

RESOLUTION 78-25

To Approve the Lease Dated September 6, 1978 Between The
Old Library, Incorporated, and the Monroe County Historical Society

WHEREAS, the City of Bloomington and The Old Library Incorporated (TOLI) entered into a contract and signed a deed on October 22, 1977 in which it was agreed that TOLI would not transfer, lease or assign any interest in The Old Carnegie Library (library) without prior written approval of the Common Council; and

WHEREAS, TOLI and the Monroe County Historical Society (Historical Society) signed a lease dated September 6, 1978 in which the Historical Society was granted an option on the library in the event TOLI lost or surrendered its rights to possession; and

WHEREAS, the Common Council approved in Resolution 78-7 the leasing by TOLI of space in the library to the Historical Society for the operation of a history museum but did not approve the option in the September 6, 1978 lease;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

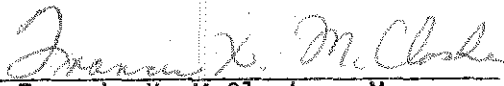
The Common Council approves the lease dated September 6, 1978 between TOLI and the Historical Society, including the option granted to the Historical Society in Section IX of the lease to obtain possession of the library in the event that TOLI surrenders or loses its rights to possession of the library.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17 day of October, 1978.



John F. Richardson, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 20 day of OCTOBER, 1978.



Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This resolution would provide Council approval of the lease between The Old Library Incorporated and the Monroe County Historical Society in which the Historical Society was given an option on the library. An earlier resolution passed by the Council included approval of a leasing arrangement between the two bodies, but did not include approval of the option.

L E A S E

THIS LEASE, made this 6th day of September, 1978,
and between The OLD LIBRARY, INC.: MONROE COUNTY MUSEUMS, hereinafter
called "TOLI" and the MONROE COUNTY HISTORICAL SOCIETY, hereinafter
called "SOCIETY",

WITNESSETH:

TOLI has leased, and by these presents does grant, demise and
lease unto the SOCIETY the following described premises in the City of
Bloomington, Monroe County, Indiana:

1. The sole and exclusive use of these areas designated as
numbers 102, 103, 105 and 106 upon the upper level and numbers
007 upon the lower level of the Old Monroe County Library
Building as shown upon the attached plan.
2. The joint use, with TOLI, of the areas designated as numbers
101, 104, 107 and the area between numbers 101 and 102 and south
of number 107 upon the upper level of the Old Monroe County Library
as shown upon the attached plan.

I
Term

The term of this lease shall be for Ten (10) years commencing when
the rehabilitation of the demised premises shall be substantially
complete, and TOLI shall be able to surrender possession of the demised
premises to the SOCIETY.

The SOCIETY shall have the right and option to extend this lease
for four (4) additional terms of Ten (10) years each under the same
terms and conditions as are herein set forth, each of said extended
terms to commence upon the expiration of the preceding term.

The options to extend herein granted shall be exercised by the
SOCIETY by the continued occupancy of the demised premises beyond the
termination dates of the original or extended terms.

II
Payments

The SOCIETY shall pay an annual rent of One Dollar (\$1.00). In
addition the SOCIETY shall, during the term of this lease, pay
6 1/2 per cent of the cost of utilities, maintenance, and insurance.
TOLI shall promptly forward to the SOCIETY a copy of all bills, invoices
and statements setting out the charges, part of which are to be paid
by the SOCIETY. The SOCIETY shall remit its share of such costs or
charge within ten (10) days of the receipt of such copy.

The SOCIETY shall provide its own janitorial service for the areas leased solely and jointly to it, and TOLI shall provide janitorial service to the remainder of the building. The SOCIETY need pay no part of the cost or expense of the janitorial service incurred by TOLI.

III
Possession

TOLI covenants that it will put the SOCIETY into possession of the described premises when the rehabilitation of the demised premises shall be substantially complete, and TOLI shall be able to surrender possession of the demised premises to the SOCIETY, and that the SOCIETY shall, during the demised term, freely, peacefully and quietly enjoy and occupy the possession of the described premises without molestation or hinderance of any person.

IV
Use

The SOCIETY shall use the premises for a museum and purposes associated therewith to promote and maintain interest in matters of historical significance to the residents of Monroe County, Indiana.

The SOCIETY shall conform to and observe all ordinances, rules and regulations of all public authorities, boards, or officials, and will not during the term of this lease knowingly permit the same to be used for the purpose of carrying on any illegal business or occupation.

