


MAYOR LINDA GORTON



LEXINGTON

TRACEY THURMAN
DIRECTOR
WASTE MANAGEMENT

TO: Linda Gorton, Mayor
Urban County Councilmembers

FROM: 
Nancy Albright, Commissioner
Department of Environmental Quality

DATE: June 28, 2023

RE: Second Amendment to Lease Agreement with Creech Services, Inc.

Request:

This is to request a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to the Lease Agreement with Creech Services, Inc., authorizing the extension for an additional five (5) successive five (5) year terms through January 25, 2056.

Why are you requesting?

Creech Services, Inc., has requested an extension to their existing lease for an additional five successive five year terms, upon the agreement of the Parties for each subsequent extension, to allow the composting of brewers mash once Lessee obtains relevant permits, to allow members of the public to have access to the leased premises for educational purposes with prior written permission of the Lessor, to increase the maximum amount of unprocessed compost material on the site at any given time to no more than 18' high unless such material is in windrows, to extend the renewal options for the Lease, and to address issues relating to water quality and testing.

Should Lessee desire to extend the term of this lease at the end of each five (5) year term, written notice of such desire shall be delivered to the Lessor's Commissioner of Environmental Quality and Public Works, or her equivalent, by no later than ninety (90) days prior to the expiration of the respective term. Lessor agrees that it will not unreasonably withhold approval of requests for additional terms. The additional terms authorized in this amendment shall be in addition to the five (5) successive five (5) year terms previously authorized by the Amendment to the Lease Agreement. As a result of this amendment, the Parties may, upon mutual agreement at the end of each respective term, extend the Lease Agreement through January 25, 2056. Upon being provided notice of termination, Lessee shall stop accepting any new materials on the leased premises, nor make any new improvements and shall thereto timely wind-down its operations at the leased premises to remove all material and equipment therefrom. In no event shall this wind-down period exceed twelve (12) months from the notified end date.

What is the cost in this budget year and future budget years?

There is no cost to the urban county government.

File Number: 730-23
EQPW/Nancy Albright

