



# Baldwin County Commission

## Legislation Details (With Text)

|                      |  |                      |                                   |
|----------------------|--|----------------------|-----------------------------------|
| <b>File #:</b>       | 22-0251  | <b>Version:</b>      | 1                                 |
| <b>Type:</b>         | Addenda  | <b>Status:</b>       | Agenda Ready                      |
| <b>File created:</b> | 11/15/2021   | <b>In control:</b>   | Baldwin County Commission Regular |
| <b>On agenda:</b>    | 11/16/2021   | <b>Final action:</b> |                                   |
| <b>Title:</b>        | Baldwin County Solid Waste Gas-to-Energy Project Located at the Magnolia Sanitary Landfill - Second Amendments to Landfill Gas Rights and Ground Lease Agreements  |                      |                                   |
| <b>Indexes:</b>      |  |                      |                                   |
| <b>Attachments:</b>  | 1. AEP Magnolia RNG.Second Amendment of Landfill Gas Rights Agreement - 20211115, 2. AEP Magnolia RNG.Second Amendment of Ground Lease - 20211115, 3. AEP Magnolia RNG.Agreement and First Amendment of Landfill Gas Rights Agreement - 20210803, 4. AEP Magnolia RNG.Agreement and First Amendment of Ground Lease - 20210803 |                      |                                   |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 11/16/2021

**Item Status:** Addendum

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

**Submitted by:** Allison Owens, Operations Support Manager

### ITEM TITLE

Baldwin County Solid Waste Gas-to-Energy Project Located at the Magnolia Sanitary Landfill - Second Amendments to Landfill Gas Rights and Ground Lease Agreements

### STAFF RECOMMENDATION

Authorize the Chairman to execute the following documents related to the Baldwin County Solid Waste Landfill Gas-to-Energy project located at the Magnolia Sanitary Landfill:

- 1) Assignment, Assumption and Amendment of Landfill Gas Rights Agreement between Baldwin County Commission and AEP Renewable Fuels, LLC; and
- 2) Assignment and 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 to January 5, 2022, and ratification of assignments and assumption by the lessor and lessee.

### BACKGROUND INFORMATION

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

08/03/2021 BCC Regular Meeting: Authorized the execution of the Amended Landfill Gas Rights Agreement and 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. Extending the effective date of both Agreements to November 17, 2021.

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:** 11/16/2021

**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  
2078 Teron Trace, Suite 350  
Dacula, Georgia 30019-1604

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