

RESOLUTION NO. 2223

A RESOLUTION OF THE GOLDEN CITY COUNCIL ACCEPTING THE ASSIGNMENT OF INTEREST IN RESIDENTIAL WASTE COLLECTION SERVICES AGREEMENT FROM EDS WASTE SOLUTIONS INC. TO WASTE MANAGEMENT OF COLORADO, INC.

WHEREAS, on May 13, 2010, EDS Waste Solutions Inc. ("EDS") and the City of Golden ("Golden") entered into an agreement for Residential Waste Collection Services ("Agreement") whereby EDS would provide the City residential waste collection services and single stream recycling services; and

WHEREAS, EDS desires to leave the waste hauling business and assign its interest in the Agreement to Waste Management of Colorado, Inc. ("Waste Management"), who desires to fulfill the Agreement's obligations; and

WHEREAS, the Agreement provides that any of the rights or obligations of the parties may not be assigned without the written consent of the other party; and

WHEREAS, Golden consents to the Assignment of the Agreement from EDS to Waste Management upon the terms and conditions set forth herein.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

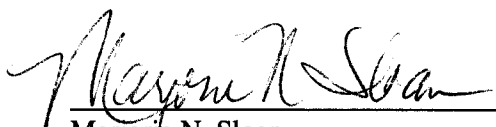
City Council accepts the assignment agreement, substantially in the form attached hereto as Exhibit A. The Mayor is authorized to execute such agreement upon receiving notification from EDS and Waste Management that the Assignment is complete.

Adopted this 25th day of October, 2012.

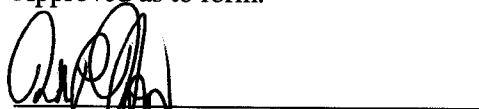



Susan M. Brooks, MMC

City Clerk


Marjorie N. Sloan
Mayor

Approved as to form:


David S. Williamson

City Attorney


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I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a rescheduled regular business meeting thereof held on the 25th day of October, A.D. 2012.



ATTEST:


Susan M. Brooks, City Clerk of the City of
Golden, Colorado

**ASSIGNMENT OF INTEREST IN RESIDENTIAL
WASTE COLLECTION SERVICES AGREEMENT**

THIS ASSIGNMENT OF INTEREST in Residential Waste Collection Services Agreement ("Assignment") is made and entered into this ____ day of _____, 2012, by and between EDS Waste Solutions, Inc., ("EDS" or "Assignor") whose address is 410 Orchard Street, Golden, CO, 80401, and Waste Management of Colorado, Inc., ("Waste Management" or "Assignee"), whose address is _____.

RECITALS

WHEREAS, on May 13, 2010, EDS and the City of Golden ("Golden") entered into an agreement for Residential Waste Collection Services ("Agreement") whereby EDS would provide the City residential waste collection services and single stream recycling services; and

WHEREAS, EDS desires to leave the waste hauling business and assign its interest in the Agreement to Waste Management, who desires to fulfill the Agreement's obligations; and

WHEREAS, the Agreement provides that any of the rights or obligations of the parties may not be assigned without the written consent of the other party; and

WHEREAS, Golden consents to the Assignment of the Agreement from EDS to Waste Management upon the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual terms, conditions, restrictions and requirements contained herein the parties agree as follows:

1. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, EDS/Assignor hereby assigns all of its rights, obligations and duties set forth in the Residential Waste Collection Services Agreement, as agreed upon with Golden to Waste Management/Assignee.
2. Waste Management hereby accepts and assumes all of the rights, obligations and duties of the Residential Waste Collection Services Agreement and shall continue to provide residential waste collection services for Golden pursuant to the Agreement's terms and conditions.

IN WITNESS WHEREOF, the parties hereto have signed and executed this Assignment on the day first written above.

EDS WASTE SOLUTIONS, INC.

By: _____

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Name: Preston Loos

Title: Vice President

WASTE MANAGEMENT OF COLORADO, INC.

By: _____

Name: Scott Bradley

Title: Area Vice President

CONSENT

The foregoing Assignment of Interest in Residential Waste Collection Services Agreement is consented to by:

CITY OF GOLDEN

Marjorie N. Sloan
Mayor

ATTEST:

Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:

David S. Williamson
City Attorney

**ASSIGNMENT OF INTEREST IN RESIDENTIAL
WASTE COLLECTION SERVICES AGREEMENT**

THIS ASSIGNMENT OF INTEREST in Residential Waste Collection Services Agreement ("Assignment") is made and entered into this 1 day of November, 2012, by and between EDS Waste Solutions, Inc., ("EDS" or "Assignor") whose address is 410 Orchard Street, Golden, CO, 80401, and Waste Management of Colorado, Inc., ("Waste Management" or "Assignee"), whose address is 5500 S QUEBEC ST, #250, GREENWOOD VILLAGE, CO 80111

RECITALS

WHEREAS, on May 13, 2010, EDS and the City of Golden ("Golden") entered into an agreement for Residential Waste Collection Services ("Agreement") whereby EDS would provide the City residential waste collection services and single stream recycling services; and

WHEREAS, EDS desires to leave the waste hauling business and assign its interest in the Agreement to Waste Management, who desires to fulfill the Agreement's obligations; and

WHEREAS, the Agreement provides that any of the rights or obligations of the parties may not be assigned without the written consent of the other party; and

WHEREAS, Golden consents to the Assignment of the Agreement from EDS to Waste Management upon the terms and conditions set forth herein.

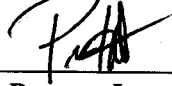
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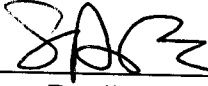
1. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, EDS/Assignor hereby assigns all of its rights, obligations and duties set forth in the Residential Waste Collection Services Agreement, as agreed upon with Golden to Waste Management/Assignee.
2. Waste Management hereby accepts and assumes all of the rights, obligations and duties of the Residential Waste Collection Services Agreement and shall continue to provide residential waste collection services for Golden pursuant to the Agreement's terms and conditions.

IN WITNESS WHEREOF, the parties hereto have signed and executed this Assignment on the day first written above.

EDS WASTE SOLUTIONS, INC.

By: 
Name: Preston Loos
Title: Vice President

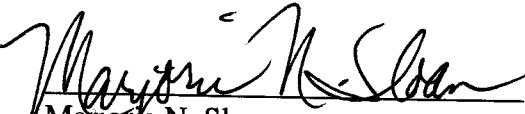
WASTE MANAGEMENT OF COLORADO, INC.

By: 
Name: Scott Bradley
Title: Area Vice President


CONSENT

The foregoing Assignment of Interest in Residential Waste Collection Services Agreement is consented to by:


CITY OF GOLDEN


Marjorie N. Sloan
Mayor




Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:


David S. Williamson
City Attorney