

RESOLUTION NO. 1996-1

A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO SERVICE AGREEMENT BETWEEN THE CITY OF GOTHENBURG, NEBRASKA, AND THE LEXINGTON AREA SOLID WASTE AGENCY; AUTHORIZING THE EXECUTION OF SUCH AMENDMENT TO SERVICE AGREEMENT BY THE OFFICERS OF THE CITY; APPROVING THE ISSUANCE OF BONDS BY SAID AGENCY AND RATIFYING AND CONFIRMING ALL PRIOR ACTIONS TAKEN BY THE CITY WITH RESPECT TO SUCH AGENCY.

BE IT RESOLVED by the Mayor and Council of the City of Gothenburg, Nebraska, (the "City") as follows:

Section 1. The Mayor and Council hereby find and determine that the City is a member of the Lexington Area Solid Waste Agency (the "Agency") and has previously entered into a Service Agreement with the Agency (as amended to date, the "Service Agreement") and that it is necessary and advisable for the City to enter into an Amendment to Service Agreement with the Agency, amending the Service Agreement to provide for the issuance of bonds by the Agency as "Facility Bonds" in calendar 1996; that an Amendment to Service Agreement for such purpose has been prepared and submitted for approval by the Mayor and Council and that it is necessary and advisable that said Amendment to Service Agreement be approved and its execution authorized.


Section 2. The Mayor is hereby authorized to execute and deliver for and on behalf of the City the Amendment to Service Agreement with the Agency in substantially the form presented but with such changes as such officer shall deem appropriate for and on behalf of the City.

Section 3. The issuance of said Facility Bonds by the Agency, as proposed, in an amount not to exceed \$5,000,000, in accordance with the terms of the Service Agreement as amended by said Amendment to Service Agreement, is hereby approved.

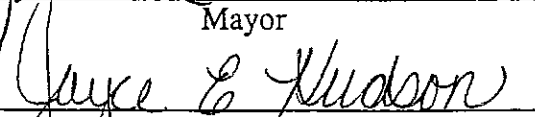
Section 4. All prior actions taken by the City with respect to the Agency, membership of the City therein and the Service Agreement are hereby ratified and confirmed in all respects and the officers of the City, or any one of them, are hereby authorized to execute and deliver for and on behalf of the City any and all certifications requested by said Agency relating to said Service Agreement and said Amendment to Service Agreement as authorized by this resolution.

Section 5. This resolution shall be in force and take effect from and after its adoption as provided by law.

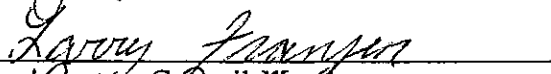
PASSED AND APPROVED this 5th day of March, 1996.




Mayor



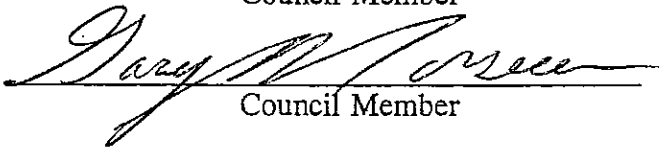
Council Member



Council Member



Council Member



Council Member

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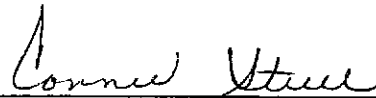
ATTEST:



City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Gothenburg, in the State of Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the City Council on March 5, 1996; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the Office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four (24) hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes for which the foregoing proceedings have been extracted were in written form and available for a public inspection within ten (10) working days prior to the next convened meeting of said body; and that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.



City Clerk

AMENDMENT TO SERVICE AGREEMENT

This Amendment to Service Agreement is entered into this _____ day of _____, 1996, by and between the _____ of _____, Nebraska (the "User"), and the Lexington Area Solid Waste Agency (the "Agency").

WITNESSETH:

WHEREAS, the User and the Agency have entered into an agreement entitled "Service Agreement," dated _____, 1994, as amended (the "Service Agreement") and certain circumstances require that the Service Agreement be further amended to provide that the term "Facility Bonds" as used in the Service Agreement shall mean and include all revenue bonds of the Agency to be issued in calendar 1996 in an amount not to exceed \$5,000,000;

WHEREAS, the User and the Agency desire to enter into this Amendment to Service Agreement (this "Amendment") for such purposes;

NOW THEREFORE, the User and the Agency in consideration of the mutual covenants and agreements herein contained do hereby covenant and agree as follows:

1. Confirmation of Terms of Service Agreement/Amendment of Definition of "Facility Bonds". The terms and conditions of the Service Agreement, except as amended by this Amendment are hereby confirmed. The definition of the term "Facility Bonds" as provided for in parentheses in the fourth WHEREAS clause of the original form of the Service Agreement is hereby amended to provide that the term "Facility Bonds" shall be defined for all purposes of the Service Agreement, as previously amended and as hereby amended, to mean and include all revenue bonds of the Agency issued pursuant to Section 13-814, R.R.S. Neb. 1943, in an amount not to exceed \$5,000,000 in calendar 1996. All contractual agreements and undertakings of the User set forth in the Service Agreement shall extend and apply to any and all such "Facility Bonds" as so issued in such year within such limitation.

2. Counterparts. This Amendment may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

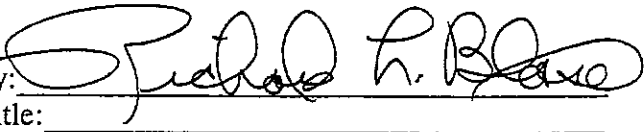
3. Laws Governing Amendment. The effect and meaning of the Service Agreement as amended by this Amendment and all rights of all parties hereunder shall be governed by and construed according to the laws of the State of Nebraska.

4. Severability. If any one or more covenants or agreements provided in this Amendment on the part of the User or the Agency to be performed shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements, and shall in no way affect the validity of any other provisions of this Amendment.

5. Successors and Assigns. All the covenants and representations contained in this Amendment, by or on behalf of the User or the Agency, shall bind and inure to the benefit of its successors and assigns whether so expressed or not.

IN WITNESS WHEREOF, the User and the Agency have caused this Service Agreement to be executed on their behalf by their respective officers thereunto duly authorized.

Gothenburg, NEBRASKA

By: 
Title: _____

LEXINGTON AREA SOLID WASTE
AGENCY

By: _____
Chairman