

Resolution regarding the Rivercrest Partners lease.

RESOLUTION

WHEREAS, the owners of Rivercrest Village Mobile Home Park (Park) held a 25-year lease agreement (Lease) in the past from the City of La Crosse (City) for a parcel of land (Parcel) owned by the City (17-50325-200) for the intention of extending the activities of their business (operating a mobile home park) onto that Parcel, and

WHEREAS, over the course of years the Park owners placed mobile home tenants on the leased Parcel so that at the term of the original Lease there were six tenants living within their personal property on the Parcel, and

WHEREAS, the original Lease came to term at the end of June 2022, and the City made available an offer to extend the Lease with a correction of the market rate fees for that rental, and

WHEREAS, the Park owners contested the increased market rate rental fee and in turn expressed an interest in purchasing the Parcel in place of continuing to rent it, and

WHEREAS, a one-year lease extension for the Parcel was offered by the City and accepted by the Park owners to allow time for a determination of the possibility for sale of the land, and

WHEREAS, the City of La Crosse Chief Engineer informed the Director of the Planning and Development Department that given the need for ongoing routine maintenance of the Canal and with the expectation of an eventual required replacement of the aged out structure at some point in the future, it was impossible to place the Parcel, as is, up for sale, and

WHEREAS, given those same risks and including the possible effect of a Canal wall failure during a large rain or flash flood event leading to erosion of land outward for a considerable distance, the City should retain ownership and control of land with provision of a 100 feet setback from the Canal wall for the exclusion of placement of all structures, and

WHEREAS, the Park owners had extended the operation of their business beyond the limits of the leased parcel in the direction of the Canal, they were directed to correct this encroachment by relocating their tenants' personal property away from the Canal wall with a necessary 100 feet setback to be respected, and

WHEREAS, a second one-year extension of the Lease was provided for the Park owners to move their clients' homes and personal property out of the SBZ or to cease operation of their business entirely within the rented Parcel, and

WHEREAS, the second Lease extension comes terminates on June 30, 2024, without evident progress for necessary accommodations to their customers having been made by the Park owners.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of La Crosse that it hereby authorizes a third extension of the Lease to the Park owners who are current signatories to the agreement that will expire on June 30, 2024.

BE IT FURTHER RESOLVED that the Lease will be for a limited one-year period to allow for the Park owners to quietly and peacefully relocate their clients so that they will no longer reside with any of their personal property within the 100 feet SBZ.

BE IT FURTHER RESOLVED that the Lease will be offered to include a rental fee at market rate determined by the ordinary procedures of the Planning, Development and Assessment Department.

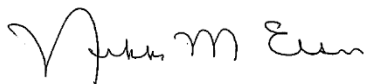
BE IT FURTHER RESOLVED that the Lease will include provisions for the Park owners to carry \$5 million general liability policy for bodily injury or property damage as well as \$10 million umbrella. The City of La Crosse will be named as an additional insured on a primary and non-contributory basis; as well as any and all residents yet remaining with any part of their home or property extending into the 100 foot SBZ.

BE IT FURTHER RESOLVED that the lessees of the Parcel will indemnify, hold harmless and defend the City without limit for any loss or injury resulting from failure of the Pammel Creek Canal wall. This requirement to indemnify, hold harmless and defend the City will remain in effect for as long as any of their tenants or any personal property remain within the restricted buffer zone.

BE IT FURTHER RESOLVED that the agreement will include any other provisions staff determines necessary in order to protect the best interests of the City and to protect public health, safety and welfare.

BE IT FURTHER RESOLVED that the agreement is subject to Common Council approval.

I, Nikki M. Elsen, certify that this resolution was duly and officially adopted by the Common Council of the City of La Crosse on June 13, 2024.



*Nikki M. Elsen, WCMC, City Clerk
City of La Crosse, Wisconsin*