



Legislation Details (With Text)

File #: 1946-2007 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/14/2007 **In control:** Utilities Committee

On agenda: 12/10/2007 **Final action:** 12/13/2007

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

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/13/2007	1	ACTING CITY CLERK	Attest	
12/12/2007	1	MAYOR	Signed	
12/10/2007	1	Columbus City Council	Approved	Pass
12/10/2007	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/26/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
11/21/2007	1	Utilities Reviewer	Reviewed and Approved	
11/21/2007	1	Utilities Reviewer	Reviewed and Approved	
11/21/2007	1	Atty Drafter	Sent for Approval	
11/21/2007	1	CITY ATTORNEY	Reviewed and Approved	
11/20/2007	1	Utilities Reviewer	Sent for Approval	
11/20/2007	1	UTILITIES DIRECTOR	Reviewed and Approved	
11/19/2007	1	Atty Drafter	Sent for Approval	
11/16/2007	1	Atty Reviewer	Reviewed and Approved	
11/14/2007	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 Kurtz Brothers, Central Ohio LLC (hereinafter Kurtz Brothers) in order to construct an Organics Processing Facility which will be operated by Kurtz Brothers to create combined heat and power, methane, mulch or other beneficial products from organic waste. The Department of Public Utilities has reviewed the proposed use and 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 Sublease among the City, SWACO and Kurtz Brothers.

Fiscal Impact: N/A

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

allowing Kurtz Brothers, Central Ohio LLC, Inc. to commence with the necessary improvements to the subject real property in order to provide needed services as agreed and without delay.

To authorize the Director of the Department of Public Utilities to execute those documents necessary to enter into a Sublease Agreement by, among and between the City of Columbus, Solid Waste Authority of Central Ohio and Kurtz Brothers, Central Ohio LLC 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 Kurtz Brothers, Central Ohio LLC (hereinafter Kurtz Brothers) in order to construct an Organics Processing Facility which will be operated by Kurtz Brothers to create combined heat and power, methane, mulch or other beneficial products from organic waste; 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 Sublease Agreement by, among and between the City of Columbus, SWACO and Kurtz Brothers, with respect to the sublease of a portion of the Waste to Energy Facility, allowing 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 Sublease Agreement by, among and between the City of Columbus, Solid Waste Authority of Central Ohio and Kurtz Brothers, Central Ohio LLC, 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.