

RESOLUTION R- 3796

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ACKNOWLEDGING THE MERGER OF THE CITY'S SOLID WASTE CONTRACT COLLECTOR FROM WASTE MANAGEMENT - SNO-KING, INC TO WASTE MANAGEMENT - SNO-KING, A DIVISION OF WASHINGTON WASTE HAULING & RECYCLING, INC, AND AMENDING THE EXISTING SOLID WASTE COLLECTION CONTRACT TO REFLECT SAID MERGER

Whereas, Waste Management - Sno-King, Inc, a subsidiary of Waste Management of Seattle, Inc is the solid waste contract collector for the City of Kirkland, and

Whereas, Waste Management of North America, Inc has in a corporate reorganization consolidated its Washington State legal entities resulting in the merger of Waste Management - Sno-King, Inc to Waste Management - Sno-King, a division of Washington Waste Hauling & Recycling, Inc

Whereas, said merge amounts to a technical legal assignment of the contract existing between Waste Management - Sno-King, Inc and the City of Kirkland for solid waste and recycling collection,

Now, Therefore, be it resolved by the City Council of the City of Kirkland as follows

Section 1 The City Council of the City of Kirkland hereby accepts and approves assignment of the City's solid waste and recycling collection contract with Waste Management - Sno-King, Inc from Waste Management - Sno-King, Inc to Waste Management - Sno-King, a division of Washington Waste Hauling & Recycling, Inc subject to the following

a Waste Management - Sno-King, a division of Washington Waste Hauling & Recycling, Inc files with the City a written assignment and acceptance of all duties, liabilities and obligations arising out of said contract during the entire term of said contract, including all duties to perform each and every provision of said contract with said assignment and acceptance to be signed by the appropriate corporate officials of both the assignor and the assignee


b Waste Management - Sno-King, a division of Washington Waste Hauling & Recycling, Inc shall at its expense, obtain and file with the City within thirty days of the adoption of this Resolution, a new or amended performance bond in its name as principal, together with certificates of insurance issued by the appropriate insurance carriers

meeting the insurance requirements set forth in the solid waste collection contract

Section 2 A copy of this resolution, together with a copy of the properly executed assignment and acceptance of contract, shall be certified by the City Clerk for the City of Kirkland and attached to the solid waste collection contract as an amendment thereto


Passed by majority vote of the Kirkland City Council in regular, open meeting this 2nd day of March, 1993

Signed in authentication thereof this 2nd day of March, 1993



MAYOR

Attest



City Clerk

ASSIGNMENT

For value received, Waste Management - Sno-King, Inc., a Washington corporation, the Contractor in the Contract for Solid Waste Collection between the City of Kirkland and Waste Management - Sno-King, Inc. dated December 14, 1989, ("Contract") does hereby transfer and assign all of its rights and delegates all of its duties under the Contract to Waste Management - Sno-King, a division of Washington Waste Hauling & Recycling, Inc., a Delaware corporation, ("Assignee"). A copy of the Contract is attached hereto and is incorporated herein as Exhibit A.

IN WITNESS WHEREOF, Assignor has executed and delivered these presents as of this _____ day of _____, 1993.

ASSIGNOR:

WASTE MANAGEMENT - SNO-KING, INC.

BY: _____

Arthur J. Dudzinski
Its Vice President

ACCEPTANCE BY ASSIGNEE

In consideration of the above Assignment, the Assignee, Waste Management - Sno-King, a division of Washington Waste Hauling & Recycling, Inc., hereby assumes and agrees to perform and keep all promises, covenants, and conditions of said Contract by Waste Management - Sno-King, Inc., the Assignor, to be made, kept and performed; and it is agreed by and between Assignor and Assignee that said Contract is hereby incorporated by reference into this Acceptance, and all of the terms thereof shall be read and understood herein in the same manner as they are expressed in said Contract. This Assignment shall be effective December 31, 1992.

ASSIGNEE:

WASTE MANAGEMENT - SNO-KING, a
division of Washington Waste Hauling
& Recycling, Inc.

BY: _____

Arthur J. Dudzinski
Its Vice President

CONSENT TO ASSIGNMENT

The City of Kirkland, as _____ under the above described Contract, hereby consents and agrees to the foregoing Assignment subject to and upon the terms and conditions therein set forth.

IN WITNESS WHEREOF, _____ has caused these presents to be executed and delivered as of this _____ day of _____, 1993.

ATTEST:

CITY OF KIRKLAND

_____ By: _____