V
Repairs

The SOCIETY and TOLI mutually covenant that they will establish a sinking fund for the purpose of providing sufficient money for major repairs to the Old Monroe County Library Building. The SOCIETY shall contribute 61.5% of the money necessary to establish such a fund, and TOLI shall contribute the remaining 38.5%. Payments shall be made monthly. Expenditures from the sinking fund shall not be made, except by agreement of the governing bodies of TOLI and the SOCIETY. The investment of said funds shall be the sole responsibility of TOLI.

VI
Access

The SOCIETY shall have the exclusive access to areas 102, 103, 105, 106, and 007. The SOCIETY and TOLI shall have access to those areas shared jointly by them at all times that the SOCIETY'S exclusive area shall be open to the public and at such other times as may be agreed upon.

VII
Termination

In the event the SOCIETY shall fail or refuse to pay its share of the costs and expenses herein agreed to be paid, or shall fail to perform any other covenant or condition of this lease, TOLI shall deliver by certified mail notice of such default to the President and the Secretary of the SOCIETY. If such default not be cured within Ten (10) days after receipt of the notice, TOLI may at its option declare this lease terminated.

VIII
Performance by TOLI

TOLI shall fulfill all covenants, conditions and obligations of every kind required to be performed by it in order to keep and maintain its right to possession of the Old Monroe County Library Building.

IX
Option

In the event TOLI shall default in the performance of any covenant, condition or obligation to be performed by it so as to lose its rights to possession of the Old Monroe County Library Building or in the event TOLI shall desire to surrender its rights to possession of the Old Monroe County Library Building, the SOCIETY shall have the first option to accept the obligations of TOLI and thereupon be entitled to the complete and exclusive possession of the said Old Monroe County Library Building, subject to the rights of any tenants in TOLI and subject to the deed and contract by and between TOLI and the City of Bloomington, dated October 22, 1977.

X
Alterations

The SOCIETY may make any interior alterations in areas 106 and 007 in the demised premises, which alterations do not interfere with the use and occupancy by TOLI of the remainder of the structure. Structural changes in the remaining demised premises may only be made

in a manner in keeping with the historical heritage of the Old
Monroe County Library Building and with the consent of TOLI.

IN WITNESS WHEREOF, The Old Library, Inc.: Monroe County
Museums, and the Monroe County Historical Society, have entered into
this lease this 6th day of September, 1978.

THE OLD LIBRARY, INC.:
MONROE COUNTY MUSEUMS

By:

Rosemary P. Miller
PRESIDENT

ATTEST:

Bruce J. Zone
SECRETARY

THE MONROE COUNTY HISTORICAL SOCIETY

By:

