

RESOLUTION NO. 57-93
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. V. Stone ON THE
7th DAY OF September, 1993.

A RESOLUTION RATIFYING THE ACTION TAKEN
BY THE CITY MANAGER TO EXECUTE A
SUB-DIVIDER'S CONTRACT FOR INSTALLATION
OF SANITARY SEWER AND/OR WATER MAINS
BETWEEN THE CITY OF CENTERVILLE AND THE
BOARD OF COUNTY COMMISSIONERS OF
MONTGOMERY COUNTY.

WHEREAS, in order to provide for sanitary sewer and
water mains in Montgomery County necessary to serve the Yankee
Trace Golf Course/Residential development project, the City
Manager, on behalf of the City of Centerville, entered into a
Sub-divider's Contract between the City of Centerville and the
Board of County Commissioners of Montgomery County for the
installation of sanitary sewer and/or water mains, and

WHEREAS, it was deemed necessary that this action be
taken immediately so that the Board of County Commissioners,
during their meeting on the 7th day of September, 1993, would act
upon the permit for the installation of necessary sanitary sewer
and/or water mains to serve the Yankee Trace Golf
Course/Residential area.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

SECTION 1. That the action taken by the City Manager
is hereby ratified in the execution of a Sub-divider's Contract
for Installation of Sanitary Sewer and/or Water Mains between the
City of Centerville and the Board of County Commissioners of
Montgomery County, necessary to serve the Yankee Trace Golf
Course/Residential development project, a copy of said Contract
attached hereto and made a part hereof, marked Exhibit "A".

SECTION 2. This Resolution shall become effective at
the earliest date allowed by law.

PASSED this 7th day of September,
1993.

Shirley F. Winters
Mayor of the City of
Centerville, Ohio

ATTEST:

Maurel J. McLaughlin
Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of
Centerville, Ohio, hereby certifies that the foregoing is a true
and correct copy of Resolution Number 57-93, passed by the
Council of the City of Centerville, Ohio, on the 7th day of
September, 1993.

Maurel J. McLaughlin
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

SUB-DIVIDER'S CONTRACT FOR INSTALLATION
OF
SANITARY SEWER AND/OR WATER MAINS

THIS AGREEMENT made this _____ day of _____,
19____, by and between _____,
hereinafter referred to as "Sub-Divider," and THE BOARD OF COUNTY
COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, hereinafter referred to
as the "Board."

WITNESSETH:

In consideration for being permitted to file this plat and/or
to connect to existing sanitary sewer lines and/or water mains in
the _____ Plat, as
shown by engineering drawings and specifications marked as follows;
all of which are part of this contract:

NAME OF DRAWING

DRAWING NUMBER

SPECIFICATIONS:

Standard specifications for the construction of sanitary sewer
and water lines in Montgomery County and latest revisions:
(including final "as built" tracings of the work as actually
constructed as soon as possible after being tested and approved).

And said work shall include the construction of approximately:

- _____ feet of _____ inch D.C.I. Water Main
 - _____ feet of _____ inch D.C.I. Water Main
 - _____ each _____ inch Gate Valves and Valve Boxes
 - _____ each _____ inch Gate Valves and Valve Boxes
 - _____ each type "K" copper service lines including corp.
stop, curb stop, and box
 - _____ Fire Hydrants
-
-

_____ feet of _____ inch Sanitary Sewer
_____ feet of _____ inch Sanitary Sewer
_____ each Sanitary Sewer Laterals including tee or wye
and plug
_____ Lin. Ft. 0' - 8' Sewer Excavation and Backfill
_____ Lin. Ft. 8' - 10' Sewer Excavation and Backfill
_____ Lin. Ft. 10' - 12' Sewer Excavation and Backfill
_____ Lin. Ft. 12' - 14' Sewer Excavation and Backfill
_____ Lin. Ft. 14' - 16' Sewer Excavation and Backfill
_____ Lin. Ft. 16' - 18' Sewer Excavation and Backfill
_____ Lin. Ft. 18' - 20' Sewer Excavation and Backfill
_____ Standard Manholes
_____ Drop Manholes
_____ Connections to existing Manholes

Continued

The Sub-Divider shall perform all work within one (1) year from the date of this Contract, but an extension may be granted if approved by the Board of County Commissioners.

The Sub-Divider shall guarantee all the work for a period of one (1) year from the date of written acceptance of the lines by the Sanitary Engineer, against defects resulting from the use of inferior materials, equipment or workmanship.

The Sub-Divider will be required during the life of the guarantee to make all repairs or changes in the guaranteed work, which in the opinion of the Engineer, are necessary as the result of the use of materials, equipment, or workmanship which are inferior, defective or not in accordance with the Standard Specifications/Rules and Regulations for construction of sanitary sewer and water lines in Montgomery County and latest revisions thereof.

The Sub-Divider shall within a period of seven (7) working days after receipt of notice from the Sanitary Engineer and without expense to the County proceed to remove and replace all unsatisfactory work with suitable materials, equipment and workmanship.

Failure by the Sub-Divider to proceed with the terms of the guarantee shall be sufficient reason for the County to have the defects corrected, and the Sub-Divider and his Surety shall be liable for the expenses incurred by the corrections.

If in the opinion of the County Sanitary Engineer an emergency arises that jeopardizes continuity of service or public health, welfare, or safety, and the Sub-Divider is unable to remedy the situation at the time it exists, the County reserves the right to immediately take steps without any notice to have the situation remedied, and the Sub-Divider and his Surety shall be liable for

all expenses incurred in making these repairs.

All special guarantees applicable to definite parts of work or equipment shall be subject to the terms of this section during the first year of such special guarantees.

The request for the release of this Sub-Divider's Contract shall constitute a dedication to Montgomery County of the aforementioned improvements, subsequent to completion and acceptance, after inspection and testing, of construction.

The Sub-Divider is to execute a performance bond or letter of credit equal to 100% or post a cashier's or certified check equal to 15% of the cost of construction based on an estimate acceptable to the County Sanitary Engineer, and to the satisfaction of the Board of County Commissioners to ensure the faithful performance of this Agreement. This obligation shall remain in force until released by Resolution of the Board of County Commissioners of Montgomery County, Ohio.

Continued

SUB-DIVIDER'S CONTRACT

WITNESSES:

Signature

(Print)

Signature

(Print)

WITNESSES:

Signature

(Print)

Signature

(Print)

Signature

(Print)

Signature

(Print)

ATTEST:

Clerk

Sub-Divider

Address

By _____
Signature

(Print)

Title (Print)

THE BOARD OF COUNTY COMMISSIONERS
OF MONTGOMERY COUNTY, OHIO

By _____
Signature

By _____
Signature

By _____
Signature

OR

By _____
Donald A. Vermillion
Administrator
Montgomery County, Ohio

APPROVED AS TO FORM BY:
Mathias H. Heck, Jr., Prosecuting Attorney

By _____
Assistant Prosecuting Attorney