

**CITY OF OBERLIN, OHIO**

**ORDINANCE No. 24- 35 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 SOUND BARRIER WALL AT 520 HILL CREEK DRIVE TO GO INTO IMMEDIATE EFFECT

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 Drive 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 June 30, 2024; and

WHEREAS, Bio Energy has requested that the City agree to extend the Lease term until December 31, 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. To authorize a Lease Extension Agreement and provided that at least five (5) members of Council determine by motion, this Ordinance shall go into full force and effect immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading: June 3, 2024

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:



\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL



\_\_\_\_\_  
EBONI A. JOHNSON  
PRESIDENT OF COUNCIL

POSTED: 06/04/2024

EFFECTIVE DATE: 06/03/2024

**EXHIBIT A**

**AGREEMENT FOR EXTENSION OF LEASE**

This Short-Term Lease Extension Agreement (this "Agreement") is entered into this <sup>2<sup>th</sup></sup> day of June, 2024 between the City of Oberlin, an Ohio municipal corporation (the "City"), and Bio Energy (Ohio II), LLC, a Delaware limited liability company, ("Bio Energy").

WHEREAS, on or about January 28, 2022, 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 Drive 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 June 30, 2024; and

WHEREAS, Bio Energy has requested that the City agree to extend the Lease term until December 31, 2024.

NOW, THEREFORE, the City and Bio Energy agree as follows:


That the term of the Lease shall be extended until no later than December 31, 2024.

Rent in the amount of Six Hundred Dollars (\$600.00) shall be payable to the City on or before the first day of each month that Bio Energy utilizes the property that is subject to the Lease. All other terms and conditions of the Lease not inconsistent herewith shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Bio Energy have executed this Agreement as of the date first written above.

WITNESS:

City of Oberlin:

By:   
\_\_\_\_\_  
Jon Clark

Its: Interim City Manager

Bio Energy (Ohio II), LLC, a Delaware limited liability company

By: Bio Energy (I), LLC, its sole member

By: Bio Energy (US), LLC, its sole member

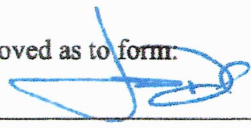
By: EDL Holdings (US), Inc., its sole member

By: RO

RAYMOND IVERS

Printed Name

Its: PRESIDENT, OPERATIONS

Approved as to form: 

Jon D. Clark, Law Director