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2 **Resolution Relating to**
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RESOLUTION
Sponsor(s): ~~Councilors Keogh,~~
~~Wright, Paul: Bd. of Finance~~

4
5 Introduced: 03/21/11
6 Referred to: _____
7
8 Action: _____
9 Date: _____
10 Signed by Mayor: _____

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14 LEASE AMENDMENT WITH
15 CHITTENDEN SOLID WASTE DISTRICT

16
17 **CITY OF BURLINGTON**

18 In the year Two Thousand Eleven.....

19 Resolved by the City Council of the City of Burlington, as follows:

20 That WHEREAS, the Chittenden Solid Waste District (CSWD) has operated a composting
21 facility in the Burlington Intervale and has been engaged in the process of designing and
22 permitting a new composting facility in Williston; and

23 WHEREAS, in a Settlement Agreement with the Vermont Attorney General, CSWD had
24 to reduce its operational footprint and on-site storage capacity in the Intervale down to 10,000
25 cubic yards by June 30, 2010; and

26 WHEREAS, in order to accomplish the above, CSWD engaged in negotiations with the
27 Community & Economic Development Office (CEDO) for the CSWD to use a portion of the site
28 of the proposed future Intervale Community Food Enterprise Center on Intervale Road for the
29 purpose of short-term storage of finished compost and leaves; and

30 WHEREAS, CSWD and CEDO agreed to a lease (see attached) to cover an initial seven
31 month period thought sufficient for CSWD to utilize until its new facility was ready for use; and

32 WHEREAS, CSWD and CEDO have negotiated a lease amendment to extend the lease
33 period until June 30, 2011 (as permitted by the above referenced Settlement Agreement) to
34 accommodate CSWD needs which resulted from delays in starting up their new facility in
Williston; and

WHEREAS, on March 14, 2011, the Board of Finance reviewed and unanimously voted
to recommend City Council approval of the lease amendment;

36 **Resolution Relating to** LEASE AMENDMENT WITH CHITTENDEN SOLID
37 WASTE DISTRICT

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39 NOW, THEREFORE, BE IT RESOLVED that City Council hereby authorizes Mayor
40 Bob Kiss, on behalf of the City, to execute a Lease, in substantially the form attached hereto,
41 between the City of Burlington and the Chittenden Solid Waste District, subject to the prior
42 review and approval of the City Attorney.

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45 lb/rwh /c: Resolutions 2011/Chittenden Solid Waste District – Lease Amendment re Intervale Community Food Enterprise Ctr.
46 3/15/11

LEASE TERM EXTENSION AGREEMENT
Compost Storage – Intervale Road, Burlington Vermont

Reference is made to the Lease Agreement made as of June 10, 2010 (the "Lease"), by and between the CHITTENDEN SOLID WASTE DISTRICT, ("District"), a union municipal district with an address of 1021 Redmond Road, Williston, Vermont 05495, and the CITY OF BURLINGTON, ("Burlington"), a municipal corporation with an address of City Hall, Burlington, Vermont 05401 for a temporary compost storage facility located on Intervale Road to be utilized by the District on land owned by Burlington. Capitalized terms used herein and not otherwise defined shall have the respective meanings given in the Lease.

WHEREAS, the District desires to extend the Term of the Lease for the temporary compost storage bunker;

NOW, THEREFORE, in consideration of the mutual undertakings and covenants herein contained, the parties agree as follows:

1. Lease Term. Burlington and the District agree to extend the Term of the Lease from January 15, 2011 through June 30, 2011.
2. All other terms and provisions of the Lease will remain in effect other than item 8 (c) where the words "spring of 2011" will be replaced by "summer of 2011".

IN WITNESS WHEREOF, Burlington and the District have duly executed this Lease term Extension Agreement on the date indicated adjacent to the signatures below.

IN PRESENCE OF:

THE CITY OF BURLINGTON

Witness _____

By: _____

Name:

Title:

Date:

CHITTENDEN SOLID WASTE DISTRICT

By: _____

Name: Thomas E. Moreau

Title: General Manager

Date:

Witness _____

