

RESOLUTION NO. 43-19  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Falcher ON THE 1<sup>st</sup>  
DAY OF July, 2019.

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO  
AN AGREEMENT WITH THOMAS PAINE WOODS OWNERS  
ASSOCIATION TO PROVIDE MUNICIPAL REFUSE SERVICES.**

**WHEREAS**, the City of Centerville provides municipal refuse collection services within the City of Centerville; and

**WHEREAS**, the Thomas Paine Woods Owners Association has a need for refuse collection services; and

**WHEREAS**, the City of Centerville is willing to perform those refuse collection services to the residents of Thomas Paine Woods Owners Association.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE  
CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:**

Section 1. The City hereby agrees to enter into an Agreement with Thomas Paine Woods Owners Association to provide refuse collection services to the residents of that condominium association and the City Manager is hereby authorized to execute the Agreement with Thomas Paine Woods Owners Association, in a form substantially similar to the Agreement attached hereto as Exhibit "A" and incorporated herein on behalf of the City of Centerville.

Section 2. This Resolution shall be in full force and effect at the earliest date allowed by law.

PASSED THIS 1<sup>st</sup> day of July, 2019.

  
\_\_\_\_\_  
Mayor of the City of  
Centerville, Ohio

ATTEST:



Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 43-19, passed by the Council of the City of Centerville, Ohio on the 1st day of July, 2019.



Clerk of the Council

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions  
Department of Law  
Scott A. Liberman  
Municipal Attorney

Exhibit "A"

**AGREEMENT**

Agreement made this \_\_\_\_\_, 2019, at Centerville, Ohio by and between the CITY OF CENTERVILLE, an Ohio municipal corporation (hereinafter "Centerville") and Thomas Paine Woods Owners Association, an Ohio not-for-profit corporation (hereinafter called Thomas Paine Woods Owners Association).

**WITNESSETH:**

WHEREAS, Thomas Paine Woods Owners Association is responsible for the management of the condominium project known as Thomas Paine Woods Owners Association located in the City of Centerville, Ohio; and

WHEREAS, Thomas Paine Woods Owners Association has the need for refuse collection services; and

WHEREAS, Centerville, as a municipal corporation, is involved with residential refuse collection for its citizens within the City and serves residential properties located upon public streets; and

WHEREAS, all of the streets located with Thomas Paine Woods Condominium project are private streets owned by Thomas Paine Woods Owners Association; and

WHEREAS, Centerville is willing to perform refuse collection services to the residents of Thomas Paine Woods Owners Association provided that the city is protected from any responsibility for any damage to the streets of Thomas Paine Woods Owners Association occasioned by the ordinary use of said streets by Centerville refuse collection trucks;

NOW, THEREFORE, in consideration of the foregoing recitations and the benefits to the mutually accruing, the parties agree as follows:

1. That Centerville will include the residents of Thomas Paine Woods Owners Association in its normal residential refuse collection and will charge the residents living therein in the same manner as it charges other residents within the City of Centerville.
2. That since Centerville does not normally provide such refuse collection service to residents located on private streets in condominium developments, Thomas Paine Woods Owners Association agrees that it will indemnify and

hold Centerville, its officers, employees and agents, harmless from any claim by any person, firm or corporation for damage to the streets and ways of Thomas Paine Woods Owners Association resulting from the ordinary use of same by the refuse collection trucks of Centerville.

This agreement shall be binding upon and insure to the parties hereto, their successors and assigns. No amendment shall be effective unless in writing signed by both parties. IN WITNESS WHEREOF, the parties have executed this agreement in duplicate on the date first above written and all of the terms hereof shall be effective immediately upon execution.

Witness:

City of Centerville:

\_\_\_\_\_

\_\_\_\_\_  
By: Wayne Davis  
Its: City Manager

Approved as to form:

\_\_\_\_\_  
Scott A. Liberman, Municipal Attorney

\_\_\_\_\_  
Thomas Paine Woods Owners  
Association:

By: \_\_\_\_\_

Its \_\_\_\_\_ President \_\_\_\_\_

And \_\_\_\_\_

Its \_\_\_\_\_ Vice President \_\_\_\_\_