

· THE HARVEST AT FRISCO COMMONS ·

GARDEN BOX LEASE AGREEMENT

*Gardeners must read and understand this document prior to leasing a Garden Box online.
Frisco residents and organizations may lease Garden Boxes at PlayFrisco.org/TheHarvest.*

Within the Garden Playbook (Garden Box Lease Agreement and Ground Rules) the terms “Gardener” or “Gardeners” refer to individuals (i.e. a Frisco resident and/or representative of a Frisco organization) who lease a Garden Box.

1. Whether leasing as an individual or representing an organization, Gardeners must:

- a) Be a current resident of the City of Frisco.
- b) Read and sign the **Garden Box Lease Agreement and Release Form (online)**.
- c) Read and adhere to the **Ground Rules (online at PlayFrisco.org/TheHarvest)**.
- d) Pay a non-refundable annual **leasing fee online**, based on Garden Box size.
 - ❖ Frisco households (i.e. families or individuals):
 - May lease a limit of one (1) 4'x10' Garden Box for \$75.00 annually.
 - 4'x10' Garden Boxes (either standalone or part of a divided 4'x20' box) are for Frisco households only.
 - ❖ Organizations in Frisco (i.e. school clubs, scout groups, sports teams, businesses, non-profits, etc.)
 - May lease a limit of one (1) 4'x20' undivided Garden Box for \$150.00 annually.
 - Undivided 4'x20' Garden Boxes are for organizations in Frisco only.
 - *Please note that the City of Frisco's decision on what constitutes an “organization” is final.*

2. Gardeners must understand the following Lease Agreement Terms:

- **Fees.** Garden Box leasing fees will help offset annual operating expenses of The Harvest at Frisco Commons. These fees must be paid online as part of the lease agreement at **PlayFrisco.org/TheHarvest**.
- **Scholarships.** The City of Frisco may provide scholarships to individuals and/or organizations who are unable to pay a leasing fee but wish to lease a Garden Box. A limited number of scholarships will be awarded annually by the City of Frisco, on a case-by-case basis. For more information, email NaturalResources@FriscoTexas.gov.
- **Lease period.** Garden Boxes may be leased for 1 year at a time (two growing seasons: January 1 – December 31). Available boxes shall be leased on a first-come-first-served basis. If all boxes are leased at the time of application, Gardeners who apply to lease a box will be placed on the wait list for that box. When the box becomes available, the next person on the wait list will be contacted. Payment is required only when a lease is signed. No payment is required to be placed on a wait list.
- **Lease renewal.** After 1 year, the option to renew will be evaluated by the City of Frisco based on the Gardener having shown they are committed to the goals of the garden (i.e. by keeping their leased box productive and weed-free, and remaining compliant with all established Ground Rules). Any boxes renewed will incur the leasing fees listed above, based on Garden Box size. Renewal will be for 1 year (two additional growing seasons). Renewal is not guaranteed if all Garden Boxes are leased and public demand for boxes remains high (i.e. all boxes have a waitlist).
 - ❖ After leasing a Garden Box for the maximum of two (2) consecutive years, a Gardener will no longer be eligible to renew their lease but may re-apply online. If a wait list exists at the time of a Gardener's reapplication, the Gardener may request to be added to the wait list.

- ❖ A gardener who accumulates more than two (2) Non-Compliance/Abandonment Notices (see *Section 3*) during the year (January 1 – December 31) may not be eligible for Lease Renewal.
- **End of lease period.** Gardeners at the end of their lease period who do not wish to renew or did not receive approval to renew from the City of Frisco must clear all plant material from their box no later than December 31 to prepare for the next Gardener. At the end of a Gardener's lease period, Garden Box(es) must be in as good as or better condition than when the lease was initially signed.
 - ❖ Tilling of all Garden Boxes at the end of December is optional and may be provided by the City of Frisco and/or City of Frisco volunteers (if time and resources permit), but it is the responsibility of Gardeners to remove all plant material. Gardeners who have been approved to renew their lease for one (1) additional calendar year may clear their box and replant for the spring growing season no later than February 1.
- **Informal transfer of lease is prohibited.** Gardeners may not transfer their lease to another member of the community. If someone new is to assume responsibility for the Gardener's box during the remainder of the initial lease, the Gardener must contact NaturalResources@FriscoTexas.gov so that the new Gardener may be added to the initial lease record. An attempted transfer in contravention of this rule is grounds for the City of Frisco to immediately terminate the lease.
- **Voluntary relinquishment.** Garden Boxes may be voluntarily relinquished by Gardeners at any time, although the beginning of each planting season is the best time for Gardeners to decide whether they wish to continue or discontinue their lease. There is no fee to withdraw early from a lease, but once paid, Garden Box Lease Fees are non-refundable. Gardeners who begin a new lease mid-year (i.e. following another Gardener's voluntary relinquishment or lease termination) may do so at a reduced price, prorated by month.

