

## ORDINANCE NO. NS-2329

### AN ORDINANCE AMENDING BEND CODE SECTION 11.160.060 TO TRANSFER SOLID WASTE FRANCHISE RIGHTS FROM BEND GARBAGE COMPANY, INC. TO ALLIED WASTE TRANSFER SERVICES OF OREGON, LLC dba REPUBLIC SERVICES OF OREGON AND DECLARING AN EMERGENCY

#### Findings:

- A. Bend Code 11.16.060 grants a franchise to Bend Garbage Company, Inc. to provide solid waste collection services in a portion of the City.
- B. Bend Garbage Company, Inc. has agreed to sell its assets, including the Bend solid waste franchise, to Allied Waste Transfer Services of Oregon, LLC, dba Republic Services of Oregon.
- C. The City Council approves the transfer described in Finding B.

Based on these findings, the City of Bend ordains as follows:

**Section 1.** Bend Code Section 11.16.060 is amended to read:

#### **11.16.060 Grant of Exclusive Franchise, Franchise Territories.**

A. Bend Garbage Company, Inc., and Waste Connections, Inc., are the City's solid waste collection franchisees as established by Ordinance NS-1272, as amended, and have the exclusive right, privilege and franchise to provide service within the City limits, including any area that is added to the City, and to use the streets of the City for that purpose. Bend Garbage Company, Inc. has transferred, with City approval, its franchise to Allied Waste Transfer Services of Oregon, LLC dba Republic Services of Oregon ("Republic Services"). The respective exclusive franchise areas of Republic Services and Waste Connections, Inc. are shown on Exhibit A and the dividing line between the two areas is described in Subsection B of this section.

B. The dividing line between the two exclusive franchise areas extends from the western and eastern city limits (present and future). Republic Services provides service in the City limits north of this line and Cascade Disposal, Inc. provides service in the City limits south of this line:

1. The southerly line of Sections 30, 29, 28, 27, 26, and 25, T17S, R10 and 11E W.M. easterly to the intersection of the centerline of NW Shevlin Park Road.
2. The centerline of NW Shevlin Park Road from the intersection with the southerly line of Section 25, T17S, R11 W.M. to its easternmost point.

3. The centerline of NW Newport Avenue from its westernmost point to the intersection with NW Nashville Avenue (centerline of Nashville Avenue).
4. The centerline of NW Nashville Avenue from the intersection with NW Newport Avenue (centerline) to NW Nashville Avenue's southeasternmost point (edge of right-of-way).
5. A straight line connecting the centerline of the southeasternmost point of NW Nashville Avenue to the midpoint of the intersection of NW Louisiana Avenue and NW Riverside Boulevard.
6. The centerline of NW Riverside Boulevard from the intersection with NW Louisiana Avenue to the point where NW Riverside Boulevard becomes NW Franklin Avenue.
7. The centerline of NW Franklin Avenue from NW Riverside Avenue to the intersection with Oregon Trunk Railway tracks.
8. The Oregon Trunk Railway tracks north to the intersection with the centerline of Greenwood Avenue.
9. The centerline of Greenwood Avenue (Highway 20) from the intersection of the Oregon Trunk Railway easterly to the intersection of a line being the projection of Eagle Road south to the intersection with the centerline of Greenwood Avenue (Highway 20).
10. The line being the projection of Eagle Road north from the centerline of Greenwood Avenue (Highway 20) north to the intersection of Eagle Road and Neff Road and the southerly line of Section 26, T17S, Range 13E W.M.
11. The southerly line of Section 26, T17S, Range 13E W.M. from the intersection with Eagle Road easterly along the southerly line of Sections 26, 25, 30, 29, 28, 27, 26, 25 of T17S, Ranges 13E and 14E W.M. to the easterly Deschutes County Line.

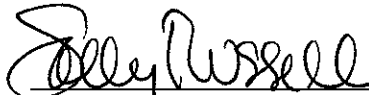
**Section 2.** All other provisions of the Bend Code, including all other sections of Bend Code Chapter 11.60 remain in effect.

**Section 3.** This ordinance is necessary to maintain solid waste collection services and is necessary for the immediate preservation of the peace, health and safety of the City and takes effect immediately upon adoption and signature.

First Reading: March 20, 2019

Second reading and adoption by roll call vote: April 3, 2019

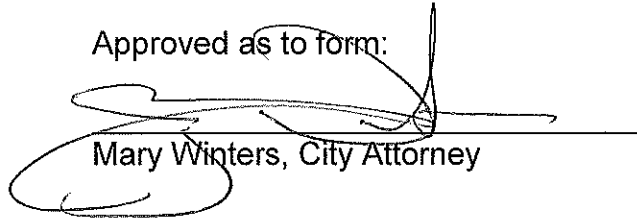
YES: Sally Russell, Mayor  
Bruce Abernethy  
Barb Campbell  
Bill Moseley  
Justin Livingston  
Gena Goodman-Campbell  
Chris Piper

  
Sally Russell, Mayor

ATTEST:

  
Robyn Christie, City Recorder

Approved as to form:

  
Mary Winters, City Attorney