Joseph N. Garbo
PRESIDENT

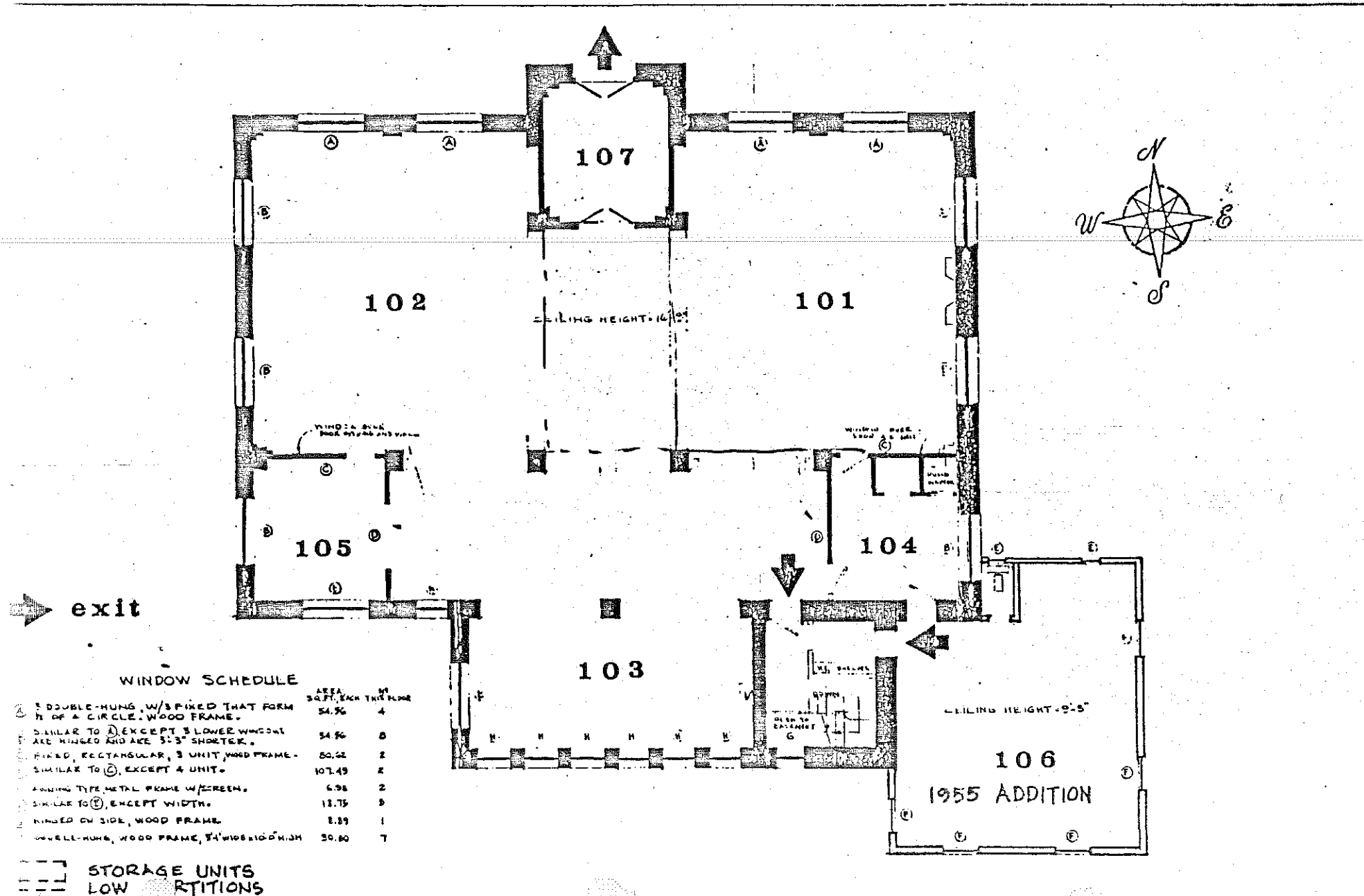
ATTEST:

James S. Gurne
SECRETARY

DESIGN THE OLD LIBRARY

We are presently planning for the renovation of The Old Library as a museum of local history and environment, and as a multiple-use community center. Many ideas as to space arrangement, lighting, display, decor, and such, are being sought and your views are valuable to us. If you or your group have a special need for space, please indicate. Use these floor plans as note paper to aid you in presenting your ideas...use the backsides too.