3. Gardeners must adhere to the Ground Rules as stated in this Agreement:

- **Non-Compliance.** *Non-Compliance* is defined as lack of adherence to Garden Box Lease Agreement and Ground Rules (Garden Playbook), including but not limited to lack of regular maintenance (planting, watering, harvesting, weeding etc.), planting poisonous and/or illegal plants, and/or disrespectful, dangerous or irresponsible gardener conduct. The City of Frisco will survey Garden Boxes for compliance at least once per month.
- **Abandonment.** *Abandonment* is defined as no activity for a continuous four-week period. Gardeners must immediately notify the City of Frisco in writing via email at NaturalResources@FriscoTexas.gov if they are no longer able to maintain/must abandon the leased Garden Box(es) for any reason.
- **Time away.** Gardeners must immediately notify the City of Frisco in writing via email at NaturalResources@FriscoTexas.gov in case of temporary illness, travel, or any extended time away from the Garden Box(es).
- **Notices.** In the event of Abandonment and/or Non-Compliance, the City of Frisco will provide two notices:
 - ❖ **First Notice.** Notice from the City of Frisco will be issued in writing via email to Garden Box Lease Holder identifying the infraction(s). Gardener must then bring their Garden Box(es) to compliance within a specific amount of time provided by the City of Frisco (unless the City is notified by Gardener of personal illness or other need for extension).
 - ❖ **Second Notice.** If the City of Frisco receives no reply from Gardener within three (3) business days and/or the Gardener remains non-compliant past the specific amount of time provided, a second Notice will be issued to Garden Box Lease Holder in writing via email. Gardener must then bring their Garden Box(es) to compliance within a specific amount of time provided by the City of Frisco (unless the City is notified by Gardener of personal illness or other need for extension).

❖ **Lease Termination.** If Gardener remains non-responsive and/or non-compliant after the specified amount of time provided by the City of Frisco (as detailed in the Second Notice), then the Garden Box Lease Agreement will be terminated immediately. At such time, The City of Frisco reserves the right to clear and reassign the leased box(es) to another member of the community. The City of Frisco will notify Gardener in writing via email of Lease Termination, and that the leased Garden Box space is no longer the responsibility of the Gardener.

- **Rights to Garden Box space.** If 1) A lease is not signed prior to a Gardener planting in the Garden Box, 2) Once a lease ends or 3) Once a lease is terminated by the City of Frisco for Abandonment/Non-Compliance, Gardeners have no rights to the Garden Box space. The box may be cleared and leased at will by the City of Frisco.

4. Responsibility for The Harvest at Frisco Commons will be shared by Gardeners and the City of Frisco:

- **Responsibilities of the City of Frisco.**

- ❖ Providing raised Garden Boxes filled with garden soil and access to water.
- ❖ Coordinating new leases, lease renewals and lease terminations with Gardeners.
- ❖ Inspecting the garden monthly for Gardener compliance with Ground Rules (see Garden Playbook).
- ❖ Resolving facility maintenance issues.
- ❖ *The City of Frisco is not responsible for any loss or damage to personal items, including personal tools, at the garden. The City of Frisco shall be held harmless for any acts of vandalism, crop theft and/or Acts of God (i.e. natural causes such as flooding, freezing, drought, lightning, animals, etc.), that result in damage to Gardeners' Garden Boxes and/or loss of Gardeners' crops.*

- **Responsibilities of Gardeners (individuals or organizations leasing a Garden Box).**

