

CITY OF OBERLIN, OHIO

ORDINANCE No. 23-87 AC CMS

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR AN EXTENSION OF A LEASE OF PROPERTY TO BIO ENERGY (OHIO II), LLC, FOR USE AS A STAGING AREA FOR THE CONSTRUCTION OF A RENEWABLE NATURAL GAS PROCESSING FACILITY AND AN ELECTRIC SUBSTATION ON HILL CREEK DRIVE AS AN EMERGENCY MEASURE

WHEREAS, on or about January 28, 2022, and pursuant to the authority of Ordinance No. 22-03 AC CMS, the City as Lessor and Bio Energy as Lessee entered into a Short Term Lease Agreement (the “Lease”) under which Bio Energy leased from the City certain real property located on Hill Creek Dr. in Oberlin, Ohio for use as a laydown area for storing materials and equipment relative to Bio Energy’s construction of a renewable natural gas processing plant; and

WHEREAS, the term of said Lease expires on December 31, 2023; and

WHEREAS Bio Energy has requested that the City agree to extend the Lease term until June 30, 2024.

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 execute a Short Term Lease Extension Agreement with Bio Energy (Ohio II), LLC, a Delaware limited liability company, substantially in the form attached hereto as **Exhibit A**.

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 18, 2023

2nd Reading: _____

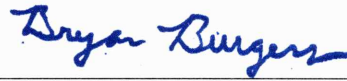
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 12/19/2023



BRYAN BURGESS
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 12/18/2023