreement was amended by a written agreement dated December 10th 1957, by and between City and Kay Ishibashi.

(d) On or about September 30, 1959, a new Farming Agreement (the "1959 Agreement") was entered into by and between City and Kay Ishibashi.

(e) On or about September 1, 1964, the City approved an amendment to the 1959 Agreement, under the same terms and conditions provided in the 1959 Agreement except for the rental provision, and extended the term of the 1959 Agreement to February 28, 1974.

(f) On or about September 22, 1964, City approved a Consent to Assignment of the 1959 Agreement from Kay Ishibashi to Tom T. Ishibashi.

(g) On or about February 28, 1974, the term of the 1959 Agreement expired. Pursuant to Section 2 of the 1959 Agreement, Lessee has been holding over on a year-to-year basis since that time.

(h) On or about February 8, 2008, Tom T. Ishibashi, together with his wife, Mayako Ishibashi, established The 2008 Tom T. and Mayako Ishibashi Family Trust. The trust property includes Lessee's interest in the 1959 Agreement.

(i) Notwithstanding any provision in the 1959 Agreement to the contrary, as of the Effective Date Lessee and City desire to establish a termination date for the 1959 Agreement, on or before which time Lessee will vacate the Leased Premises.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Termination of 1959 Agreement. City and Lessee agree that the holdover term for the 1959 Agreement is extended through May 31, 2012, and will end on that date (the "Termination Date").
2. Lessee's Pre-Termination Responsibilities. Prior to the Termination Date, Lessee will
 - A. demolish the Farm Stand and remove all demolition debris, equipment and other possessions of the Lessee from the Leased Premises;
 - B. cap all water lines at valves and remove all irrigation lines and sprinkler heads; and
 - C. mow the Leased Premises prior to May 31, 2012, to control vegetation.
3. Vacation of Leased Premises. Lessee will vacate the Leased Premises and surrender them to City on or before the Termination Date.
4. Except as expressly provided in this Termination Agreement, all other terms of the 1959 Agreement, as amended, remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Termination Agreement as of the date and year first above written.

[Signatures on following page]

“CITY”

“LESSEE”

CITY OF TORRANCE
a municipal corporation

THE 2008 TOM T. AND MAYAKO
ISHIBASHI FAMILY TRUST

Frank Scotto, Mayor

By: 

Marcia Kazumi Oto, Trustee

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:
John L. Fellows III, City Attorney

By: _____
John L. Fellows III