



## Legislation Details (With Text)

**File #:** 0006-2005      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/21/2004      **In control:** Utilities Committee

**On agenda:** 1/10/2005      **Final action:** 1/12/2005

**Title:** To authorize the Director of Public Utilities to execute the Sixth Modification to the Transfer Agreement and modification of the Lease Agreement for the Solid Waste Reduction Facility between the City of Columbus and the Solid Waste Authority of Central Ohio, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. FIGURE-1-2400-122004.pdf

Date	Ver.	Action By	Action	Result
1/12/2005	1	MAYOR	Signed	
1/12/2005	1	CITY CLERK	Attest	
1/10/2005	1	Columbus City Council	Approved	Pass
1/10/2005	1	COUNCIL PRESIDENT	Signed	
12/29/2004	1	Utilities Drafter	Sent for Approval	
12/29/2004	1	CITY ATTORNEY	Reviewed and Disapproved	
12/29/2004	1	Utilities Drafter	Sent for Approval	
12/29/2004	1	Atty Reviewer	Reviewed and Approved	
12/29/2004	1	Utilities Drafter	Sent to Clerk's Office for Council	
12/21/2004	1	Utilities Drafter	Sent for Approval	
12/21/2004	1	UTILITIES DIRECTOR	Reviewed and Approved	

**Background:** In 1993, The City leased the Solid Waste Reduction Facility to the Solid Waste Authority of Central Ohio, ("SWACO"). In 1995, the Facility ceased to operate as a power plant. Since then efforts to find feasible alternate uses have not proved successful. Costs to keep the plant in "mothball" status exceed \$100,000 per year. To increase the opportunity for economic redevelopment of the site SWACO recommends demolition of those portions of the facility which are not currently being used or have an anticipated reuse. The major portions of the Facility recommended for demolition are the conveyor, the turbine hall and boiler plant. The attachment to this ordinance outlines the structures proposed for demolition in red. In September SWACO requested bids for demolition. Seven responsive bids were submitted. The lowest and best bidder was B&B Wrecking & Excavating, Inc., out of Cleveland, Ohio ("B&B"). B&B submitted the only bid which proposed to pay SWACO (and hence the City). From the sale of scrap B&B will pay SWACO \$377,500.00. All other bidders required payment by SWACO. Under the lease between the City and SWACO, SWACO is required to maintain all improvements and at the expiration of the term to deliver possession in good condition and repair. Consequently, in order to demolish these portions of the facility it is necessary to modify the lease agreement to release SWACO from this covenant with respect to the designated improvements.

**Fiscal Impact:** Demolition of the designated portions of the Solid Waste Reduction Facility under the proposal submitted by B&B will result in a \$377,500 payment to SWACO. SWACO has agreed to pay that amount to the City at the time notice to proceed with the demolition contract is given. The funds will be deposited in the city's general operating fund, notwithstanding the provisions of Ordinance #0071-2004.

**Emergency Justification:** Because the B&B bid expires January 13, 2004, it is necessary for the City Council to authorize the modification of the lease between SWACO and the City to release SWACO from the lease covenant to deliver the buildings at the expiration of the lease in good repair so that SWACO may timely award the demolition contract.

To authorize the Director of Public Utilities to execute the Sixth Modification to the Transfer Agreement and modification of the Lease Agreement for the Solid Waste Reduction Facility between the City of Columbus and the Solid Waste Authority of Central Ohio, and to declare an emergency.

WHEREAS, in March 1993, the City of Columbus, and the Solid Waste Authority of Central Ohio, hereinafter "SWACO," entered into a Transfer Agreement and the Lease for the Solid Waste Reduction Facility and leases for the transfer stations on Georgesville Road, Morse Road and Alum Creek Drive; and

WHEREAS, the Transfer Agreement and Lease Agreement for the Solid Waste Reduction Facility have been previously modified, the most recent modification being entitled the Fifth Modification, authorized by Ordinance No. 0495-2004; and

WHEREAS, the City and SWACO agree that demolition of certain buildings and improvements specified in this Ordinance, as delineated in attached Exhibit A, are necessary to enhance redevelopment opportunities for the Solid Waste Reduction Facility premises and to lower the costs associated with maintaining the premises; and

WHEREAS, it is necessary to modify the Transfer Agreement and the Lease Agreement for the Solid Waste Reduction Facility to release SWACO from the lease covenants therein which would require SWACO to maintain certain improvements on the premises and to surrender these improvements upon expiration or other termination in good condition; and

WHEREAS, SWACO solicited bids for said demolition of the improvements set forth in the body of this ordinance and received seven (7) responsive bids with SWACO determining that B&B Wrecking and Excavating Inc. submitted the lowest and best bid; and

WHEREAS, under the bid submitted by B&B Wrecking & Excavating, Inc., SWACO is to receive \$377,500.00 for the rights to demolish and salvage scrap from the improvements; and

WHEREAS, under the terms and conditions of the existing Transfer Agreement, as modified through the Fifth Modification, the City is to receive the benefit of the payment by B&B Wrecking and Excavating, Inc.; and

WHEREAS, the Board of Trustees of SWACO have voted to make immediate payment to the City of the entire \$377,500.00 upon formal notification to proceed by SWACO to B&B Wrecking Excavating, Inc.; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Sixth Modification to the Transfer Agreement and Lease Agreement for the Solid Waste Facility in order to allow SWACO to provide notice to proceed to the lowest and best bidder before expiration of the bid thereby preserving the public health, peace, safety and welfare, now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Department of Public Utilities be and hereby is authorized to execute the Sixth Modification to the Transfer Agreement and to modify the Lease Agreement for the Solid Waste Reduction Facility between the City and the Solid Waste Authority of Central Ohio, in such form as approved by the City Attorney, and which modification of the Lease Agreement shall permit SWACO to demolish the following improvements on the Premises; the overhead conveyor, the turbine hall, the boiler plant and such other structures as are outlined in red on the attached Exhibit A.

Section 2. That the payment to the City by SWACO of \$377, 500.00 upon SWACO's notification to proceed with the demolition to B&B Wrecking & Excavation, Inc., shall upon receipt **be deposited in the city's general fund, fund 010, notwithstanding the provisions of Ordinance #0071-2004.**

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, the ordinance is declared to be an emergency measure and shall take effect and be in force and after its passage and approval by the Mayor or ten days

after its passing if the Mayor neither approves nor vetoes the same.