

**STATE OF COLORADO  
CITY OF CENTRAL  
ORDINANCE NO. 14-06**

**AN ORDINANCE AUTHORIZING THE CITY OF CENTRAL TO  
ENTER INTO A MASTER LEASE-PURCHASE AGREEMENT, AMENDMENT TO  
MASTER LEASE-PURCHASE AGREEMENT AND RELATED DOCUMENTATION  
WITH DEERE CREDIT, INC. FOR THE ACQUISITION OF ONE JOHN DEERE  
MODEL 624 4-WHEEL DRIVE LOADER**

**WHEREAS**, the City Council, as the governing body of the City of Central (the “City” or “Lessee”) has determined that a true and very real need exists for the acquisition of the Equipment as defined and described in the Master Lease Purchase Agreement (the “Agreement”) and Amendment to Master Lease-Purchase Agreement (“Amendment”), both attached hereto as Exhibit A and presented at this meeting; and

**WHEREAS**, the City Council has taken the necessary steps under applicable law to arrange for the acquisition and financing of such Equipment; and

**WHEREAS**, the City Council has reviewed the form of the Agreement and Amendment and has found the terms and conditions thereof acceptable.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:**

**Section 1.** The City Council of the City of Central makes the following findings and representations:

- (a) The complete and correct name of the Lessee is the City of Central, a body corporate and politic and a governmental entity which is, and at all times shall be, duly organized, validly existing, and in good standing under and by virtue of the laws and regulations of the State of Colorado with the full power and authority to own its properties and to transact the business and activities in which it is presently engaged or presently proposes to engage. This governmental entity does not do business under any other assumed business names.
- (b) Lessee maintains an office at 141 Nevada Street, P.O. Box 249, Central City, CO 80427-0249.
- (c) The acquisition of the Equipment, under the terms and conditions provided for in the Agreement and Amendment, including the grant of any security interest in such Equipment as required by such Agreement and Amendment, is necessary, convenient, in the furtherance of, and will at all times be used in connection with, Lessee’s governmental and proprietary purposes and functions and is in the best interests of Lessee, and no portion of the Equipment will be used directly or indirectly in any

trade or business carried on by any person other than a governmental unit of the state on a basis different from the general public.

- (d) The meetings at which this ordinance was considered and the City Council took action to adopt were properly noticed and conducted as open meetings in accordance with Colorado law.
- (e) Either there are no legal bidding requirements related to the acquisition of the Equipment to be acquired under the Agreement and Amendment, or the City Council has taken the steps necessary to comply with the same with respect to the Equipment
- (f) There are no legal or governmental proceedings or litigation pending or threatened against the Lessee which might adversely affect the transactions contemplated in or the validity of the Agreement and Amendment.

**Section 2.** The terms of said Agreement and Amendment are in the best interests of the Lessee for the acquisition of the Equipment described therein.

**Section 3.** The City Council, as governing body of Lessee, designates and confirms the Mayor has the authority to execute and deliver the Agreement and Amendment and any related documents necessary to the consummation of the transactions contemplated by the Agreement and Amendment in substantially the form attached hereto as Exhibit A and any related documents and certificates necessary to the consummation of the transactions contemplated by the Agreement and Amendment for and on behalf of the Lessee. The Mayor, in consultation with the City Attorney, may make such non-material changes to the Agreement and Amendment and related documents and certificates as such officers and officials deem necessary or desirable, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 4.** **Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 5.** **Effective Date.** This Ordinance shall become effective immediately following public hearing, the approval of City Council, and publication following second reading in accordance with the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the \_\_\_ day of \_\_\_\_, 2014, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

Approved as to form:

\_\_\_\_\_  
Marcus McAskin, City Attorney

ATTEST:

\_\_\_\_\_  
Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the \_\_\_ day of \_\_\_\_, 2014.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

ATTEST:

\_\_\_\_\_  
Reba Bechtel, City Clerk

**Exhibit A**  
**Agreement and Amendment**