

ORDINANCE NO. 93

AN ORDINANCE APPROVING AND RATIFYING THE EXECUTION OF A CONTRACT FOR SOLID WASTE COLLECTION SERVICES; CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF SAID CONTRACT; AND FOR OTHER PURPOSES.

WHEREAS, a solid waste collection services agreement ("Contract") was entered into between the Town of Avoca, Arkansas, and Roll Off Service, Incorporated, on September 14, 2005; and

WHEREAS, Roll Off Service, Incorporated, assigned and transferred its interest in the Contract to Deffenbaugh Industries, now Deffenbaugh of Arkansas, LLC, on or about January 1, 2011; and

WHEREAS, Deffenbaugh of Arkansas, LLC has assumed the rights and obligations of the Contract, and has acknowledged said assumption to the Town of Avoca; and

WHEREAS, on March 8, 2011, Mayor Thomas W. O'Dell, on behalf of the Town, and Deffenbaugh of Arkansas, LLC executed an amendment to the Contract; and

WHEREAS, it has been determined that approval and ratification of the Contract and amendment thereto is in the best interest of the citizens of the Town of Avoca, Arkansas.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Avoca, Arkansas:

Section 1: That the Contract executed by the Mayor and Town Clerk on behalf of the Town with Roll Off Service, Incorporated, granting an exclusive franchise for the collection of solid waste from residential living units within the corporate limits of the Town be and the same is hereby approved, and the action of the Mayor and Town Clerk in executing the Contract is hereby ratified.

Section 2: That the assignment of the Contract by Roll Off Service, Incorporated, to Deffenbaugh of Arkansas, LLC and the assumption of the rights and obligations under the terms of the Contract by Deffenbaugh of Arkansas, LLC is hereby acknowledged and approved.

Section 3: That the amendment to the Contract executed by the Mayor on behalf of the Town of Avoca with Deffenbaugh of Arkansas, LLC on March 8, 2011, be and the same is hereby approved, and the Mayor's execution of said amendment is hereby ratified.

PASSED AND APPROVED this 12th day of June, 2012.

Thomas W. O'Dell

THOMAS W. O'DELL, Mayor

ATTEST:

Diane Bowen

DIANE BOWEN, Town Recorder/Treasurer

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