- ❖ Maintaining an active email account and checking email regularly. The City of Frisco will communicate with Gardeners via the email address listed on each Gardener's Garden Box Lease Application.
- ❖ General maintenance and upkeep of their leased Garden Box(es), including planting and watering during growing seasons and weeding throughout all months of the year. **Gardeners should be prepared to commit at least 3-5 hours per week, on average, to common gardening chores.**
- ❖ Harvesting their Garden Box's produce weekly, especially during peak months of growing season. Viable produce should never spoil in a Garden Box when it can nourish someone who needs it.
- ❖ Making sure all hydrants are turned off after use to prevent water waste.
- ❖ Reporting maintenance issues (i.e. water leaks, broken irrigation, vandalism, etc) to the City of Frisco, by emailing ParksIncidentReporting@FriscoTexas.gov, including photos when possible.
- ❖ Attending at least one **Gardener Orientation Meeting** during lease period. Gardener Orientation Meeting dates and times will be announced on the website at **PlayFrisco.org/TheHarvest**.
- ❖ Participating in at least one **Volunteer Workday** and one **Gardening Workshop** during lease period (these are optional but highly recommended). Workdays will help maintain the community garden space. Workshops are available to the public free of charge, although registration may be required. Gardeners may view dates/times and register for these events at **PlayFrisco.org/TheHarvest**.

5. Access to the Shed / Tool Lending Library, Hydrants, Rain Barrels and Compost Enclosure onsite:

- **Combination Locks.** Heavy-duty outdoor combination locks will secure the Shed and Hydrants to prevent theft, water waste and other destructive acts of vandalism. The combination code will be provided to Gardeners via email and will be changed regularly. The code should never be shared with anyone who is not a Garden Box Lease Holder.
- **Shed / Tool Lending Library.** A Shed on site, secured by a combination lock, will house a limited number of basic gardening tools. Gardeners may borrow these tools while working in the community gardening space, using them at their own risk. Gardeners should never leave tools in walkways or in any area that may cause harm to another Gardener or garden visitor. These tools should never be removed from The Harvest at Frisco Commons, and must be returned to the Shed before Gardeners leave the garden. Gardeners must lock the Shed immediately after returning tools to prevent theft. The City of Frisco reserves the right to restrict all public access to the Shed at any time, for any reason.
 - ❖ **Tool Donation.** Residents, businesses or organizations who wish to donate gently used gardening tools to the Tool Lending Library may contact NaturalResources@FriscoTexas.gov. Gardeners may not store their personal gardening supplies in the Shed. The City of Frisco is not responsible for any lost or stolen personal effects.
- **Hydrants.** Yard hydrants, secured by combination locks, are scattered throughout each quadrant for ease of use. Gardeners may connect hoses to the hydrants to water their Garden Box(es), but a shut-off nozzle is REQUIRED to prevent water waste. The City of Frisco reserves the right to turn off water flow to hydrants at any time, for any reason. During periods of inclement weather, especially during extremely low temperatures, the City of Frisco may turn off water flow to prevent underground pipe bursts.
- **Rain Barrels.** Two Rain Barrels collect rainwater from the roof of the Shed. Gardeners may use this water for their Garden Box(es) on a first-come-first-served basis. *Water from hydrants and rain barrels is meant for gardening use only and may not be suitable for human or animal consumption.*
- **Compost Enclosure.** The Compost Enclosure onsite is for City of Frisco use only until future notice. The Compost Enclosure is not for trash. All pet waste and trash must be disposed of in trash cans. Gardeners should neatly place any organic waste (i.e. weeds, cuttings) in a single location at the edge of their Garden Box for collection by City of Frisco staff. This material will be transported to a larger composting facility.
- **Spills.** Per this Agreement, Gardeners may not use chemicals (i.e. synthetic fertilizers, herbicides, and pesticides) in the community gardening space, and commercial products labeled “natural / organic” may be permitted on a case-by-case basis (as approved by the City of Frisco). Chemicals / soil of any kind may not be stored in the Shed or at the garden. In case of a spill when City of Frisco staff is not present, Gardeners should utilize the Spill Kit in the Shed (using procedure outlined in Gardener Orientation Meeting) and notify the City of Frisco immediately at ParksIncidentReporting@FriscoTexas.gov, including photos when possible.
- **Leaks, theft, and vandalism.** Gardeners should report water leaks, damaged or missing equipment, defaced surfaces etc. to ParksIncidentReporting@FriscoTexas.gov, including photos when possible.
 - ❖ If illegal activity is in-progress within the garden space (i.e. theft, vandalism, assault) and there is an immediate threat to human health and safety or property, Gardeners should call 911.
 - ❖ To report suspicious behavior when there is no immediate threat, Gardeners should call the City of Frisco Police Department at 972-292-6010.