

## **RESOLUTION NO. 2011-204**

Adopted by the Sacramento City Council

April 12, 2011

### **EXTENSION OF EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT FOR A GROUND LEASE WITH CONERGY PROJECTS, INC. FOR A SOLAR PHOTOVOLTAIC FARM ON THE 28<sup>th</sup> STREET LANDFILL**

#### **BACKGROUND**

- A. On October 27, 2010 the City Council approved Agreement No. 2010-0913 authorizing an Exclusive Right to Negotiate ("ERN") a ground lease to develop a solar farm on the 28th Street Landfill/Sutter's Landing Park with Conergy Projects, Inc. for an initial term of 120 days, with the option to extend the term for an additional three months. The ERN is scheduled to expire on May 18, 2011.
- B. Staff is recommending a one year extension of the Exclusive Right to Negotiate to: 1) complete the review and approval of the Special Use Permit and CEQA analysis; 2) provide an opportunity for Conergy Projects, Inc. to negotiate a power purchase agreement (PPA); 3) receive direction and approval from the State regulatory agencies; 4) complete an appraisal to determine economic value of the property; and 5) complete negotiations for a lease or option to lease agreement and address comments from the public and the Parks and Recreation Commission.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Manager or his/her designee is authorized to execute the First Amendment to City Agreement No. 2010-0913 to extend the term of the Exclusive Right to Negotiate a Lease with Conergy Projects, Inc. for an additional one year, in the form attached as Exhibit A.
- Exhibit A: First Amendment to Agreement for Exclusive Right to Negotiate a Lease - Solar Photovoltaic Farm on 28<sup>th</sup> Street Landfill

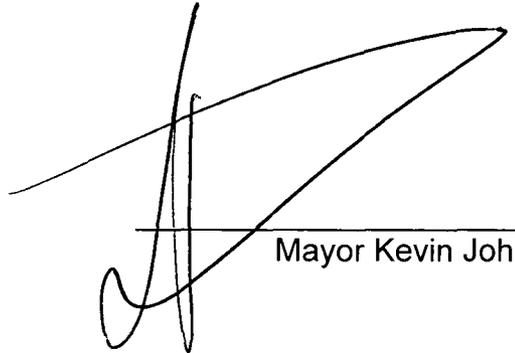
Adopted by the City of Sacramento City Council on April 12, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



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Mayor Kevin Johnson

Attest:

  
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Shirley Concolino, City Clerk