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James DePue, *City Manager*
Emily J. Ellis, *City Clerk/Treasurer*
Alvin R. Wall, *City Attorney*

RESOLUTION NO. 27-2024

A RESOLUTION APPROVING A SECOND AMENDMENT TO LEASE AND EASEMENT FOR SOLAR ENERGY SYSTEM, LEASE ESTOPPEL AND AGREEMENT, CONSENT AND ACKNOWLEDGMENT OF SOLAR POWER PURCHASE AGREEMENT, AND FIRST AMENDMENT TO SOLAR POWER PURCHASE AGREEMENT BETWEEN THE CITY OF WRAY AND SE MUNICIPAL SOLAR, LLC

WHEREAS, the City of Wray owns, controls and operates electrical facilities and is engaged in the sale of electric power and energy; and

WHEREAS, SE Municipal Solar, LLC intends to own and operate a generating facility and desires to interconnect it with the City’s electrical system; and

WHEREAS, SE Municipal Solar, LLC and the City of Wray entered into a Power Purchase Agreement (“PPA”) governing the purchase and sale of the electrical output of the Customer generating facility; and

WHEREAS, Effective December 9, 2022, SE Municipal Solar, LLC and the City of Wray entered into a Lease and Easement Agreement for Solar Energy System governing the lease of real property for the location and operations of solar energy generating facility; and

WHEREAS, Effective June 21, 2023, SE Municipal Solar, LLC and the City of Wray entered into a First Amendment to Lease and Easement Agreement for Solar Energy System governing the lease of real property for the location and operations of solar energy generating facility; and

WHEREAS, SE Municipal Solar, LLC and the City of Wray enter into the Second Amendment to Lease and Easement for Solar Energy System, Lease Estoppel and Agreement, Consent and Acknowledgment of Solar Power Purchase Agreement, and First Amendment to Solar Power Purchase Agreement Between The City Of Wray And Se Municipal Solar, LLC.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE WRAY CITY COUNCIL OF THE CITY OF WRAY THAT:

- Section 1: This resolution and Second Amendment to Lease and Easement for Solar Energy System, Lease Estoppel and Agreement, Consent and Acknowledgment of Solar Power Purchase Agreement, and First Amendment to Solar Power Purchase Agreement Between The City Of Wray And Se Municipal Solar, are approved by the City Council.
- Section 2: The City Council authorizes the Mayor and Mayor Pro tem to execute the Second Amendment to Lease and Easement for Solar Energy System, Lease Estoppel and Agreement, Consent and Acknowledgment of Solar Power Purchase Agreement, and First Amendment to Solar Power Purchase Agreement Between The City Of Wray And Se Municipal Solar, LLC and authorize the City Clerk to attest such signature.
- Section 3: Authorizes city staff to implement the agreement.

INTRODUCED, PASSED, APPROVED AND ADPOTED THIS 20TH DAY OF AUGUST, 2024.

ATTEST:

City Clerk: Emily J. Ellis

Mayor: Chad Deyle

Council Members: Chad Deyle, Mayor Pro-Tem Nicole A. Smith, Mayor Pro Tem
Ronald Akey Jennifer Jones Brad Rockwell Ben Gardner Jason Lorenzini