

## **RESOLUTION 2024-15**

### **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF BROKEN BOW, NEBRASKA AUTHORIZING THE SALE OF S & L SANITATION SERVICE AND AN AGREEMENT TO NOVATE CONTRACT WITH THE NEW OWNER.**

WHEREAS, the City of Broken Bow and with S & L Sanitation Service, owner Sherman Porter, entered into a contract for the waste collection service of the City of Broken Bow dated February 13, 2018; and

WHEREAS, pursuant to the aforementioned contract the City of Broken Bow has a First Right of Refusal to buy said S & L Sanitation Service, if sold to new owner and is required to provide written approval of any assignments of the franchise in Section IX of the current contract dated February 13<sup>th</sup> 2018; and

WHEREAS, S & L Sanitation Service is proposing to sell its business operations to Joseph Roach; and

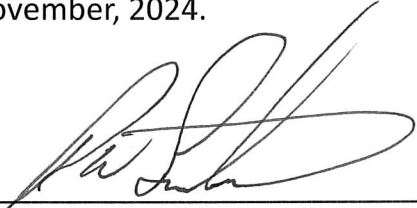
WHEREAS, the City of Broken Bow has reviewed the proposed sale and believes that Joseph Roach is capable of fulfilling the existing contract obligations in a satisfactory manner; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Broken Bow find and determine that:

- 1.) The City of Broken Bow, Nebraska hereby approves the sale of S & L Sanitation Service to Joseph Roach; and
- 2.) The City of Broken Bow, Nebraska shall not exercise it's the First Right of Refusal per Section IX of the current contract at this time; and
- 3.) That notwithstanding the City not exercising it's First Right of Refusal as it relates to the sale to Joeseph Roach the City of Broken Bow specifically retains its right of First refusal for and all future sale transactions.
- 4.) The City of Broken Bow, Nebraska shall execute a novation agreement with S & L Sanitation Service and Joseph Roach, formally transferring all rights and obligations under existing contract to the new owner, effectively replacing S & L Sanitation Service, owner Joseph Roach as the contracted party; and

- 5.) The City of Broken Bow, Nebraska shall conduct necessary due diligence to confirm Joseph Roach's ability to fulfill the contract requirements before finalizing the novation agreement; and
- 6.) This resolution shall become effective upon the execution of the novation agreement and the closing of the sale of S & L Sanitation Service to Joseph Roach.

PASSED AND APPROVED this 12<sup>th</sup> day of November, 2024.

  
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Rodney W. Sonnichsen, Mayor

Attest:

  
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Jennifer A. Waterhouse, City Clerk

