

ORDINANCE OF THE CITY OF BLOOMINGTON
COUNTY OF MONROE, STATE OF INDIANA

ORDINANCE NO. 44, 1963

AN ORDINANCE APPROVING A CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND THE TOWN OF ELLETTSVILLE FOR THE SALE AND SUPPLY OF WATER.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

SECTION 1. That the Common Council herewith approves the contract for the sale of water to the Town of Ellettsville, Monroe County, Indiana, by the City of Bloomington, for the period of Twenty-five (25) years, which contract is in the words and figures following, to-wit:

THIS AGREEMENT, made and entered into by and between the City of Bloomington, Monroe County, Indiana, hereinafter referred to as City and the Town of Ellettsville, Monroe County, Indiana, hereinafter referred to as Town, WITNESSETH:

The parties hereto, for the considerations hereafter set forth, agree as follows:

The City hereby agrees to furnish to Town potable water delivered at the Town's twelve-inch water line located on State Highway 46 West of the City near the intersection of the Highway and Stoutes Creek.

The City hereby agrees to furnish and the Town agrees to purchase, a minimum of 50,000 gallons per day and a maximum of 500,000 gallons per day.

The City shall install and maintain suitable meter or meters to measure, in U.S. gallons, or cubic feet, the amount of water delivered to Town. Town shall provide a suitable structure for the installation of said meter or meters, but City does not agree to maintain any stipulated pressure at the point of connection, and the rights of Town are limited to the receipt of water at such pressure as may be available at the point of connection.

The City shall furnish to Town a statement of the water furnished for each month, not later than the tenth day of the month and the Town shall have twenty days to pay the City for such water after receipt of the statement.

The Town agrees to pay for water furnished the sum of 30¢ per thousand U.S. gallons, said rate being subject to the continuing approval of the Public Service Commission of Indiana: and may be increased or decreased with the approval of the Public Service Commission in the event of a change in the cost of providing said water. Minimum billing by the City shall be for 50,000 gallons for each calendar day of the month billed for. In the event that sixty (60) days have elapsed without payment of said bills by the Town to the City then, at the option of the City, this contract shall be null and void and terminated.

The City shall not be responsible for temporary interruptions of service or for interruptions of service by reason of any cause beyond its control and failure of performance shall be excused during the period thereof, and Town, its successor or successors in ownership or authority, shall have no demand, claim or cause of action for damages therefor, or arising therefrom, and any and all such claims, demands, or causes of action are hereby expressly waived. It is also understood that emergency measures that are applied to City users will also be applied to Town users. Emergency outtailments do not apply in case of fire fighting requirements.

The jurisdiction over areas to be served shall be that the drainage area or water shed of which Town is a part shall be controlled by the Town and likewise the drainage area of which City is a part shall be controlled by the City as shown on Exhibit A, attached hereto. Nothing in this agreement shall prevent the Town and City, by mutual consent, to extend or diminish either of the areas involved.

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This agreement shall continue in full force and effect for a period of twenty-five (25) years from the date that the first water is delivered and received pursuant to this contract.

This contract shall be binding upon the parties hereto and their successors.

Executed at Bloomington, Indiana.

BOARD OF PUBLIC WORKS OF THE CITY OF BLOOMINGTON, INDIANA

S./ Mary Alice Dunlap
Member

ATTEST:

S./ Leroy Baker
Member

S./ T. D. Ellis
Clerk-Treasurer, City of Bloomington, Indiana

S./ Raymond E. Long
Member

TOWN BOARD OF ELLETTSVILLE, INDIANA

S./ John W. Baugh
Member

ATTEST:

S./ Theo. Phillips
Member

S./ R. E. Welts
Clerk-Treasurer, Town of Ellettsville, Indiana

S./ Orie L. Crismore
Member

This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, on the 17 day of December, 1963.

S./ Mary Alice Dunlap
Mary Alice Dunlap, Presiding Officer

ATTEST:

S./ T. D. Ellis
T. D. Ellis, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington on the 18 day of December 1963, at the hour of 10 o'clock A. M.

S./ T. D. Ellis
T. D. Ellis, Clerk-Treasurer

THIS ORDINANCE approved and signed by me on the 18 day of December, 1963, at the hour of 10 o'clock A. M.

S./ Mary Alice Dunlap
Mary Alice Dunlap, Mayor