

RESOLUTION NO. R-16-25

**A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO
ENTER INTO A LEASE AGREEMENT WITH THE
HUNTINGTON PUBLIC CAPITAL CORPORATION
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon, (the “Lessee”) is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, pursuant to Resolution R-26-21, the city is authorized to make purchases through the Sourcewell Cooperative Purchasing Program under ORC Section 9.48(B)(2);

WHEREAS, Lessee (city) is duly authorized by applicable law to lease personal property, as needed, to carry out its governmental functions; and

WHEREAS, City Council hereby finds and determines that the execution of a lease-purchase agreement and all exhibits thereto in the principal amount not to exceed **One Hundred, Fifty-nine Thousand, Nine Hundred, Eighty-two Dollars and 95/100** (\$159,982.95) for the purpose of leasing a **Case 621G2 ZBAR Wheel Loader together with all attachments thereto**, with the option to purchase the property designated as set forth herein, is appropriate and necessary to the function and operations of the Lessee; and

WHEREAS, Huntington Public Capital Corporation or an affiliated or related entity, (the “Lessor”), shall act as Lessor under said Lease; and

WHEREAS, the Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State; and

WHEREAS, Council, having reviewed the Lease, finds it to be in the best interest of the health, safety and welfare of the citizens of Avon that the Finance Director be authorized to enter into a Lease Agreement with Huntington Public Capital Corporation or related entities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 – That the Director of Finance, (“**Authorized Representative**”) acting on behalf of the City of Avon, the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver a Property Lease in substantially the form set forth herein, which document is available for public inspection at the office of the Lessee, for a **Case 621G2 ZBAR Wheel Loader together with all attachments thereto**, through the Sourcewell cooperative purchasing organization (See [Exhibit A](#)). The Authorized Representative, acting on behalf of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Property Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Property Leases are hereby authorized.

Resolution No. 16-25 (Con't)

Section 2 – That by a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Property Lease on behalf of the Lessee.

Section 3 – That the aggregate original principal amount of the Property Lease shall not exceed the Principal Amount of **One Hundred, Fifty-nine Thousand, Nine Hundred, Eighty-two Dollars and 95/100** (\$159,982.95) and shall bear interest as set forth in the Property Lease and the Property Lease shall contain such options to purchase or prepay by the Lessee as set forth therein.

Section 4 – That Lessee's obligations under the Property Lease shall be subject to annual appropriation or renewal by City Council as set forth in the Property Lease and the Lessee's obligations under the Property Lease shall not constitute general obligations of the Lessee or indebtedness under the Constitution or laws of the State. In addition, the funds necessary to meet the principal and/or interest payments under the Property Lease for the current fiscal year are hereby appropriated.

Section 5 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to purchase new equipment for the Service (Utilities) Department; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

Resolution R-16-25 (Con't.)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted:

Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director