



Legislation Text

File #: O-440-23, **Version:** 1

Economic Development
Dura Tyler Renewable Energy Lease with Metroparks Toledo
Brandon Sehlhorst (x1692)
Revised

Authorizing the Mayor to enter into a Renewable Energy Facilities Lease Option and Lease Agreement with the Metroparks Toledo Foundation for city-owned properties known as the Tyler Street Landfill, 4230 Expressway Drive, Toledo, Ohio and the Dura Avenue Landfill, 316 Dura Avenue, Toledo, Ohio; authorizing the receipt and deposit of lease revenue; making findings with respect thereto; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance authorizes the Mayor to enter into an option and long-term lease agreement with the Metroparks Toledo Foundation for the installation, operation, and maintenance of renewable solar facilities at the city-owned and closed Tyler and Dura landfills. Metroparks Toledo Foundation, with development partners, will determine, and if feasible, proceed to construct, install, and operate renewable solar energy electric generating systems at these two locations. The operation of these facilities and the lease will be in accordance with the environmentally based Restrictive Covenant and Consent Order encumbering these properties. Initially, the Metroparks Toledo Foundation will be granted a two (2) year period to exercise an option to enter into a lease for up to four (4) years. In the event the Metroparks Toledo Foundation elects to exercise its lease option, the lease will have an initial term of thirty (30) years with an opportunity to extend the term for five (5) additional periods of five (5) years each. Annual rent for the lease is Ten Dollars and 00/100 (\$10.00) per year.

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

SECTION 1. That the Mayor is authorized to enter into Renewable Energy Facilities Lease Option and Lease Agreement with Metroparks Toledo Foundation, an Ohio not for profit corporation, for the properties known as the Dura and Tyler Landfills identified as Exhibits "A" and "B" attached, subject to final survey.

SECTION 2. That the Option to Lease shall have a term of two (2) years subject to one (1) two (2) year option renewal.

SECTION 3. That upon exercise of the option, the lease will have a term of thirty (30) years at a rate of Ten Dollars and 00/100 (\$10.00) per year with five (5) successive options to renew for five (5) years each.

SECTION 4. That said option and lease shall contain other terms and conditions being necessary and proper by the Mayor, Director of Law, Director of Public Service, and Director of Development.

SECTION 5. That this Council approves the option and lease without competitive bidding as the Lessee is the Metroparks Toledo Foundation, an Ohio not for profit corporation, recognized as an eligible entity pursuant to Toledo Municipal Code Section 187.19; and find that the lease is in the best interest of the city.

SECTION 6. It is found and determined that all formal actions of City Council concerning and relating to the passage of this ordinance were adopted in an open meeting of Council, that all deliberations of Council and any of its committees that result in such formal action or in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. That the Director of Finance is authorized to receive and deposit revenues into the General Fund account code 1001-16400- 5000436STDSTD.

SECTION 8. That this ordinance is declared to be an emergency measure and shall take effect and be enforced 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 health and safety and for the further purpose of constructing a renewable solar energy facility on Brownfield properties, thus restoring the properties to productive use.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council