



# OFFICE OF THE BROWN COUNTY AUDITOR

Cathy McNickle, County Auditor

01/11/22

## NOTICE OF COUNTY LAND LEASE

### BROWN COUNTY LANDFILL

Notice is hereby given that sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, 57401, until 8:46 A.M. on February 1, 2022, at said time and place all bids will be publicly opened, read, and considered by the Brown County Board of Commissioners for COUNTY LAND LEASE/ BROWN COUNTY LANDFILL".

Description of Property to Lease: Northwest Quarter of Section 13, Township 123 North, Range 65 West of the 5<sup>th</sup> P.M., Brown County, South Dakota (129 acres). This quarter is directly east of the Brown County Landfill. Minimum lease amount per acre: \$100.00

Envelopes containing bids shall be addressed to the Brown County Auditor, 25 Market St Suite 1, Aberdeen, SD 57401, and are to be clearly marked on the outside of the envelope: "COUNTY LAND LEASE/ BROWN COUNTY LANDFILL". To be opened on February 1, 2022, at 8:46 a.m. The Brown County Board of Commissioners reserves the right to accept or reject any or all bids that they deem to be in the best interest of Brown County, and to waive any informalities or irregularities therein. Brown County is exempt from all Federal Excise Tax and State Sales Tax.

Copies of the specifications are on file at the Brown County Auditor's Office and the Brown County Solid Waste Department Office to be obtained at no charge.

*Cathy McNickle, Brown County Auditor*

ATTEST: Cathy McNickle, Brown County Auditor

Published twice at the total approximate cost of \$\_\_\_\_\_.

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BROWN.SD.US

# COUNTY LAND LEASE / BROWN COUNTY LANDFILL

## INSTRUCTION TO BIDDERS

Bidders shall follow all directions contained in "Advertisement for Bids" and Contract Documents.

### PROPOSALS

Bids shall be made upon the form furnished herein with all items properly filled out, numerals shall be written in ink, and the signature of all persons signing shall be in longhand. The completed form should be without interlineations, alterations or erasures. Bids shall not contain any recapitulation of the work to be done, and or telegraphic proposals or modifications will be considered, except as provided by State statutes. Before submitting a Bid, Bidders shall carefully examine the Plans, read Specifications and Form and Terms of the Contract and shall fully inform themselves as to all existing conditions and limitations. All bids must be sealed, addressed to, and deposited with the Brown County Auditor's Office, Brown County Courthouse, Aberdeen, South Dakota, on or before the day and hour set for opening of Bids in the "Advertisement for Bids." The Bids must be endorsed on the outside with the title of the work and the name of the Bidder.

### BROWN COUNTY'S RIGHT TO TERMINATE CONTRACT

Brown County shall have the right to terminate the contract after giving written notice of termination to the TENANT in the event of any default or in the occurrence of the following events:

- A. TENANT declares bankruptcy, becomes insolvent, or assigns his assets for benefit of his creditors.
- B. Disregards or violates important provisions on the Contract Documents.

- C. Fails to make prompt payment therefore.
- D. Brown County may cancel this contract on the portions of the land needed for development of the landfill, including structures and other improvements by notifying the owner verbally or in writing 60 days prior to development. Should any crop be damaged in the portion of land being developed for landfill; BROWN COUNTY will reimburse the TENANT for the crop based on Farm Service Agency county averages. The COUNTY will not reimburse TENANT for future acres taken out of production due to landfill expansion.

#### LAWS TO BE OBSERVED

The TENANT shall comply with all federal, state, and local laws, ordinances and regulations in any manner affecting the conduct of work, and all such orders decrees as exist, or may be enacted by bodies or tribunals having any jurisdiction authority over the work.

#### ASSIGNMENT OF CONTRACT

Neither the TENANT or BROWN COUNTY shall sell, transfer, assign or otherwise dispose of the Contract, or of its right title or interest therein, or its obligations thereunder without written consent of the other party.

#### ORAL AGREEMENT

No oral order, objection, claim or notice by either party to the other shall affect or modify any of the terms or obligations contained in any of the Contract Documents, and none of the provisions of the Contract Documents shall be held to be waived or modified by reason of any act whatsoever, other than by a agreed to waiver or modification thereof in writing and signed by both parties.

DESCRIPTION OF PROPERTY TO LEASE/ EAST QUARTER

1. Northwest Quarter of Section 13 Township 123 North, Range 65 West of the Fifth Principal Meridian, Brown County South Dakota. This quarter is directly east of the Brown County Landfill.

2022 ACRES AVAILABLE: 129 ACRES/Soybeans (2021)

PREVIOUS CASH RENT: \$135.00 PER ACRE

MINIMUM BID AMOUNT PER ACRE: \$100.00

FARM NUMBER: 1035

ACCESS: LANDFILL STAFF, ENGINEERS & OTHER TECHNICIANS WILL NEED ACCESS TO AREAS WITHIN THE PROPERTY BOUNDARIES TO CONDUCT LANDFILL RELATED WORK THROUGHOUT THE LEASE PERIOD.

