

## **Division of Historical and Cultural Affairs**

### **INVITATION TO BID**

#### **AGRICULTURAL TILLAGE RIGHTS**

The Division of Historical and Cultural Affairs (HCA) is accepting bids for the agricultural tillage rights on 65 acres on the Conner Farm in Kent County. The Conner Farm is located off Route 9, south of Dover. The successful bidder will be eligible to enter into a written agricultural lease beginning in August, and will include, but not be limited to, the following stipulations:

- Lessee shall pay one-half (1/2) of the annual rental fee by August 1 and the balance of the rental fee by November 30 of each year.
- Lessee shall grant to lessor a security interest in the farm crops grown by lessee on the leased premises during the term of this lease.
- Lessor reserves the right to prohibit the use of certain pesticides on the leased premises. In addition, lessor may require lessee to inform lessor when certain pesticides will be applied.
- Lessee will monitor annually the soils on the leased premises via soil sample analysis. Copies of the soil test results will be provided annually to lessor. Lessee will be required to apply lime at sufficient rates to maintain soil pH of 5.8 to 6.5.
- Lessee shall comply with all prevailing laws concerning control of noxious vegetation and nutrient management on all leased acreage.
- Lessor reserves the right to create new hedgerows, ponds, buffer strips, or divert land for other uses. Rental fees shall be adjusted to compensate for land taken out of agricultural production.
- The lease agreement shall not be subleased by lessee without prior expressed written consent of the lessor.
- Lessor reserves the right to grant easements and rights of way across or upon the leased property for public highways, railroads, tramways, telephone and telegraph transmission lines, pipelines, irrigation canals, raised canals and similar purposes. Lessee shall not make any claim against lessor for any loss or damage described in this section. Rental fees shall be adjusted to compensate for land taken out of agricultural production.
- Lessee shall be insured against liability resulting from any agricultural practice or presence upon the leased property.

- Lessee shall be of lawful age and in consideration for being permitted to lease these agricultural lands and all related activities shall for himself, his heirs, executors, administrators, and assigns, release and forever discharge lessor and its employees from any and all loss and damages and from any and every claim, demand, action or right of action of whatever kind or nature, either in law or in equity arising from or by reason of any bodily injury as personal injuries known or unknown, death or property damage resulting or to result from any accident, whether caused by the active or passive negligence of lessor or otherwise which may occur as a result of lessee's participation in the lease of these agricultural lands and related activities.
- Lessee shall further agree to indemnify lessor from any loss, liability, damage or cost, including attorney's fees and court costs, that may incur due to lessee's presence or that of any of the participants in this agricultural lease, whether caused by the active or passive negligence of lessor or otherwise.
- Lessee shall further assume full responsibility for the risk of bodily injury, death or property damage due to the active or passive negligence of lessor or otherwise while participating in the lease of these premises.
- The terms of the lease shall be in effect throughout the entire duration of said lease. However, these terms may be amended during the duration of the lease, provided both the lessee and the lessor have mutually agreed, in writing, to such amendments.

Bids are to be submitted on the official Division bid form available on the HCA website at: <http://history.delaware.gov>. **All bids are to be submitted on a per acre basis.**

Bids are due by **3:00 p.m. on or before June 1, 2007** in a sealed envelope labeled **"Conner Farm Ag Bid"** to the Delaware Division of Historical and Cultural Affairs office at 21 The Green, Dover, DE 19901. HCA reserves the right to reject any or all bids in whole or in part. Multiple bids will be rejected. In the event of tie bids, the HCA reserves the right to award the lease based on past and projected performance.

The DFS shall award this contract to the highest responsible and responsive bidder(s) who best meets the terms and conditions of the bid. The award will be made on basis of price and prior history of service and capability.

For further information, please contact Cherie Dodge at (302) 736-7400.