

**RESOLUTION 08-2010**

**A RESOLUTION TO APPROVE A WATER LINE CONSTRUCTION REIMBURSEMENT AGREEMENT WITH HEATHER AND TYLER ESKEW FOR THEIR PROPERTY LOCATED ALONG WALKER ROAD AND TO AUTHORIZE THE COLLECTION OF THE CONSTRUCTION REIMBURSEMENT CHARGES SET FORTH IN THE AGREEMENT AND DECLARE AN EMERGENCY.**

WHEREAS, the Council of the Village of Commercial Point is empowered by the Ohio Constitution and statutes to charge fees for providing utility services to property; and,

WHEREAS, the Village believes it is fair and proper to reimburse individuals who construct water or sewer lines at their own cost when other properties connect to such lines; and,

WHEREAS, the Village hereby desires to reimburse Heather and Tyler Eskew when properties connect to the water line that they have constructed for their property located along Walker Road.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO, TWO-THIRDS OF ITS ELECTED MEMBERS CONCURRING, THAT:

Section 1. Council hereby approves the reimbursement agreement for waterline construction costs relating to the Eskew property on Walker Road, which is attached hereto and incorporated herein as Exhibit "A" and hereby directs the Mayor to execute such Agreement on behalf of the Village.

Section 2. The Mayor is hereby directed to charge and collect the Administration and Construction Fees which are set forth in the Agreement in the amounts set forth therein, in addition to all other fees and charges provided for in the ordinances of the Village, and to reimburse such amounts to Heather and Tyler Eskew as set forth in the Agreement.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and general welfare of the citizens of the Village of Commercial Point. Emergency passage is necessary in order to provide water services to the properties as soon as possible in order to prevent further delay in the construction, occupancy, or use of the properties referred to in this Ordinance. Therefore, this Ordinance shall take effect immediately upon passage.

Vote on Suspension of Readings:

Motion by: Jim Kuzelka

2<sup>nd</sup>: Kim Gooden-Kinney

Roll Call:

Yes Jim Kuzelka

Yes Janet Hutchins

Yes Margie Weaver

Yes Vidal Cruz

Yes Kimberly Gooden-Kinney

No Don Benedik

Vote on Passage of Resolution and Declaring an Emergency:

Motion by: Kim Gooden-Kinney

2<sup>nd</sup>: Vidal Cruz

Roll Call:

Yes Jim Kuzelka

Yes Janet Hutchins

Yes Margie Weaver

Yes Vidal Cruz

Yes Kimberly Gooden-Kinney

No Don Benedik

Adopted this 13<sup>th</sup> day of September, 2010.

\_\_\_\_\_  
Allan Goldhardt, Mayor

\_\_\_\_\_  
Wendy Hastings, Fiscal Officer

Approved as to Form:

\_\_\_\_\_  
D. Michael Crites, Law Director

**RESOLUTION 08-2010**  
**Exhibit A**

**REIMBURSEMENT AGREEMENT FOR WATER LINE CONSTRUCTION COSTS  
RELATING TO THE ESKEW PROPERTY ON WALKER ROAD**

This Agreement is entered into between the Village of Commercial Point (the Village) and Heather and Tyler Eskew (the "Owner").

1. The Owner intends to construct a 900 foot water line to provide services to his property located on Walker Road, which will connect to and become a part of the water system of the Village. The Village agrees that the Owner should be reimbursed for a portion of his costs for construction of the line if and when other properties connect to the water line.
2. The Village agrees to collect from any person or entity that connects to the water line constructed by the Owner a Construction Fee of \$4,000.00 for each tap. This Construction Fee is in addition to any other fees charged by the Village.
3. The Construction Fee provided for herein shall be paid to the Owner for a period beginning October 1<sup>st</sup>, 2010 and ending on September 30, 2020. The Village shall pay all Construction Fees collected minus the Administration Fees to the Owner on a quarterly basis.
4. Upon completion of the water improvements, the Owner shall cause the contractor who constructed the water line to provide the Village with the final construction costs of the water line.
5. The determination by the Village of who shall pay the charges to be reimbursed to the Owner is final and no officer, employee, or agent of the Village shall be liable in any manner to the Owner as a result of this determination. Except for amounts that are actually collected by the Village pursuant to this Agreement, the Village does not assume any liability under this Agreement to the Owner.
6. The Village shall deduct from the payment of each Construction Fee to the Owner under this Agreement the sum of \$50.00 for an Administration Fee.

This Agreement executed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

By: \_\_\_\_\_  
Allan D. Goldhardt, Mayor  
Village of Commercial Point

By: \_\_\_\_\_  
Heather Eskew, Owner

By: \_\_\_\_\_  
Tyler Eskew, Owner

Authorized by: Resolution 08-2010

Date Passed: 09/13/10