



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 22-0133      **Version:** 1

**Type:** Consent      **Status:** Agenda Ready

**File created:** 10/15/2021      **In control:** Baldwin County Commission Regular

**On agenda:** 10/19/2021      **Final action:**

**Title:** Baldwin County Solid Waste Gas-to-Energy Project Located at Magnolia Sanitary Landfill

**Indexes:**

**Attachments:** 1. Landlord's Release and Waiver Agreement, 2. Memorandum of Lease

Date	Ver.	Action By	Action	Result
10/19/2021	1	Baldwin County Commission Regular	Approved	Pass

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 10/19/2021

**Item Status:** Addendum

**From:** Terri Graham, Development and Environmental Director; Wanda Gautney, Purchasing Director

**Submitted by:** Allison Owens, Chief Administrative Assistant

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### **ITEM TITLE**

Baldwin County Solid Waste Gas-to-Energy Project Located at Magnolia Sanitary Landfill

### **STAFF RECOMMENDATION**

Authorize the Chairman to execute the following agreements:

- 1) Landlord's Release and Waiver Agreement between the Baldwin County Commission (landlord) and West Town Bank & Trust (lender); and
- 2) Memorandum of Lease between the Baldwin County Commission and AEP Renewable Fuels, LLC.

The aforementioned agreement titled Landlord's Release and Waiver Agreement will waive certain landlord rights in favor of the lender on the project and the Memo of Lease will summarize the terms of the lease for the Baldwin County Judge of Probate Recording Documentation.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** See below.

08/03/2021 BCC Regular Meeting: Authorized the execution of the Baldwin County Solid Waste Landfill Gas-to-Energy project located at the Magnolia Sanitary Landfill.

Assignment, Assumption and Amendment of Landfill Gas Rights Agreement between Baldwin County

Commission and AEP Renewable Fuels, LLC; and  
Assignment, Assumption and Amendment of Ground Lease Agreement between Baldwin County  
Commission and AEP Renewable Fuels, LLC.

The aforementioned agreements allow the effective date to be extended for ninety (90) days to  
November 17, 2021, and limited assignments by the assignor and assignee

02/02/2021 BCC Regular Meeting: Authorized the execution of the Landfill Gas Rights Agreement  
and the Ground Lease Agreement between Baldwin County Commission and AEP Renewable Fuels,  
LLC for the Baldwin County Solid Waste Landfill Gas-to-Energy project located at the Magnolia  
Sanitary Landfill along with the Letter of Effectiveness or Written Modification for both the Landfill Gas  
Rights Agreement and the Ground Lease Agreement. Both Agreements to commence on February  
2, 2021, and be effective for fifteen (15) years from the Commercial Operations Date, with an option  
to extend for additional five (5) year period.

10/15/2019 meeting: Authorized staff to begin negotiations with AEP Renewable Fuels, LLC, so that  
a final recommendation for award can be made to the Baldwin County Commission for the Baldwin  
County Solid Waste Landfill Gas-to-Energy project located at the Magnolia Sanitary Landfill.

07/16/2019 meeting: Authorized the Purchasing Director to solicit a Request for Proposals (RFP) for  
Developing a Baldwin County Solid Waste Landfill Gas-to-Energy project.

### **FINANCIAL IMPACT**

**Total cost of recommendation:** Revenue to the County

**Budget line item(s) to be used:** Magnolia Landfill - TBD

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

### **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
Yes

**Reviewed/approved by:** Approved by Brad Hicks, County Attorney

**Additional comments:** N/A

### **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

### **FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** 08/03/2021

**Individual(s) responsible for follow up:** Wanda Gautney, Purchasing Director

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**

Executed Contract to Vendor:

AEP Renewable Fuels, LLC  
Attn: Tony Erwin  
1400 Buford Highway, Suite E-2  
Buford, Georgia 30518

**Additional instructions/notes:** N/A