

Subject: Transfer Of Strawfloor Buildings and Property

Attachments: Deed of Gift.pdf; City CCSWDA transfer station Termination of Lease.pdf

Tony:

Here are the documents to accomplish the transfer of the Recycling Building Property and the Transfer Station Building. This afternoon a runner will hand-deliver to your office one set of originals on bond paper plus six copies for the committee.

The Transfer Station sits on City property leased from the City. Therefore, we have prepared a lease termination document that returns the land and attachments to the City and voids all future lease obligations. The Authority has taken all necessary steps to close the Transfer Station and has notified ADEQ that the facility has been closed according to applicable regulations.

The Recycling Building sits on land owned by the Authority. I've prepared a Deed of Gift to accomplish this transfer. As we have discussed, Phillip needs to approve the acceptance of the property by way of gift. I have previously discussed with Phillip that, while there are statutory restrictions on a County government's ability to give away property, the Authority's enabling legislation allows it to dispose of property as it sees fit. See Ark. Code Ann. 14-233-103; 14-233-104.

There is one additional "heads up" on the Recycling Building Property. The Recycling Building was built with ADEQ recycling program grant money. Regulation 11 says that facilities and equipment purchased with grant funds can only be transferred for recycling purposes, with ADEQ's consent. APCEC Reg. No. 11.404(H). Generally, ADEQ waives this rule after the item purchased with grant money has been used for recycling purposes for five years. But the Recycling Program coordinator is not sure if the five year "guideline" (it's not a binding rule) applies to buildings. The ADEQ recycling coordinator is checking with ADEQ legal counsel about this question. I'll let you know as soon as we get the green light in writing from ADEQ. I do not, however, anticipate there will be a problem with the transfer.

Please place these transfers on the agenda for the May 1 Public Works Committee meeting. And let me know if you have any questions.

Andy