

RESOLUTION NO. 2020-03-016R

**A RESOLUTION APPROVING A SOLAR FACILITY GROUND LEASE WITH SOLAR
STAR URBANA LANDFILL EAST, LLC**

(Lease for Construction and Operation of Solar Array on East Portion of Landfill)

WHEREAS, the City of Urbana (hereinafter, the “City”) is an Illinois home rule unit of local government pursuant to Section 6 of Article VII of the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and

WHEREAS, the City Council for the City of Urbana, Illinois has a strong interest in fostering the development and use of sustainable, non-fossil fuel, energy sources including, but not limited to energy generated by solar power arrays; and

WHEREAS, the City owns certain property commonly known as the “Urbana Landfill Complex” a portion of which is readily suitable for solar energy development is situated in Champaign County, Illinois (hereinafter, the “Landfill”); and

WHEREAS, the Champaign Urbana Solid Waste Disposal System (CUSWDS) owns certain property within the “Urbana Landfill Complex” a portion of which is readily suitable for solar energy development is situated in Champaign County, Illinois (hereinafter, the “Landfill”); and

WHEREAS, the City of Urbana is one of two members of CUSWDS; and

WHEREAS, for a period of years the Landfill operated as a landfill which operation ended decades ago; and

WHEREAS, the landfill operation on the Landfill was closed in accordance with then applicable environmental state and federal statutes, rules and regulations; and

WHEREAS, the City and CUSWDS have maintained the Landfill since the same was closed; and

WHEREAS, since the closing, the portion of the Landfill subject to this resolution has provided little or no economic value to the City or CUSWDS; and

WHEREAS, SunPower Corporation, directly or through one or more of its affiliated organizations including but not necessarily SunPower DevCo., LLC, (hereinafter, collectively, “SunPower”) is in the business of leasing property and constructing solar power generating facilities on such property; and

WHEREAS, SunPower and the City executed a lease option on December 17, 2018 with a term of twenty-four (24) months during which SunPower could undertake such due diligence as it determines appropriate in order to assess and ascertain whether the Landfill would be suitable upon which to construct, operate and maintain one or more solar power generating arrays; and

WHEREAS, SunPower has secured state and federal incentives as well as private investment to develop two low income community solar arrays on the landfill; and

WHEREAS, SunPower and its investor have created the holding company Solar Star Urbana Landfill East, LLC to own the solar array on the east portion of the landfill; and

WHEREAS, the lease agreement provides that Solar Star Urbana Landfill East, LLC would pay to pay the City of Urbana and CUSWDS \$300,000 in one payment for a 15 year Lease for the array location to the east side of the landfill complex. Payments for the east solar array shall be made such that thirty four percent (34%) is paid to the City and sixty six percent (66%) is paid to CUSWDS.

WHEREAS, Solar Star Urbana Landfill East, LLC would sell electricity generated by one or more of Solar Star Urbana Landfill East, LLC's solar arrays to customers through Ameren Illinois' electric grid which may, but not necessarily include the City of Urbana; and

WHEREAS, the CUSWDS Board will also need to execute the Solar Facility Ground Lease with Solar Star Urbana Landfill East, LLC; and

WHEREAS, the City Council and CUSWDS deem it appropriate, consistent with its goal of fostering the development and maintenance of sustainable, non-fossil fuel, energy including solar power, for the City to enter into a Solar Facility Ground Lease with Solar Star Urbana Landfill East, LLC in substantially the form appended hereto and made a part hereof as Exhibit A and the exhibits appended to such Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

The Solar Facility Ground Lease the exhibit appended thereto and incorporated therein in substantially the form appended hereto Exhibit A and incorporated herein by reference, shall be and the same is hereby authorized and approved.

Section 2.

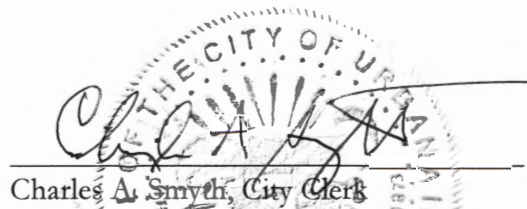
The Mayor of the City of Urbana, Illinois, shall be and the same is hereby authorized to execute on behalf of the City of Urbana, Illinois and deliver the same to the City Clerk of the City of Urbana, Illinois, the latter being and the same being hereby authorized to attest to said execution of the Solar Facility Ground Lease as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this 23rd day of March, 2020.

AYES: Brown, Colbrook, Hursey, Jakobsson, Miller, Roberts, Wu

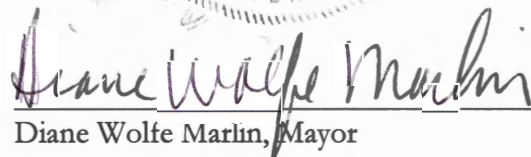
NAYS:

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 24th day of March, 2020.



Diane Wolfe Martin, Mayor