CONTRACT PERIOD

The contract shall be annual. Brown County will have the option to renew the contract for four (4) additional periods not to exceed five (5) years in duration

ANNUAL RENEWAL DATE: JANUARY 1ST.

## CONTRACT TERMS

The INITIAL CASH RENT PAYMENT DUE- under this contract shall be paid WITHIN 10 DAYS OF THE AWARDED BID. All succeeding years cash rent is due on or before January 1st.

TENANT agrees to plant said land in such crops as the TENANT desires with good clean seed and to pay for all seed, labor, and other expenses of producing, harvesting, and marketing crops, including fertilizer, herbicide, and all expenses of combining.

There will be NO HUNTING, NO DRIVING OVER NEWLY PLANTED TREES AND NO SPRAYING OF CHEMICALS IN AREAS THAT WILL DAMAGE TREES.

BROWN COUNTY WILL ALSO BE MAKING IMPROVEMENTS TO SAID PROPERTY (Section 13 Northwest Quarter Township 123 Range 65, quarter east of landfill) THIS WOULD INCLUDE DRAINAGE, TREE PLANTING AND OTHER MISC. SITE IMPROVEMENTS.

IF ACRES ARE TAKEN OUT OF PRODUCTION DURING THE LEASE PERIOD THESE ACRES WILL BE DEDUCTED FROM THE ORIGINAL ACRES & THE LEASE PAYMENT AMOUNT WILL BE PAID ACCORDING TO THE ADJUSTED ACRES. BROWN COUNTY WILL NOT REIMBURSE THE TENANT FOR ACRES TAKEN OUT OF PRODUCTION.

TENANT WILL BE NOTIFIED PRIOR TO PLANTING THE CURRENT CROP AS TO THE NUMBER OF ACRES TO BE REMOVED FROM PRODUCTION.

IF ALFALFA OR LIKE CROPS ARE PLANTED THESE CROP ACRES WILL NOT BE REIMBURSED IF DAMAGED DUE TO NECESSARY LANDFILL EXPANSION OR SITE IMPROVEMENTS DURING THE LEASE PERIOD.

TENANT agrees to commit no waste or damage on said real estate and to suffer none to be done; and sow, cultivate and harvest the crops grown in the best possible manner, using his best skill and judgment; and other improvements on said property.

TENANT AGREES THAT BROWN COUNTY AND/ OR PERSONS DESIGNATED BY BROWN COUNTY, MAY ENTER UPON SAID PREMISES AT ANY TIME TO MAKE SUCH REPAIRS, ALTERATIONS, OR IMPROVEMENTS, AS BROWN COUNTY MAY DEEM NECESSARY.

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2022 COUNTY LAND LEASE / BROWN COUNTY LANDFILL  
BIDDER'S PROPOSAL FORM (1)

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Bid Letting: February 1, 2022

Time: 8:46 a.m.

BIDS WILL BE CONSIDERED ON THE FOLLOWING:

1. CASH RENT ON THE NORTHWEST QUARTER SECTION 13, TOWNSHIP 123 NORTH; RANGE 65 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BROWN COUNTY SOUTH. LOCATED DIRECTLY EAST OF THE BROWN COUNTY LANDFILL.

**129 ACRES / 2022**

CONTRACT PERIOD:

The contract shall be annual. Brown County will have the option to renew the contract for four (4) additional periods not to exceed five (5) years in duration.

Annual renewal date: January 1st.

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2022 COUNTY LAND LEASE/ BROWN COUNTY LANDFILL  
BIDDER'S PROPOSAL FORM (2)

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ALL BIDS SHALL BE INDICATED ON A PER ACRE BASIS.

1. THIS BID IS FOR CASH RENT ON A PER ACRE BASIS  
(Section 13 NW / QUARTER EAST OF LANDFILL / 129 ACRES).

\$ \_\_\_\_\_ CASH RENT PER ACRE  
WRITTEN PRICE \$ \_\_\_\_\_

BIDDER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_



**COUNTY LAND LEASE / BROWN COUNTY LANDFILL  
LAND LEASE CONTRACT (EAST)**

If awarded this request, the bidder's signature on this bid form and contract is the bidder's contractual signature and when countersigned by the Brown County Board of Commissioners Chairperson shall become a binding contract to lease said property (Section 13, Northwest quarter, Township 123, Range 65 directly EAST of the Brown County Landfill).

**Date:** \_\_\_\_\_

**Signature of Bidder:** \_\_\_\_\_

**Typed/Printed Name & Title:** \_\_\_\_\_

**Company Name:**.....\_\_\_\_\_

**Address:**.....\_\_\_\_\_

.....

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

**DATE OF BID AWARD:** \_\_\_\_\_

Accepted by the County of Brown,

\_\_\_\_\_  
Brown County Chairperson

**ATTEST:**

\_\_\_\_\_  
Brown County Auditor

\_\_\_\_\_  
Brown County Landfill Manager

<b>CASH RENT PER ACRE:</b>
\$ _____
<b>WRITTEN:</b>