

ORDINANCE NO. 5, 1953

An Ordinance concerning the acquisition of a Sewer Line, and confirming, ratifying and approving a Contract, dated March 6, 1953 between the City of Bloomington, Indiana through its Board of Public Works and Safety and Sarkes Tarzian, Inc.

WHEREAS, the City of Bloomington, acting through its Board of Public Works and Safety, has entered into a certain Contract for the acquisition of a sewer line with Sarkes Tarzian, Inc., which is in the words and figures following:

" A CONTRACT FOR THE CONSTRUCTION AND ACQUISITION OF A SEWER LINE.

WHEREAS, SARKES TARZIAN, INC., owns and operates industrial plants engaged in the manufacture of electronic devices and has so operated in the City of Bloomington for a period of more than eight (8) years, and

WHEREAS, said Company has recently acquired a tract of land, described as the Southeast Quarter of the Southeast Quarter of Section Four (4), Township Eight (8) North, Range One (1) West, lying wholly outside of the corporate limits of the City of Bloomington, but adjacent to a part of the South boundary line of said City, and

WHEREAS, said Corporation proposes to construct a manufacturing and industrial plant on said tract of land, which will provide employment for several hundred persons, thus promoting the economic welfare of the City of Bloomington, and surrounding suburban area; and

WHEREAS, said Company will require, for the operation of said plant, water, to be supplied by the City Water Utility, owned and operated by the City of Bloomington, and

WHEREAS, it will be necessary to dispose of sewage from said plant in a sanitary manner through the system owned and operated by the City of Bloomington, and

WHEREAS, the nearest sewer is approximately Twenty-One Hundred (2100) feet distant from the proposed site of said Plant, and is inadequate in size to carry the waste and sewage to be discharged from said Plant, and

WHEREAS, the area inside the corporate limits of Bloomington, North and west of the proposed TARZIAN Plant is NOT now served by a sanitary sewer, and

WHEREAS, there is an urgent need for a sanitary sewer system in this area, for the reason that the privately-owned facilities, used by residents and householders, are unsatisfactory and endanger the public health; and

WHEREAS, said Company has expressed its desire to co-operate with the City of Bloomington, in order that sewage facilities necessary for its industrial expansion may also inure to the benefit of the residents within the corporate limits of Bloomington, so that a sewer system may be provided that will promote sanitary conditions and the health and general welfare of the community.

NOW, THEREFORE, IT IS AGREED by and between SARKES TARZIAN, INC., and the CITY OF BLOOMINGTON, acting through its Board of Public Works and Safety, for and in behalf of said CITY with the approval of the Common Council, as follows:

1. That SARKES TARZIAN, INC., hereinafter referred to as the COMPANY, shall be and hereby is granted permission to construct a sewer line across, through and over the public streets of the City of Bloomington, and through a portion of Bryan Park along the lines hereinafter specifically described as referred to.

2. That the City Engineer of the City of Bloomington shall furnish to SARKES TARZIAN, INC., plans and specifications for a sewer system described as follows:

Commencing at the South Line of Davis Street at a point where it intersects the center line of Manor Road, extended, thence North with a twelve inch (12") line to a point in Southdowns Drive; thence West with a fifteen inch (15") sewer on Southdowns Drive to the east line of Bryan Park; thence continuing in a Southwesterly direction across Bryan Park to a point on the West side of Henderson Street; thence South along the west line of Henderson Street to the North line of Davis Street; thence Westward with an eighteen inch (18") sewer along the North line of Davis Street, to the City sewer system located in Lincoln Street.

3. That SARKES TARZIAN, INC., will solicit three (3) or more proposals for the construction of a sewer system, including installation and the furnishing of all materials, manholes, outlet lines, in accordance with said plans and specifications; and upon receipt of said proposals will examine the same, concurrently with the Board of Public Works and Safety, at which time the lowest and best proposal will be accepted by SARKES TARZIAN, INC., with the approval of the City of Bloomington; it being specifically agreed that either of the parties hereto shall have the right to reject any or all of said proposals.

4. In the event that a proposal is received which is satisfactory to said COMPANY and which is approved by the CITY then SARKES TARZIAN, INC., will enter into an agreement with the successful bidder for the construction of said sewer line and the furnishing of all materials therefor. In such event the Contractor shall be required to give a Performance Bond, guaranteeing the completion of the project in accordance with the plans and specifications hereinabove referred to, and guaranteeing the payment of all suppliers' bills, material bills, laborers' liens and the satisfactory construction within the time required by the COMPANY at its option and directive.

5. It is hereby agreed that the CITY shall have the right to supervise the installation of said sewer line as the work proceeds, and the CITY hereby assumes and agrees to render such service without charge.

6. It is further agreed that the CITY OF BLOOMINGTON through its Board of Public Works, may order changes, additions or deletions in the construction of said sewer after the bid is received by the COMPANY and approved by the contracting parties hereto, and during the progress of the work. In such event the CITY OF BLOOMINGTON shall and hereby does obligate its Sanitation Department to meet the additional cost of any changes as ordered.

