

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-83 AC CMS

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO EASEMENT AGREEMENTS WITH BIO ENERGY (OHIO II), LLC FOR THE PURPOSE OF LOCATING GAS TRANSMISSION LINES ON CITY-OWNED PROPERTY AS AN EMERGENCY MEASURE

WHEREAS, the USEPA requires certain landfill owners to collect methane and other volatile organic compounds that are a by-product generated by the anaerobic decomposition of organic wastes placed in the landfill as a result of human activities (hereinafter "Landfill Gas") and either destroy the Landfill Gas or use it beneficially; and

WHEREAS, the Lorain County Landfill located at 43502 Oberlin-Elyria Rd, Oberlin, OH 44074, ("Landfill") has a gas collection system installed to collect Landfill Gas in accordance with USEPA requirements; and

WHEREAS, Bio Energy (Ohio II), LLC, a Delaware limited liability company doing business in Ohio, ("Bio Energy") purchases Landfill Gas from the Landfill and utilizes the Landfill Gas to generate electricity for export into the ATSI transmission system through the Oberlin Municipal Light and Power System; and

WHEREAS, Bio Energy desires to continue to purchase the Landfill Gas collected at the Landfill; to process, refine and convert the Landfill Gas to clean Renewable Natural Gas, ("RNG"); and to facilitate the transmission of the RNG for resale; and

WHEREAS, the Oberlin City Council approved the sale of the surplus property at 520 Hill Creek by Ordinance No. 21-26 to Bio Energy in order to facilitate the construction of a refinement and production facility, ("Facility"); and

WHEREAS, Bio Energy requires easements to enable the installation of gas lines to facilitate the transport of Landfill Gas to the Facility and RNG off-site; and

WHEREAS, operation of the proposed Facility will require the purchase of a significant amount of electricity from the City of Oberlin which will generate an estimated \$800,000 in annual revenue which will help offset the annual cost of electric service by \$500,000 for Oberlin ratepayers; and

WHEREAS, the proposed Facility will create environmental benefits to the City and region, increased fuel diversity and security, economic development and local revenue which are cited in the Oberlin 2019 Climate Action Plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, Lorain County, State of Ohio:

SECTION 1. That the City Manager is hereby authorized and directed to enter into easement agreements with Bio Energy, substantially in the forms as attached hereto as Exhibits A and B.


SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all

deliberations of this Council and of any of its committees that resulted 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 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to facilitate the creation of economic and environmental benefits to the City of Oberlin and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: December 20, 2021
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



LINDA SLOCUM
PRESIDENT OF COUNCIL

POSTED: 12/21/2021

EFFECTIVE DATE: 12/20/2021