

**COMMONWEALTH OF KENTUCKY
HARDIN COUNTY FISCAL COURT**

RESOLUTION NO. 2005-101

This Resolution duly made and adopted this 11th day of October, 2005, by the Hardin County Fiscal Court, County of Hardin, Commonwealth of Kentucky.

WHEREAS, Hardin County entered into a Contract and Franchise Agreement with Borders Recycling and Disposal, LLC, for the exclusive franchise rights for the collection of solid waste of residential customers within the territorial limits of the non-incorporated areas of Hardin County, Kentucky for a term beginning January 1, 2005 and ending on June 14, 2008; and

WHEREAS, on September 27, 2005, Borders Recycling and Disposal, LLC notified the Hardin County Fiscal Court that it intended to breach and default on the performance of said Contract and Franchise Agreement;

WHEREAS, in order to protect the health, safety and welfare of the citizens of Hardin County, it is necessary and essential that a substitute contract provider for the collection of said residential solid waste be secured immediately in order to avoid the health hazard and inconvenience of such residential solid waste not being properly disposed of at the Pearl Hollow Landfill; and

WHEREAS, the proposed ordinance adoption requirements of KRS 67.077 would cause an unreasonable delay in the procurement of a replacement contractor to perform residential solid waste collection services in the unincorporated areas of Hardin County.

NOW, THEREFORE, it is hereby **RESOLVED** by the Hardin County Fiscal

Court pursuant to KRS 67.077 that an emergency is hereby declared for the purpose of adopting the following ordinances without complying with the publication and other passage requirements of KRS 67.077 on the grounds as herein set forth:

1. Ordinance No. 236, Series 2005, An Ordinance Relating To The Termination Of The Exclusive Franchise Right For Residential Garbage And Solid Waste Collection In The Territorial Limits Of The Unincorporated Areas Of Hardin County, Kentucky, Granted To Borders Recycling And Disposal, LLC, As Set Forth In Ordinance No. 222, Series 2004, As Modified By Ordinance No. 232, Series 2005.
2. Ordinance No. 237, Series 2005, An Ordinance Relating To The Granting of An Exclusive Franchise Right for Residential Garbage And Solid Waste Collection In The Territorial Limits of The Unincorporated Areas of Hardin County, Kentucky.


HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attested by:


KENNETH L. TABB
HARDIN COUNTY COURT CLERK
F:\05-029.Resolution