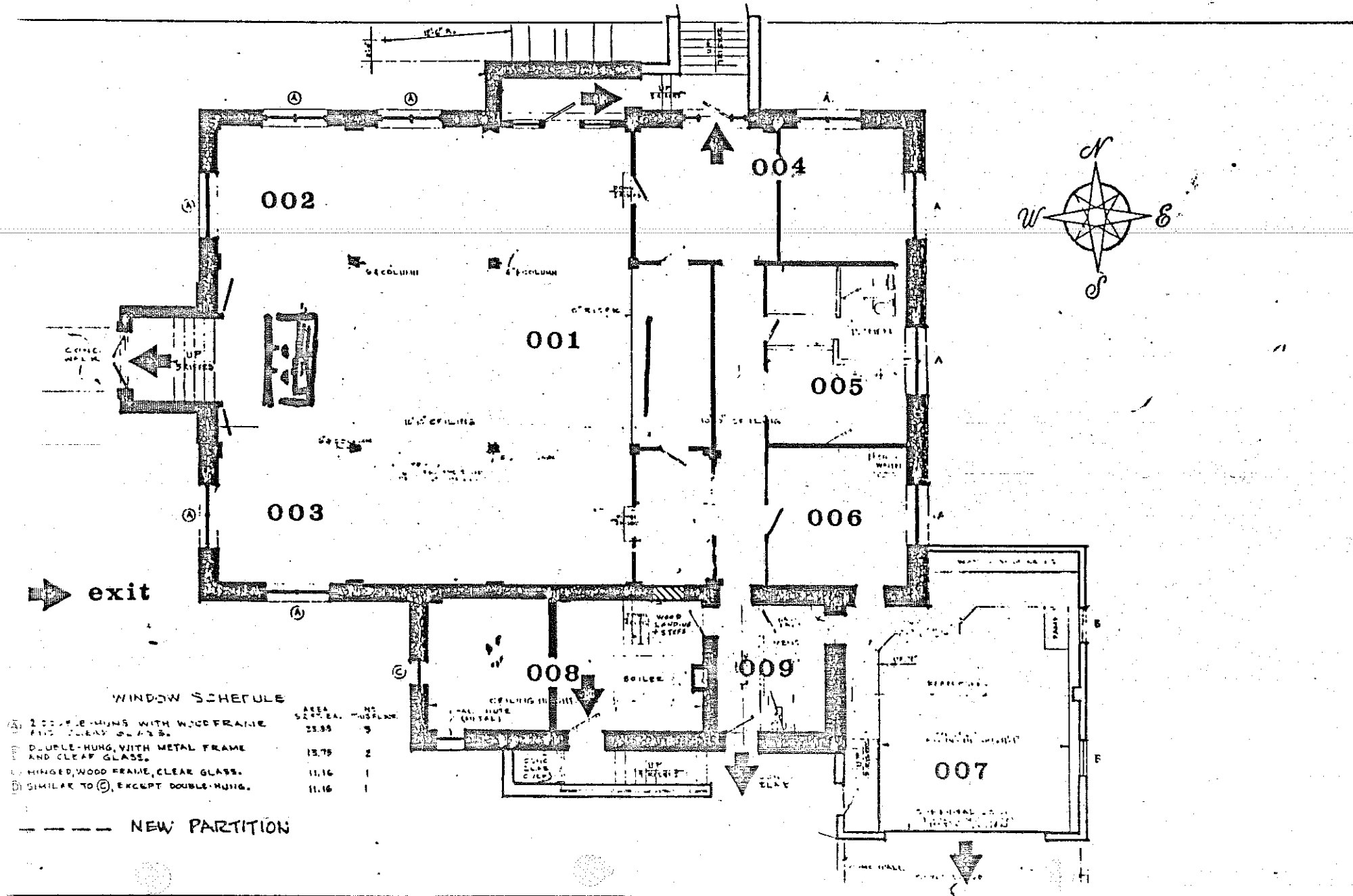
Old Library - Upper Level Plan

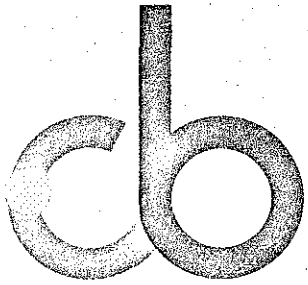


OUR SUGGESTIONS WILL BE GREATLY APPRECIATED. CASH OR MATERIAL DONATIONS ARE WELCOME TOO. PLEASE SEND VIA P.O. Box 54.

Old Library - Lower Level Plan

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city of bloomington

box 100, municipal building, bloomington, indiana 47401

office of the common council

(812) 339-2261 x229

Thomas O Middleton
Councilmember-at-Large

Patricia M. Kinzer
Councilmember-at-Large

Tomilea Allison
Councilmember-at-Large

Jack A. Morrison
First District

Alfred E. Towell
Second District

Howard E. Young
Third District

Clem J. Blume
Fourth District

Lloyd W. Olcott
Fifth District

John F. Richardson
Sixth District

September 18, 1978

Michael Hoff
Attorney at Law
110½ N. Walnut Street
Bloomington, IN 47401

Dear Mike:

Enclosed please find a draft of the resolution TOLI requested. Please look it over and tell us if you think it would make everybody happy.

Thanks.

Sincerely,


Nora Connors

Enclosure

E. MICHAEL HOFF
ATTORNEY AT LAW
110½ NORTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

(812) 332-9294

September 22, 1978

Ms. Nora Connors
Office of the Common Council
P.O. Box #100
Bloomington, Indiana 47401

Re: Proposed Resolution #78

Dear Nora,

I have reviewed the draft of Resolution #78 that you were kind enough to send to me, and I cannot think of anything I would add or change.

Very truly yours,

Mike

E. MICHAEL HOFF

EMH/dlr

COMMITTEE REPORT SHEET

Legislative #: Appropriation Ordinance - Ordinance - Resolution

78-25

Title:

Approve Toll/Historical Society Lease

Committee: Community Development

Public Facilities

Joint Mtg.

Submitted by:

T.O.L.I

Meeting Date:

10/11/78

Committee Discussion/Recommendation:

VOTE OF AYES:

NAYS:

0

FOR

Do Pass

RECOMMENDATION.

Signatures of Councilmembers Present:

RW. Olen

[Signature]

Jack Morrison

