



Legislation Details (With Text)

File #: 1204-2007 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/9/2007 **In control:** Judiciary And Court Administration Committee

On agenda: 7/23/2007 **Final action:** 7/25/2007

Title: To authorize the Director of the Department of Public Utilities to execute those documents necessary to enter into a Consent, Nondisturbance and Attornment Agreement by, among and between the City of Columbus, Solid Waste Authority of Central Ohio and RASTRA Ohio, Inc., with respect to the sublease of a portion of the former Waste to Energy Facility, and to declare an emergency.

Sponsors: Hearcel Craig, Maryellen O'Shaughnessy

Indexes:

Code sections:

Attachments: 1. RASTRA Term Sheet 7-9-07.pdf

Date	Ver.	Action By	Action	Result
7/25/2007	1	CITY CLERK	Attest	
7/24/2007	1	MAYOR	Signed	
7/23/2007	1	Columbus City Council	Approved	Pass
7/23/2007	1	COUNCIL PRESIDENT	Signed	
7/10/2007	1	Atty Reviewer	Reviewed and Approved	
7/10/2007	1	Atty Drafter	Sent for Approval	
7/10/2007	1	Utilities Reviewer	Sent for Approval	
7/10/2007	1	UTILITIES DIRECTOR	Reviewed and Approved	
7/10/2007	1	Atty Drafter	Sent for Approval	
7/10/2007	1	CITY ATTORNEY	Reviewed and Approved	
7/10/2007	1	UTILITIES DIRECTOR	Reviewed and Approved	
7/10/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
7/9/2007	1	Atty Drafter	Sent for Approval	

Background: Under the lease between the City and the Solid Waste Authority of Central Ohio (hereinafter SWACO) of the former Waste to Energy Facility, also known as the Trash Burning Power Plant, SWACO may sublease portions of the property with the City's consent, which consent the City may not reasonably withhold. SWACO desires to sublease a portion of the Power Plant to RASTRA Ohio, Inc. (hereinafter RASTRA) in order to construct a manufacturing facility which will be operated by RASTRA to manufacture building panels made from recycled polystyrene. The Department of Public Utilities has reviewed the proposed use and the proposed terms of the sublease and has determined that there is no reasonable basis to withhold consent. The following legislation authorizes the Director of the Department of Public Utilities to execute a Consent, Nondisturbance and Attornment Agreement among the City, SWACO and RASTRA Ohio, Inc., with respect to the sublease.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to authorize the immediate execution of the subject agreement,

thereby allowing RASTRA Ohio, Inc. to commence with the necessary improvements in order to provide needed services required by SWACO.

To authorize the Director of the Department of Public Utilities to execute those documents necessary to enter into a Consent, Nondisturbance and Attornment Agreement by, among and between the City of Columbus, Solid Waste Authority of Central Ohio and RASTRA Ohio, Inc., with respect to the sublease of a portion of the former Waste to Energy Facility, and to declare an emergency.

WHEREAS, the City of Columbus is owner of that real property located on Jackson Pike known as the Waste to Energy Facility or sometimes referred to as the Trash Burning Power Plant; and

WHEREAS, the City currently leases the aforementioned real property to the Solid Waste Authority of Central Ohio (hereinafter SWACO); and

WHEREAS, under the March 31, 1993 lease between the City of Columbus, Ohio and SWACO, SWACO may sublease portions of the property with the City's consent; and

WHEREAS, SWACO desires to sublease a portion of the Power Plant to RASTRA in order to construct a manufacturing facility which will be operated by RASTRA to manufacture building panels made from recycled polystyrene; and

WHEREAS, the Department of Public Utilities has reviewed the proposed use and sublease and has determined that there is no reasonable basis to withhold consent; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department Public Utilities to execute those documents necessary to enter into a Consent, Nondisturbance and Attornment Agreement by, among and between the City of Columbus, SWACO and RASTRA, with respect to the sublease of a portion of the Waste to Energy Facility in order to meet the scheduled plan for improvements by RASTRA necessary for their proposed manufacturing facility and to permit SWACO to improve its efficiency and to expand its overall waste disposal operations for the immediate preservation of the public health, peace, property and safety; 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 those documents, as approved by the Department of Law, Real Estate Division, necessary to enter into a Consent, Nondisturbance and Attornment Agreement by, among and between the City of Columbus, Solid Waste Authority of Central Ohio and RASTRA, with respect to the sublease of a portion of the Waste to Energy Facility:

Section 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.