

AN ORDINANCE designating the Board of Public Works as leasing agent for the City of Fort Wayne, Indiana; approving the lease of recycle carts by the City of Fort Wayne Solid Waste Department; approving a form of lease; authorizing acceptance of a lessor; and approving other actions with respect thereto.

WHEREAS, the City of Fort Wayne, Board of Public Works needs to acquire recycle carts for use by the City of Fort Wayne Solid Waste Department for continued effective operations; and

WHEREAS, the Board of Public Works has, in the past, generally coordinated such leasing and has let bids therefore; and

WHEREAS, various bids have been let for the acquisition of the recycle carts and Common Council approval of the acquisition of said recycle carts is pending; and

WHEREAS, this Common Council now deems it in the public interest to lease said recycle carts rather than purchase said items; and

WHEREAS, sufficient net revenues are available from the City's Solid Waste fund to make lease rental payments on a timely basis as required for the leasing of the recycle carts; and

WHEREAS, a form of lease with option to purchase has been reviewed and is deemed appropriate for the lease of said recycle carts by the City; and

WHEREAS, notices have been published requesting proposals from lessors to acquire the recycle carts and to lease same to the City, pursuant to the terms and conditions contained in the form of lease; and

WHEREAS, the proposed lease provides for fair and reasonable rental and other equitable terms and conditions and, further, that the execution of said lease will permit the use and acquisition of said recycle carts within the present financial capabilities of the City and therefore same is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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1 **SECTION 1.** This Common Council finds that the Board of Public Works
2 should be and hereby is designated as the leasing agent for the City of Fort Wayne,
3 Indiana, for the transaction herein contemplated.

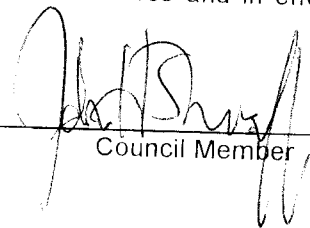
4 **SECTION 2.** The Common Council of the City of Fort Wayne hereby
5 authorizes the City to lease, as lessee, those recycle carts listed on the attached Exhibit "A",
6 made a part hereof. It is understood that the exact lessor purchase costs for such recycle
7 carts listed on the Exhibit "A" shall be determined in accordance with bidding procedures of
8 this City and accordingly subject to approval by this Common Council; however, the gross
9 cost for such purchases excluding financing costs shall not exceed Two Million Seven
10 Hundred Thousand and no/100 Dollars (\$2,700,000).

11 **SECTION 3.** The form of the lease, with option to purchase for said lease
12 is attached hereto as a part hereof, as Exhibit "A". The City shall use this form of lease,
13 with option to purchase, for the transactions herein contemplated and said form of lease is
14 hereby approved and ratified. This lease form may be modified only to the extent that such
15 modifications are not material in form or consideration. Authority is hereby given for the
16 Board of Public Works to enter into the lease upon the determination by the Corporation
17 Counsel.

18 **SECTION 4.** The Board of Public Works of the City of Fort Wayne is
19 hereby empowered and authorized to award lessor rights to the most responsive and
20 responsible bidder.

21 **SECTION 5.** The Mayor and the Board of Public Works are empowered
22 and authorized to execute, on behalf of the City, leases and other documents as
23 contemplated herein with lessor so selected.

24 **SECTION 6.** This ordinance shall be in full force and in effect from and
25 after its passage and approval by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY



Carol Taylor, City Attorney

Read the first time in full and on motion by Staff, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 2011, at _____ o'clock _____ M., E.S.T.

DATED: 12-14-10

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Staff PASSED ~~LOST~~ and duly adopted, placed on its passage. by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>2</u>	_____	<u>1</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	_____	<u>✓</u>	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	_____	<u>✓</u>	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	_____	_____	_____	<u>✓</u>
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 1-18-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. 8-14-11 on the 18th day of January, 2011

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th day of January, 2011, at the hour of 10:00 o'clock AM, M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of January, 2011, at the hour of 3:30 o'clock _____ M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

