

RESOLUTION NO. 454

A RESOLUTION REGARDING THE CONSENT OF THE CITY OF STAYTON, OREGON
TO THE TRANSFER OF THE SOLID WASTE COLLECTION FRANCHISE
FROM STAYTON SANITARY SERVICE, INC.
TO UNITED DISPOSAL SERVICES, INC., AN OREGON CORPORATION

WHEREAS, the CITY OF STAYTON, OREGON, hereinafter referred to as CITY, a municipality situated in Marion County, Oregon, acting by and through its Mayor and City Council, passed and enacted that certain Ordinance No. 578, enacted November 3, 1980, as amended by Ordinance No. 669, enacted October 2, 1989, hereinafter referred to as FRANCHISE, granting to STAYTON SANITARY SERVICE, INC., the exclusive right to collect and dispose of solid waste within the CITY; and

WHEREAS, STAYTON SANITARY SERVICE, INC, intends to sell, transfer, and convey all of its assets, including all of its right, title, and interest in the FRANCHISE, to UNITED DISPOSAL SERVICES, INC., an Oregon Corporation; and

WHEREAS, UNITED DISPOSAL SERVICES, INC. is an established solid waste collection and disposal service business and currently provides service to a variety of communities in Marion County, including Woodburn, Sublimity, Aumsville, Salem and unincorporated areas of Marion County; and

WHEREAS, UNITED DISPOSAL SERVICES, INC. has expressed a commitment to recycling, provision of quality solid waste collection service and involvement in the communities it serves; and

WHEREAS, it is in the best interests of the CITY and its citizens to consent to the assignment and transfer of the FRANCHISE to UNITED DISPOSAL SERVICES, INC.

NOW, THEREFORE, be it resolved by the Mayor and the City Council, hereinafter referred to as COUNCIL, of the CITY that:

1. The COUNCIL hereby consents to the transfer and assignment of the FRANCHISE from STAYTON SANITARY SERVICE, INC. to UNITED DISPOSAL SERVICES, INC.
2. Except as specifically set forth in this resolution this consent of the COUNCIL shall not alter, affect, or otherwise change any of the terms and conditions of the FRANCHISE.
3. The City has received a proposal dated December 13, 1990 from UNITED DISPOSAL SERVICES, INC. by and through its agent, Sam Brentano, Santiam Sanitary Service, requesting that the City of Stayton modify rates for solid collection services and the City agrees to consider this rate modification upon receipt of the fully executed acknowledgment described in Section 5 of this resolution.

4. In connection with the assignment and transfer of the FRANCHISE to UNITED DISPOSAL SERVICES, INC., the COUNCIL certifies that:
 - a. The FRANCHISE was duly and validly issued by the CITY, and upon its assignment to UNITED DISPOSAL SERVICES, INC., the duly authorized franchisee will be UNITED DISPOSAL SERVICES, INC.
 - b. The FRANCHISE is in full force and effect as of the date hereof and is valid and enforceable in accordance with its terms.
 - c. No event of default under the FRANCHISE, and no event which could become an event of default with the passage of time or the giving of notice, or both, has occurred and is continuing as of the date hereof.
 - d. All the fees owing to the CITY pursuant to the FRANCHISE have been paid through December 31, 1990.

5. This Resolution shall take effect upon the payment of fees as required in Section 4 (d) and upon execution and submittal of the Acknowledgement of Transfer by authorized representatives of STAYTON SANITARY SERVICE, INC. and UNITED DISPOSAL SERVICES, INC., attached hereto as Exhibit A.

APPROVED BY THE COMMON COUNCIL this 17th day of December 1990.

Signed by the Mayor this 18th day of December, 1990.



 WAYNE L. LIERMAN, MAYOR Date

ATTEST



 DAVID W. KINNEY, CITY ADMINISTRATOR Date 12-18-90

APPROVED AS TO FORM



 DAVID RHOTEN, CITY ATTORNEY Date 12/22/90

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