

RESOLUTION NO. 169

AUTHORIZING A SITE LEASE AGREEMENT WITH CALIBRANT NY II, LLC FOR THE DEVELOPMENT OF A SOLAR ARRAY AT 897 WATERVLIET SHAKER ROAD IN THE TOWN OF COLONIE

Introduced: 5/8/23

By Conservation, Sustainability, and Green Initiatives Committee:

WHEREAS, The County Executive has requested a Site Lease Agreement with Calibrant NY II, LLC (Calibrant) for the development of a 2.06 Megawatt solar array (system) at 897 Watervliet Shaker Road in the Town of Colonie (premises) in the amount of \$1 for a term of twenty-five years, beginning on the commercial operation date, and

WHEREAS, The County Executive has indicated that the County has consented to the construction of a system by Calibrant at the premises to include solar panels, mounting substrates or supports, wiring and connections, power inverters, service equipment, metering equipment, and utility interconnections, and

WHEREAS, The County Executive has also indicated that the County shall provide Calibrant access to the premises as reasonably necessary to allow for the installation, operation, and maintenance of the system as contemplated in the Power Purchase Agreement, including ingress and egress rights to the premises for Calibrant and its employees, contractors, sub-contractors and electric utility personnel, and access to solar panels and conduits to interconnect the system with the premises electrical wiring, and

WHEREAS, The County Executive has also indicated that the County acknowledges and agrees that Calibrant or one of its affiliates is the exclusive owner and operator of the system, that all equipment comprising the system shall remain the personal property of Calibrant and shall not become fixtures, regardless of the manner in which the system is or may be attached to any real property of the County and the County shall have no right, title or interest in the system or any component thereof, and

WHEREAS, The County acknowledges that Calibrant is the exclusive owner of electric energy generated by the system and owner of all environmental attributes and federal, state, or local financial incentives or benefits attributable to the system, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a twenty-five year Site Lease Agreement with Calibrant NY

II, LLC, Albany, NY 12207, in the amount of \$1 for a term of twenty-five years, beginning on the commercial operation date, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.