

RESOLUTION NO. 61-93
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. Mark Kingseed ON THE
7th DAY OF September, 1993.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CENTERVILLE-WASHINGTON PARK DISTRICT TO PROVIDE FOR THE CONSTRUCTION OF A DRAINAGE BASIN IN THE ACTIVITY CENTER.

WHEREAS, the City of Centerville has deemed it necessary to modify the Activity Center Park in order to provide detention of stormwater over an area of approximately 6.8 acres, and

WHEREAS, a proposal has been agreed to between the City of Centerville and the Centerville-Washington Park District; said proposal as outlined in a letter dated August 17, 1993 from the Centerville-Washington Park District including conditions for the detention of stormwater at the Activity Center Park.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is hereby authorized and directed to do all things necessary to enter into an agreement between the City of Centerville and the Centerville-Washington Park District in accordance with the letter which is attached hereto, marked Exhibit "A" and incorporated herein.

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

1993. PASSED this 7th day of September,

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

ATTEST:

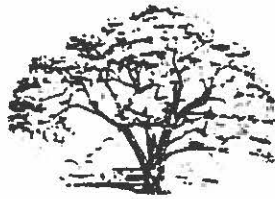
Maureen J. McLaughlin
Clerk of the Council of the
City of Centerville, Ohio

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 61-93, passed by the Council of the City of Centerville, Ohio, on the 7th day of September, 1993.

Maureen J. McLaughlin
Clerk of Council

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



CENTERVILLE-WASHINGTON PARK DISTRICT
SERVING WASHINGTON TOWNSHIP AND CENTERVILLE

August 17, 1993

City of Centerville
100 W. Spring Valley
Centerville, OH 45458

Attn: Norbert Hoffman
City Engineer

Dear Norbert:

This is in response to your request that we modify the Activity Center Park facilities and programming to accommodate the detention of stormwater over an area of approximately 6.8 acres. We have explored all aspects of the project and have come to the conclusion that as proposed, this stormwater project will have a negative effect on the park and on the thousands of persons who use it.

As you know from our previous letters concerning the use of parks for stormwater detention, the Park District believes that this use is not appropriate. We believe that the same is true of the Activity Center. Our concerns were best expressed in our letter of December 9, 1991. In addition, the flooding of playing fields would have an unknown negative effect on the fields and would certainly interfere with their use by the youth organizations who schedule their games at the Activity Center.

In addition, we believe that the proposed scheduling of construction during the fall season of the Wee Elks football program is certain to inconvenience this organization. If your detention proposal moves forward this fall, we require that all construction areas be completely fenced, and that all construction activity be limited to the hours of 7:30 a.m. to 4:00 p.m., Monday through Friday.

We understand your need to alleviate some of the problems experienced by area residents but we wish there were another solution than the one you are proposing.

However, as was the case with the Iron Horse Park drainage project, if you decide that your only course is to proceed with your plans for the Activity Center, we will grant the appropriate permission. However, we believe that expenses relating to the project be covered by the funds allocated by the City for your stormwater projects. We also believe any unknown variables during the course of the stormwater project can be negotiated in much the same way.

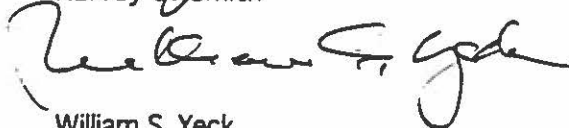
We appreciate the spirit of cooperation demonstrated as we developed the following terms of the project.

Your acceptance of this letter and the attached conditions is authorization to proceed with construction. We would expect to enter into a formal agreement setting forth all attached conditions and the granting of the necessary easements as soon as practicable but no later than 60 days from the above date.

Sincerely,
BOARD OF PARK COMMISSIONERS


Michael J. Rice


Harvey B. Smith


William S. Yeck

The foregoing is accepted by the City of Centerville

Authorized Signature

Date -----

August 23, 1993

The following items are the negotiated conditions for allowing the detention of stormwater by the City of Centerville at the Activity Center Park:

- A. Construction traffic shall enter and leave via Cheshire Road for the embankment construction and Hampton Road for the storm sewer construction.
- B. The construction area shall be completely fenced.
- C. Construction and daily clean-up shall be limited to the hours of 7:30 a.m. to 4:00 p.m. Monday through Friday.
- D. Up to three (3) pieces of earth shaping equipment are permitted to remain on site overnight and on weekends, parked near the entrance to the project at Cheshire Rd. All vehicles and other heavy equipment shall be parked off site while not in use.
- E. All areas shall be restored following construction. Four inches of quality topsoil shall be placed on the backslope and a minimum of six inches on the front slope of the embankment. Tree removal shall be kept at a minimum, with the Park District identifying those mature trees to be saved if at all possible. Replacements shall be provided at the rate of one-for-one.
- F. The Park District shall approve all plans and drawings.
- G. The City shall assume all liability associated with construction.
- H. Park fixtures shall be relocated at City expense (2 swingsets, 1 slide, 2 volleyball standards, and 2 picnic grills).
- I. The one-year ponding area shall be limited to the northwest portion of the Activity Center-off all athletic fields.
- J. The City assumes on-going maintenance responsibility of all stormwater related structures. A permanent easement shall be required.
- K. The City assumes on-going liability for all stormwater detention activity and related improvements.
- L. The City shall draft the necessary documents for items "J" and "K" above for Park District review.
- M. Underdrains shall be installed for approximately 5 acres of athletic fields, with 40' spacing. These shall be installed after the football season (ending 11/7/93) weather permitting.
- N. Four portable bleacher units (each 3-row, 21-foot) shall be provided by the City, according to Park District specifications.
- O. The City shall remove the existing football bleacher structure and the existing picnic shelter. Timing to be determined by the Park District.
- P. A sanitary sewer line shall be extended from the point of best available service, not more than 400' toward the site of a proposed restroom, storage, and concession building at City expense.
- Q. The City shall pay \$25,000 to the Park District or its designee for use in constructing replacement building(s) for restrooms, shelter, and storage.