7. When said sewer line has been completed, it shall be finally inspected by the City Engineer, or by a person authorized to make such inspection for and on behalf of said CITY, and at such time the CITY, through its inspecting agent, shall have the privilege of requiring the Contractor to comply with each and every provision of said Contractor's agreement with the SARKES TARZIAN, INC.

8. When the project has been completed as aforesaid, the COMPANY shall settle with the Contractor for the sum of his bid, and then agrees to surrender and relinquish to the CITY OF BLOOMINGTON, said sewer line upon receiving from the Sanitation Department of the CITY OF BLOOMINGTON, the sum of \$21,000.00, to be paid by the City Clerk Treasurer of the City of Bloomington, upon order of the Board of Public Works and Safety, and the CITY OF BLOOMINGTON hereby agrees at the time hereinabove indicated to pay said sum so agreed upon.

9. That part of said sewer line within the corporate limits of the City of Bloomington shall then be the property of said CITY exclusively, in the same manner and to the same extent as all other sewer lines forming a part of the City Sewer System, and the CITY shall thenceforth maintain, repair and operate same; and SARKES TARZIAN, INC., and its successors, shall pay for the privilege of sewer use the same rates that apply to all other users.

10. This agreement shall NOT be binding upon the COMPANY or the CITY until the Common Council of the CITY OF BLOOMINGTON shall have enacted an Ordinance in accordance with Chapter 61 of the Acts of 1932 as amended, authorizing the acquisition of such sewer line, in accordance herewith.

IN WITNESS WHEREOF, the Contracting Parties have set their hands and seals at Bloomington, Indiana, this 6th day of March, 1953.

SARKES TARZIAN, INC.,

By S/ Sarkes Tarzian
President

CITY OF BLOOMINGTON

By S/ Emmett Kelly
Emmett Kelly, Mayor

S/ J. M. Cason
J.M. Cason, City Engineer

S/ Robert F. McCrea
Robert F. McCrea, City Attorney

ATTEST:

S/ ESTHER F. LEAVITT
Esther F. Leavitt,
City Clerk-Treasurer "

AND WHEREAS, Section 10 of said Contract provides that said Agreement shall not be binding upon the COMPANY or the CITY OF BLOOMINGTON until the Common Council of the City of Bloomington shall enact an Ordinance approving said Contract in accordance with Chapter 61 of The Acts of 1932, as Amended.

NOW THEREFORE BE IT ORDAINED BY THE
COMMON COUNCIL OF THE CITY OF BLOOMINGTON:

Section 1. That the Contract hereinabove set forth and signed by the City of Bloomington through its Board of Public Works and Safety, on the 6th day of March, 1953, is hereby ratified, approved and confirmed

Section 2. That the City of Bloomington is authorized to acquire by purchase in accordance with the terms of said Contract, the Sewer Line described in rhetorical Paragraph No. 2 of the above and foregoing Contract.

Section 3. That upon completion of said Sewer Line by SARKES TARZIAN, INC., in accordance with said Contract, the City of Bloomington shall, and is hereby authorized to pay from funds in the Department of Sanitation the sum of Twenty-One Thousand (\$21,000.00) Dollars to SARKES TARZIAN, INC., and such additional sums as may be incurred under the provisions of Paragraph No. 6 of said Contract, which the City Engineer now estimates will not exceed One Thousand (\$1,000.00) Dollars.

Section 4. The City of Bloomington now orders and authorizes the acquisition of said Sewer Line as an extension of its sewage disposal system.

Section 5. That upon the acquisition of said sewer line users within the City of Bloomington shall be required to pay the same rates for sewage use as other residents of said City except that the Board of Public Works and Safety is authorized and directed to charge persons connecting with said sewer line on the basis of the pro rata cost of construction thereof, in accordance with Section 3, Chapter 179 of the Acts of 1949. This charge to be fixed and determined by the Common Council of the City of Bloomington, and the proceeds thereof to be paid to the Sanitation Department of said City.

Section 6. That the cost of acquisition of said Sewer Line shall be paid from funds of the Department of Sanitation of the City of Bloomington.

Section 7. The City Engineer is hereby directed to assume the responsibility of supervising the installation of the Sewer Line and shall require the Contractor to comply with the plans and specifications submitted to the Contractor, in accordance with Paragraph No. 7 of said Contract.

Section 8. 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 on the 11th day of March, 1953.

ATTEST:

S/ EMMETT KELLY

Emmett Kelly, Presiding Officer

S/ ESTHER F. LEAVITT

Esther F. Leavitt, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington on the 11th day of March, 1953, at the hour of 8:30 o'clock P.M.

S/ ESTHER F. LEAVITT

Esther F. Leavitt, Clerk-Treasurer

This Ordinance approved and signed by me on the 11th day of March, 1953, at the hour of 8:30 o'clock P.M.

S/ EMMETT KELLY

Emmett Kelly, Mayor