

# Mayor and Council Communication

**DATE:** 02/28/23

**M&C FILE NUMBER:** M&C 23-0169

**LOG NAME:** 21SOUTHEAST LANDFILL SUBLEASE

**SUBJECT**

(CD 8/ FUTURE CD 8) Authorize Execution of Amendment No. 5 to City Secretary Contract No. 28336 with Allied Waste Systems, Inc. d/b/a Republic Services for the Lease and Operation of the Southeast Landfill to Allow for a Sublease and Use of a Concrete Recycling Facility at the Southeast Landfill and Authorize Execution of Consent to a Sublease Agreement Between Republic and South-Point Constructors, a Texas Joint Venture of Kiewit Infrastructure South Co. and Austin Bridge & Road, Limited Partners for the Operation of Concrete Recycling Plant at the Southeast Landfill

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize the execution of Amendment No. 5 to City Secretary Contract No. 28336, with Allied Waste Systems, Inc. d/b/a Republic Services, to amend the terms to allow for a sublease and use of a Concrete Recycling Facility at the Southeast Landfill; and
2. Authorize execution of consent to a sublease agreement between Republic and South-Point Constructors, a Texas Joint Venture of Kiewit Infrastructure South Co. and Austin Bridge & Road, Limited Partners for the operation of a Concrete Recycling Facility at the Southeast Landfill.

**DISCUSSION:**

On November 5, 2002, the City Council authorized City Secretary Contract No. 28336 with Allied Waste Systems, Inc. d/b/a Republic Services (Republic), to lease and operate the City of Fort Worth's (City) Southeast Landfill (Lease). The Lease and ensuing amendments allowed Republic exclusive use to operate the landfill for the life of the site and obligated Republic to accept for disposal solid waste collected by the City's residential curbside collections contractor with certain exceptions such as recyclables and bulk waste. The Lease only allows Republic to operate the Southeast Landfill as a Type 1 Landfill and for no other purpose.

The City received a request from South-Point Constructors and Kiewit Infrastructure South Co.,(Contractors) for Texas Department of Transportation (TxDOT) to temporarily place a concrete recycling facility at the Southeast Landfill. The concrete recycling facility is to be used for the TxDOT Southeast Connector project. The Southeast Connector will rebuild and widen approximately 16 miles of I-20 and I-820. The \$1.6 billion project will widen I-20 to 10 main lanes from I-820 to US 287, and I-820 to eight main lanes from I-20 to Spur 303 (Rosedale Street) and reconstruct the I-20, I-820, and US 287 interchanges. This project will represent the largest investment in transportation infrastructure in the history of TxDOT's Fort Worth district.

To allow for a concrete recycling facility to be placed on the Southeast Landfill, the Lease must be amended to allow for such a purpose. Furthermore, under the lease terms, the City must consent to any sublease.

The City recommends that City Council authorize the execution of an amendment to the Lease to allow for the sublease and use of a concrete recycling facility on the Southeast Landfill and authorize the execution of a consent sublease with terms that are reasonable to the City. The general terms of the sublease are as follows:

- Term beginning on April 1, 2023, and ending August 31, 2027, term length of four (4) years and five (5) months.
- Leased area 4 acres.
- Pay an amount of \$85,172.00 in 5 installments as below:

Year	Amount
April - December 2023	\$12,863.00
2024	\$18,179.00
2025	\$19,270.00
2026	\$20,426.00
January - August 2027	\$14,434.00

Furthermore, the sublessee will be bound by the terms and conditions of the Lease. It shall only use the proposed location at the Southeast Landfill for purposes pursuant to the sublease agreement and for no other purpose.

This property is located in COUNCIL DISTRICT 8/FUTURE COUNCIL DISTRICT 8.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendations and execution of the amendment and sublease agreement, funds will be deposited into the Solid Waste Fund. The Code Compliance Department (and Financial Management Services) is responsible for the collection and deposit of funds due to the City.

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Expedited