



09 July 2024

Mayor Guy Titus
Board of Works and Public Safety
10 South State St.
Greenfield, IN 46140

Re: Evergreen Section 1 Oversize agreement

Mayor and Board Members,

Evergreen Section 1 construction of infrastructure has been completed along Blue Rd. During the technical review of the plans, the City of Greenfield requested that a portion of the water main be relocated and oversized to 12" from the 8" that they needed to allow future drinking water connections for the property to the north.

In recognition of work performed and costs associated with said work at the request of the City, Developer shall receive a credit for Water Availability in the amount \$93,566.00 as advanced payment for Evergreen Estates Sections 2 & 3 as well as a direct payment of \$66,279.70 from the Water Department. I would like to recommend that the Board approve the attached Utility Oversize Agreement with Olthoff Homes, LLC.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles Gill".

Charles Gill
Water Utility Manager

cc: Jane Webb, Utility Coordinator
Gregg Morelock, City Attorney
Lori Elmore, Clerk-Treasurer

AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of July 2024, between the City of Greenfield, Indiana, acting by and through its Board of Public Works and Safety (“City”) and Greentree Development, LLC, an Indiana limited liability company (“Developer”).

RECITAL

WHEREAS, Developer has received approval for a subdivision of approximately 71.65 acres, more or less, east of Blue Road and north of CR 200 N in Greenfield, Indiana (the “Real Estate”), which real estate is described on Exhibit A, attached hereto and incorporated by reference herein; and

WHEREAS, Developer is desirous of developing a subdivision known as Evergreen Estates on the Real Estate to be served by City water, City sanitary sewer, with a storm system approved by the City (the “Utilities”); and

WHEREAS, Developer has constructed, or had constructed, within Section I of Evergreen Estates certain improvements requested by the City, which improvements consist of the oversizing the WM from 8” to 12” on Blue Road with Record Drawings completed by Stoeppelwerth and Associates, Inc., which are incorporated by reference herein; and

WHEREAS, City required Developer to oversize certain portions of water Utilities and sanitary Utilities to accommodate existing and future development in the area of the Real Estate; and

WHEREAS, City and Developer desire to reduce this agreement to writing.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN, CITY AND DEVELOPER AGREE AS FOLLOWS:

1. Recital. The Recitals are incorporated by reference herein.
2. Water.
 - a. Developer, in order adequately serve Evergreen Estates with water and to make provisions for future connections and supply for future development, Developer was required to move, extend, or upsize water main from 8” water main to a 12” water main according to Exhibit B.

- b. Developer has incurred expenses in the amount of \$159,845.70 as shown on Exhibit B, attached hereto and incorporated by reference herein for the oversizing of the Water Pipe required by the City.
- c. In recognition of work performed and costs associated with work performed at the request of the City, Developer shall receive a credit for Water Availability in the amount of \$93,566.00 as advanced payment for Evergreen Estates Sections 2 & 3, as well as a direct payment of \$66,279.70 from the Water Department.

IN WITNESS WHEREOF, the parties have set their hands on the date first written above.

GREENTREE DEVELOPMENT,
LLC

By: _____
Office: _____

CITY OF GREENFIELD, INDIANA
BY GREENFIELD BOARD OF
PUBLIC WORKS AND SAFETY

Glenna Shelby

Katherine Locke

Kelly McClarnon

Larry Breese

Mayor Guy Titus

Attest:

Lori Elmore, Clerk-Treasurer