



Legislation Details (With Text)

File #: O-134-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 3/8/2023 **In control:** Economic Development Department
On agenda: 3/21/2023 **Final action:** 3/21/2023
Title: Authorizing the Mayor to enter into an Easement Agreement with Glass City Energy, LLC granting an easement over a portion of certain city-owned property lying between Miami Street and the Maumee River; making certain findings related thereto; waiving competitive bid provisions of TMC Ch. 187; authorizing the deposit of proceeds; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A

Date	Ver.	Action By	Action	Result
3/21/2023	1	City Council	Suspension	Pass
3/21/2023	1	City Council	Emergency	Pass
3/21/2023	1	City Council	Passage	Pass

Easement for Glass City River Wall LED Lighting Project
Department of Economic Development
D. Johnson (x1431)
Revised

Authorizing the Mayor to enter into an Easement Agreement with Glass City Energy, LLC granting an easement over a portion of certain city-owned property lying between Miami Street and the Maumee River; making certain findings related thereto; waiving competitive bid provisions of TMC Ch. 187; authorizing the deposit of proceeds; and declaring an emergency.

SUMMARY & BACKGROUND:

The Glass City River Wall Mural, one of the largest outdoor murals in the United States, was completed in 2022. The mural covers 160,000 square feet of the 28 grain silos owned by ADM on the east bank of the Maumee River. The mural's theme includes a commemoration of the Native American inhabitants of the shores of the Maumee. The highly visible project can be seen from the Maumee River, Interstate 75 and downtown Toledo and has already received national attention from CBS's *Sunday Morning*.

The next step is to install an off-grid, LED lighting system to illuminate the mural. This system will be owned and maintained by Glass City Energy and be powered by a solar array using panels by First Solar. The LED lights will be installed on ADM's property, but the solar array and battery system will be installed on two adjacent parcels, one owned by the City of Toledo, the other by the NSG Group. The funding plan includes the cost of removal at the end of the contracted period. Glass City Energy has been working with City engineers and Toledo Waterways Initiative staff on a plan that will not interfere with any City infrastructure.

The easement shall be used for the purposes of constructing, installing, operating, maintaining, altering,

renewing, using, repairing and removing the solar array and related facilities within the easement area (“Solar Array Facilities”). The installation and construction of Solar Array Facilities within the easement area shall be made in accordance with plans and uses approved by the City’s Division of Water Reclamation.

This Ordinance authorizes the execution and delivery of an Easement Agreement.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into an Easement Agreement with Glass City Energy, LLC, which shall grant for the price of one dollar (\$1.00) an easement to Glass City Energy, LLC and their successors and assigns, over a portion of 1550 Miami Street, Parcel 18-76516 as generally depicted in Exhibit A, for the purposes of constructing, installing, operating, maintaining, altering, renewing, using, repairing and removing the Solar Array Facilities. The terms of the Easement Agreement shall be determined by and subject to the approval of the Mayor, and the Directors of Law and Public Utilities, in keeping with the findings, determinations and purposes of this Ordinance, with the execution by the Mayor of the Easement Agreement being conclusive evidence of such approvals, and no further action relating thereto shall be required by Council.

SECTION 2. That Council finds and determines that the property interest to be burdened by the Easement authorized in Section 1, is not needed for municipal purposes and that such grant will create or preserve jobs and other employment opportunities in the region and to improve the economic welfare of the people of the city Toledo, and is in the best interest of the City; that the grant of said Easement Agreement by negotiation pursuant to an easement agreement is the appropriate method, that the negotiated price is fair and reasonable value and consideration for the property interest granted and its related purpose to facilitating economic development.

SECTION 3. That Council authorizes the grant of the Easement Agreement, notwithstanding and as an exception to the competitive bidding and advertising provisions of Chapter 187 and other provisions of the Toledo Municipal Code. The reason therefore is that the Easement Agreement with Glass City Energy, LLC will contribute to the appearance of the city’s waterfront, improve tourism and business conditions and is in the best interest of the citizens.

SECTION 4. That the Mayor, Directors of Law, Finance, Clerk of Council and other appropriate officials of this city are authorized to enter into, execute, deliver such other agreements, instruments, documents and certificates and to take other lawful action as may be necessary or appropriate in order to further implement the Easement Agreement as authorized in Section 1.

SECTION 5. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

SECTION 6. That the Finance Director is authorized to accept and deposit the easement proceeds into the General Fund account code 1001-16400-5000436STDSTD.

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective to enable the proposed construction and development

project by Glass City Energy, LLC to move forward and to complete the lighting of Glass City River Wall Project before the end of 2023.

Vote on emergency clause: yeas 10, nays 0.

Passed: March 21, 2023, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

March 21, 2023
Wade Kapszukiewicz
Mayor