

**A Resolution Responding to the Northside Community Garden Request to Move to
the Baldwin Community Garden Site**
Draft Resolution No. 59/2011-12

WHEREAS, the Carrboro Board of Aldermen was asked to consider a request from the Northside Community Garden to join the Baldwin Park Community Garden Committee and share the garden site at Henry W. Baldwin Park and relocate their shed, tools and cistern to the garden site;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the request is approved/denied with the following conditions:

LICENSE AGREEMENT

THIS AGREEMENT made and entered into this 28 day of December, 2010, by and between the Town of Carrboro, a body corporate and politic of the State of North Carolina, hereinafter referred to as the "Town", and the Baldwin Park Community Garden Committee, an unincorporated association, herein referred to as "the Licensee".

WHEREAS, the Town is the owner of a tract of land located at 400 Broad Street, which site is intended to be developed and known as the Henry W. Baldwin Park; and

WHEREAS, the Licensee has requested that the Town allow a small portion of the proposed park site to be used as a community garden; and

WHEREAS, the Town has agreed to allow such use on a temporary basis, subject to the terms of this License Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual covenants set forth below, the parties hereby agree as follows:

1. For so long as the Town agrees to do so, the Town authorizes an area of approximately 50 feet by 70 feet (0.08 acres) within Henry W. Baldwin Park, as shown on Attachment A, to be used as a community garden. The Licensee will restrict all community garden related activities and construction to within the designated 50 feet by 70 feet (0.08 acres).
2. Other than allowing the use of a portion of the park site as specified above in paragraph 1, the Town's only other involvement with or responsibility for the community garden shall be as follows:
 - a. The Public Works Department will stake off the designated area used for the community garden (0.08 acre).
 - b. The Town will allow a cistern to be placed next to the Picnic Shelter, attachment of drainpipes for rain water collection to the cistern and access to the cistern by garden users via a roll out garden hose sufficient to reach from the cistern to the garden area. Funds and installation of any and all supplies and equipment will be provided by the Baldwin Park Garden Committee. The location and methods of placement and attachment will be subject to approval by the Carrboro Public Works Department.
 - c. The Town will advertise the existence of the community garden through its standard outlets for providing public information (not involving additional cost to the Town).
 - d. Robert Douglass (918-7384) will be the Town's contact person for the Licensee.
 - e. The Town will mow areas of the allocated 0.08 acre when possible.

3. The Town may terminate this License to use the designated space for a community garden at any time by providing written notice to the Licensee whenever the Town determines it is in the Town's best interest to do so. Such termination shall be without any cost or liability whatsoever to the Town.

4. The Baldwin Park Community Garden Committee shall:

- a. Prepare and maintain the community garden.
- b. Supervise volunteers and participants and the use of the garden space.
- c. Advertise the community garden and distribute promotional materials in the community.
- d. Develop and monitor volunteer schedules and tasks.
- e. Recruit families using the gardens for growing fruits and vegetables.
- f. Purchase all necessary supplies and equipment needed for the garden.
- g. The Licensee will be responsible for insuring that no vehicles enter the park for the purposes of access to the Garden after the initial construction phase of the garden and for restoring any areas of Baldwin Park disturbed during the construction.
- h. Maintain the grounds within the allocated space in an orderly manner, free of any safety hazards. Correct any problems/deficiencies as identified by the Town.
- i. Clean up and remove all trash, vegetative and organic materials that has blown, eroded, or been placed on park property or neighboring properties.
- j. Keep all items related to the garden within the fenced boundary of the garden. No plantings, etc. will be allowed outside of or along the exterior of the fence. The Licensee is responsible for the upkeep and trimming of grass and weeds within 6 inches of the fences exterior.
- k. The Licensee will present plans for any changes such as a fence, signs or additional structures on the premises to the Town for review and approval before installation or construction.
- l. Comply with the Town's IPM Policy (Integrated Pesticide Management).
- m. Allow Baldwin Park Community Garden Committee nonexclusive use of a cistern to irrigate the garden provided measures are taken to warn cistern-users that the water supply from the cistern is not potable and should not be ingested. Cistern to be provided by Baldwin Community Garden Committee and placed on site at Henry W. Baldwin Park at a location approved by the Carrboro Parks and Recreation and Public Works Departments.

n. Appoint **__Rickie White__**, who will serve as the organization's representative and point of contact for the Town and respond to questions from the public regarding the community garden. His/her contact information is **(919)-225-8890**____, email **_rickiewhite@gmail.com_**. This representative is subject to change.

o. Remove all equipment and materials (above and below ground level) as required by the Carrboro Recreation and Parks Department within 30 days after agreement termination.

5. This original license agreement may not be further modified or amended except in writing signed by all parties.

IN WITNESS WHEREOF, the parties here to have executed this Agreement the day and year first above written.

BALDWIN PARK COMMUNITY

GARDEN COMMITTEE

By: RICKIE WHITE
(Print Name)

R White
(Signature)

300 BROAD ST, CARRBORO NC 27510
(Permanent Address)

919-225-8990
(Telephone)

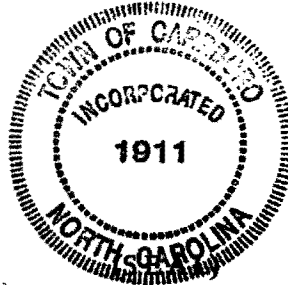
rickie.white@gmail.com
(Email)

TOWN OF CARRBORO

By: *H Hunt*
Town Manager

ATTEST:

Catherine Nelson
Town Clerk



Wendell Rodgers

From: Elizabeth Heller <elizabethgheller@gmail.com>
Sent: Friday, June 03, 2011 1:35 AM
To: Wendell Rodgers
Subject: Re: Change in leadership of Baldwin Park Community Garden

Dear Wendell,

This letter constitutes written notice of a change in the Garden Committee representative pursuant to paragraph 4(k) and 4 (n) of the License Agreement. Paragraph 4 (k) reads as follows: The Licensee will present plans for any changes such as a fence, signs or additional structures on the premises to the Town for review and approval before installation or construction. Additionally, as of June 2011, paragraph 4 (n) is changed to read: Appoint Elizabeth Heller, who will serve as the organizations' representative and point of contact for the Town and respond to questions from the public regarding the community garden. His/her contact information is 708-218-5168, email Elizabeth Heller (elizabethgheller@gmail.com).

Thank you,
Elizabeth Heller