

RESOLUTION CR-64-08

A RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE FRANCHISE AGREEMENT WITH LOCAL WASTE SERVICES, LLC FOR SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION, TRANSPORTATION AND DISPOSAL

WHEREAS, the City of Grove City ("City") and Local Waste Services, LLC ("Local Waste") previously executed an "Agreement For The Collection, Transportation And Delivery For Disposal Or Processing Of Solid Waste, Recyclable Materials And Yard Waste Generated Within The City Of Grove City, Ohio" ("Agreement") on November 21, 2003 following a bid process for the collection, transportation and disposal of solid waste, recyclables and yards waste as outlined in Chapter 725 of the Codified Ordinances of the City of Grove City, Ohio, and

WHEREAS, the original term for the Agreement was five (5) years, which is due to expire on December 31, 2008, and

WHEREAS, under Section 2.2, the Agreement may be renewed for three (3) additional one (1) year terms upon the same terms and conditions, and

WHEREAS, under Section 725.10 of the Grove City Codified Ordinances the bid and subsequent "contract may contain an escalation clause entitling the franchisee to an annual increase, upon approval of Council, to adequately compensate the franchisee for increases in the cost of fuel for motorized equipment and increases in landfill charges", and

WHEREAS, under Section 10 2, the Agreement "may be modified or amended" by a "writing signed by both parties", and

WHEREAS, the monthly rate charged by Local Waste have not increased since 2005, and

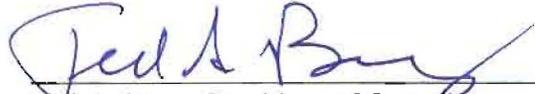
WHEREAS, Local Waste has fulfilled its obligations under the Agreement and the City believes that it is in its best interest to extend this Agreement for one (1) additional year upon the amended terms and conditions, and

WHEREAS, at that end of this extension, the City will be in a better position to bid this contract as it will be on the same bidding schedule as the other municipalities in central Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The City Administrator is hereby authorized to execute an amendment to the franchise agreement with Local Waste Services, LLC for the purpose of collection, transportation and disposal of solid waste, recyclables and yard waste materials, as attached hereto as "Exhibit A".

SECTION 2_ This Resolution shall take effect and be in force at the earliest opportunity allowed by law



Ted A. Berry, President of Council

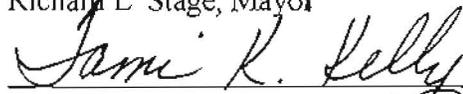
Passed. 12-15-08



Richard L. Stage, Mayor

Effective: 12-15-08

Attest:



Tami K. Kelly, MMC, Clerk of Council

I certify that this
Resolution is correct as to form.



Stephen J. Smith, Director of Law

Exhibit "A"
CR-64-08

**ADDENDUM TO PREVIOUSLY EXECUTED AGREEMENT FOR THE
COLLECTION, TRANSPORTATION AND DELIVERY FOR DISPOSAL OR
PROCESSING OF SOLID WASTE, RECYCLABLE MATERIALS AND YARD WASTE
GENERATED WITHIN THE CITY OF GROVE CITY, OHIO**

WHEREAS, the City of Grove City ("City") and Local Waste Services, LLC ("Local Waste") previously executed an "Agreement For The Collection, Transportation And Delivery For Disposal Or Processing Of Solid Waste, Recyclable Materials And Yard Waste Generated Within The City Of Grove City, Ohio" ("Agreement") on November 21, 2003; and

WHEREAS, under Section 10.2, the Agreement "may be modified or amended" by a "writing signed by both parties"; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and representations contained herein, and for other good and valuable consideration the sufficiency is hereby acknowledged, the parties agree as follows:

1. The Agreement is extended for one (1) additional year until December 31, 2009, incorporating all of the original term and conditions.
- 2 Pursuant to Section 10 2, the City and Local Waste agree to a monthly rate of Thirteen Dollars and Twenty One Cents (\$13.21).

THE CITY OF GROVE CITY

Local Waste Services, LLC

By: _____
Sharon L Reichard
City Administrator

By: _____
Printed Name: _____
Title: _____

Approved as to Form:

Stephen J. Smith, Law Director