

**CITY OF COATESVILLE
COUNTY OF CHESTER**

AN ORDINANCE AUTHORIZING THE CITY OF COATESVILLE TO LEASE THE CITY'S PROPERTY LOCATED AT 120 PRATTS DAM ROAD, WEST BRANDYWINE TOWNSHIP, COUNTY OF CHESTER, UPI NO. 29-8-5.5, TO PRO-TECH ENERGY SOLUTIONS, LLC, FOR PURPOSES OF CONSTRUCTING AND OPERATING A SOLAR ENERGY GENERATION FACILITY ("SOLAR FACILITY"), FOR A TWENTY YEAR TERM, WITH OPTIONS FOR TWO FIVE YEAR EXTENSIONS, WITH AN ANNUAL RENTAL PAYMENT OF NOT LESS THAN FORTY THOUSAND AND 00/100 DOLLARS (\$40,000.00) FOR THE FIRST THREE YEARS OF THE TERM, AN ANNUAL ONE PERCENT ESCALATION OF RENTS IN EACH SUBSEQUENT YEAR BEGINNING IN YEAR FOUR, AND PAYMENT OF RENTS COMMENCING AT THE START OF CONSTRUCTION OF THE SOLAR FACILITY WITH A LUMP SUM PAYMENT OF THE FIRST THREE YEARS OF RENT, AND CONTINUING ANNUALLY THEREAFTER BEGINNING IN YEAR FOUR, ON THE ANNIVERSARY DATE THEREOF, FOR THE REMAINING TERM OF THE LEASE, INCLUDING ANY EXTENSIONS.

WHEREAS, the City of Coatesville (hereinafter the "City") is a Home Rule Municipality operating by means of a home rule charter and the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the City seeks to lease its property located at 120 Pratts Dam Road, West Brandywine Township, County of Chester, UPI No. 29-8-5.5 (the "Property") for the construction and operation of a solar energy generation facility; and

WHEREAS, the City issued a request for proposals to lease the Property for use as a solar facility; and

WHEREAS, in response to the request for proposals, Pro-Tech Energy Solutions, LLC ("Pro-Tech"), submitted a proposal; and

WHEREAS, pursuant to Pro-Tech's proposal it is understood that the term of the lease of the Property shall begin on the date the lease is signed by the parties and shall continue for a period of twenty (20) years, with two (2) extensions of five (5) years each upon the request of Pro-Tech; and

WHEREAS, Pro-Tech will pay rent of not less than \$40,000.00 per year for the first three years of the lease, to be paid in a lump sum on the date construction of the Solar Facility begins; and

WHEREAS, beginning in year four of the lease, rents will be subject to a one percent escalation in that and each succeeding year, which rents shall be payable on each anniversary of the date construction of the Solar Facility began, for the remaining term of the lease, including any extensions; and

WHEREAS, the City Charter, §2-301.G, requires that the City pass an Ordinance authorizing the leasing of real property; and

WHEREAS, the lease will provide the City with revenue and is otherwise beneficial to the City and its residents.

NOW THEREFORE, in accordance with the foregoing authority, which incorporates all rights and powers granted to the City of Coatesville under its Charter and the laws of the Commonwealth of Pennsylvania, it is hereby enacted and ordained as follows:

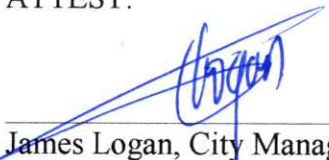
1. The City Council of the City of Coatesville authorizes the President of Council and the City Manager to execute a lease with Pro-Tech Energy Solutions, LLC, in substantially the form attached hereto as Exhibit "A," with such modifications, other than the term of the lease and rents to be paid, as may be necessary to comport with the City Charter, the General Laws of the City of Coatesville, this Ordinance, and as may be in the best interest of the City of Coatesville.
2. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.
3. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof.
4. This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter.

ENACTED AND ORDAINED this 12th day of April, 2021.



Linda Lavender-Norris, President City Council

ATTEST:



James Logan, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 22nd day of March, 2021, was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 12th day of April, 2021, and that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.