

COTTONWOOD HEIGHTS

RESOLUTION NO. 2016-65

A RESOLUTION APPROVING ENTRY INTO A LEASE-PURCHASE AGREEMENT WITH ZB, NATIONAL ASSOCIATION, FOR THE LEASE OF PUBLIC WORKS VEHICLES AND AUTHORIZING THE EXECUTION AND DELIVERY OF ALL RELATED DOCUMENTS AND THE TAKING OF ALL REQUIRED ACTIONS

WHEREAS, the city of Cottonwood Heights (the “*City*”) is a Utah municipality authorized by Utah law to lease property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the City has determined that a true and very real need exists for the leasing of vehicles and associated equipment (collectively, the “*Vehicles*”) for the City’s use in performing its essential governmental function of providing public works services within the City’s jurisdiction; and

WHEREAS, in order to lease the Vehicles, the City proposes to enter into a “Lease Purchase Agreement” (with all related documents and exhibits, the “*Agreement*”) with ZB, National Association (the “*Lessor*”); and

WHEREAS, the City has taken the necessary steps (including any legal bidding requirements) under applicable law to arrange for the leasing of the Vehicles under the Agreement; and

WHEREAS, the City’s municipal council (the “*Council*”) met in regular session on 9 August 2016 to consider, among other things, approving the City’s entry into the Agreement; and

WHEREAS, the Council has reviewed the form of the Agreement, a photocopy of which is annexed hereto; and

WHEREAS, after careful consideration, the Council has determined that the terms of the Agreement are acceptable and that it is in the best interests of the City and its efficient administration, and the health, safety and welfare of the City’s residents, to approve the City’s entry into the Agreement as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Approval of Agreement.** The form, terms and provisions of the Agreement are hereby approved in substantially the form attached to this resolution (this “*Resolution*”), with such insertions, omissions and changes as shall be approved by the City’s mayor in consultation with the City’s manager and attorney. The execution of the Agreement shall be conclusive evidence of such approval.

Section 2. **Execution and Delivery.** The City's mayor and recorder are hereby authorized to execute and deliver the Agreement and any related documents necessary or advisable to consummate the transactions contemplated by the Agreement for and on behalf of the City.

Section 3. **Other Actions Authorized.** The City's officers and employees shall take all other actions necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by the Agreement.

Section 4. **Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.

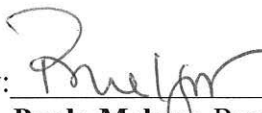
Section 5. **Repealer.** All orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any order, resolution or ordinance or part thereof.

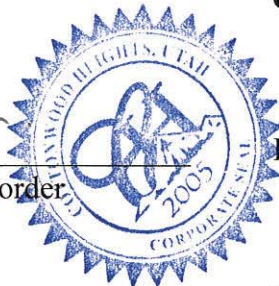
This Resolution, assigned no. 2016-65, shall take effect immediately upon passage.

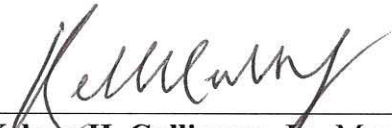
PASSED AND APPROVED this 9th day of August 2016.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Paula Melgar, Recorder



By: 
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 9th day of August 2016.

RECORDED this 9th day of August 2016.