

RESOLUTION # _____

RESOLUTION AUTHORIZING AMENDMENT TO GROUND LEASE AGREEMENT WITH DUKE ENERGY PROGRESS, LLC TO DESIGN, INSTALL AND MAINTAIN A SOLAR PHOTOVOLTAIC POWER ARRAY ON THE OLD COUNTY LANDFILL PROPERTY

WHEREAS, by Resolution # 18-08-06 dated August 21, 2018, this Board approved a Ground Lease Agreement ("Lease") with Duke Energy Progress, LLC ("DEP") for the property located at the closed landfill in Woodfin in order for DEP to conduct due diligence and to design, install, and maintain a solar farm;

WHEREAS, while due diligence efforts progressed, the NC Utilities Commission reviewed the Lease and require changes to the price adjustments for delivery of Renewable Energy Certificates ("RECs");

WHEREAS, under the Lease, DEP has exclusive ownership of the solar generated energy, and rather than employing a rather arbitrary value for the RECs for which the County would pay DEP, the NC Utilities Commission asked that the annual rent payments to be paid to County under the Lease be fully netted and offset by the annual consideration required to be paid by County to DEP for the RECs delivered to County during the Term;

WHEREAS, a proposed First Amendment of Ground Lease Agreement is attached hereto and the same has been approved by the NC Utilities Commission; and

WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to accept the requested changes to the Lease.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That this Board hereby authorizes the Chair of the Board of Commissioners and the County Manager, or any one of them, to execute the attached First Amendment of Ground Lease Agreement.
2. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

3. That this resolution shall be effective upon its adoption.

This the ____ of May, 2021.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chair

APPROVED AS TO FORM

County Attorney