

A LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE

LOCAL LAW INTRO – NO. 1-1 – 2016

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A Local Law Authorizing Extended Period Leases with SolarCity through a Power Purchasing Agreement

Intent:

A local law relating to the leasing of vacant land owned by the County of Erie (the County) at/near the Big Sister Creek Wastewater Treatment Plant site and the Alden Correctional Facility for the purposes of allowing developers to construct solar arrays so the County may purchase the energy generated by these photovoltaic (PV) systems. This Local Law supersedes New York State County Law Section 215, subdivision (4).

Be it enacted by the Legislature of the County of Erie as follows:

Section 1: Findings

The County Legislature hereby finds as follows: (i) that portions of the vacant land on parcel SBL 220.00-1-16 (hereinafter referred to as the “Big Sister Creek Wastewater Treatment Plant parcel”) and parcels SBL 96.00-5-9.1 and 96.00-4-13 (hereinafter referred to as the “Alden Correctional Facility parcels”) are not needed for the County’s purposes and that such land shall be best utilized to the County’s benefit by permitting the lease of land to SolarCity Corporation and/or Greenskies Renewable Energy, LLC. The parcels and the portions that may be leased are shown in Exhibit “A” attached hereto; and (ii) Said properties would be used for the construction of solar PV systems, where SolarCity Corporation and/or Greenskies Renewable Energy, LLC would own, operate, and maintain said systems and the County would purchase the electricity generated.

Section 2: Authorization to Enter in Contract

The County, as authorized under Legislative Communication 17E-5 (2015), may enter into power purchase agreements with SolarCity Corporation and/or Greenskies Renewable Energy, LLC relating to such surplus vacant land pursuant to the conditions set forth in the resolution enacted by the County Legislature and pursuant to the conditions set forth in any Section hereafter.

Section 3: Authorization of Extended Lease Length

Notwithstanding the provisions of Section 215 of New York State County Law or any special act or local law to the contrary, the County shall (i) permit the lease, for a period greater than five (5) years, of any unused portion of the Big Sister Creek Wastewater Treatment Plant parcel and Alden Correctional Facility parcels that are necessary for the power purchase agreements authorized pursuant

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to Legislative Communication 17E-5 (2015); and (ii) The County Legislature shall be notified of the final extents of the areas leased for the power purchase agreements.

Section 4: Assignment of Rights

Should any portion of the Big Sister Creek Wastewater Treatment Plant parcel or Alden Correctional Facility parcels be subdivided, split, or suffixed, the rights provided for in this Local Law shall be transferred to the subdivided, split, or suffixed parcels.

Section 5: Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion herein.

Section 6: Effective Date

This local law shall take effect immediately upon its filing in accordance with Section 27 of the Municipal Home Rule Law.

SPONSOR: Legislator Lorigo

Exhibit "A" (page 1 of 2)

BIG SISTER CREEK WASTEWATER TREATMENT PLANT PARCEL

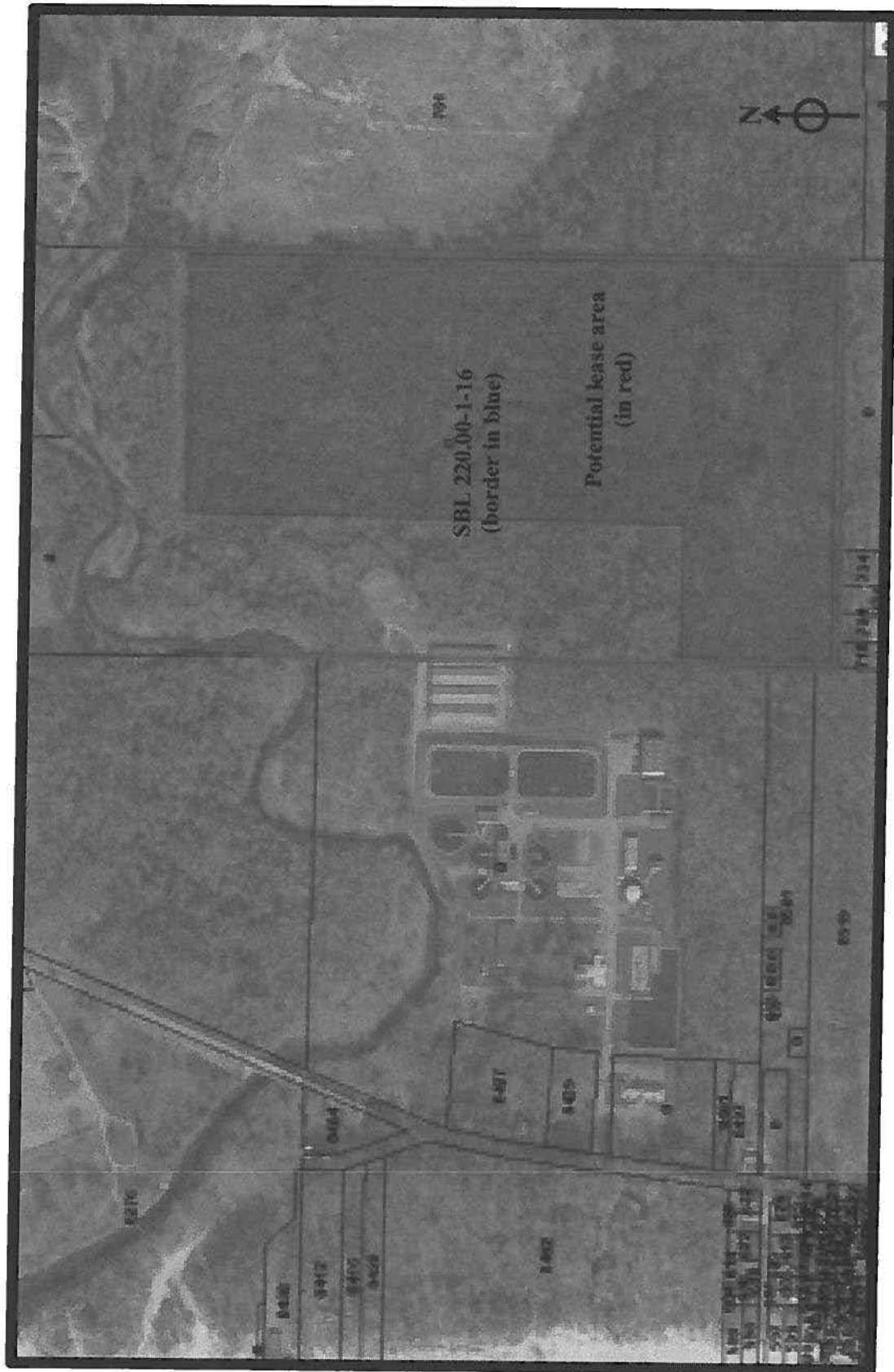


Exhibit "A" (page 2 of 2)

ALDEN CORRECTIONAL FACILITY PARCELS

