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Consent Agenda Item:

The Westfield Public Works Department is recommending that the Board of Public Works and Safety consider approval and sign the following developer agreement:

Casey Road and Ditch Road Roundabout

Developer Agreement Attached

Public Works Department

(317) 804-3100 office
(317) 804-3190 fax

2706 East 171st Street
Westfield, IN 46074
westfield.in.gov

Cross Reference/Plat: Instrument No. _____

DEVELOPER AGREEMENT

This Developer Agreement is entered into this ___ day of _____, 2014 by and between Woodbury Ridge One LLC, an Ohio limited liability company (“Woodbury Ridge One LLC”) and City of Westfield, Indiana (“City”).

RECITALS

WHEREAS, Woodbury Ridge One LLC was the original developer of a real estate project commonly known as Woodbury Ridge (“Woodbury”), located in the City of Westfield, which was approved on or about June 2, 2014;

WHEREAS, the parties now desire to place a document of record to formally document the termination of the requirement to relocate utility poles to the back of the right-of-way (Section 02501 of Public Works Construction Standards) along or abutting the Woodbury parcel on Casey Road;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the receipt of which is hereby acknowledged, the parties hereby agree to the following:

1. The recitals above are incorporated herein by reference as if fully set forth herein and are true and correct in all material respects.
2. Woodbury Ridge One LLC shall fund in part the design and construction of the Casey Rd and Eagle Parkway roundabout to serve as the primary entrance into the Woodbury Ridge development. Initial estimates for this improvement are approximately \$250,000.
3. City shall redesign the intersection at the north entrance of Woodbury to facilitate the construction of a roundabout entrance thereby eliminating several utility pole relocations.
4. City shall eliminate the requirement of a passing blister opposite the north entrance and acceleration and deceleration lanes at the north entrance to Woodbury Ridge as designed between the parties and approved by the Department of Public Works.

5. City shall reduce the length of the required acceleration and deceleration lanes at the south entrance to Woodbury Ridge in order to alleviate the need to move the existing utility poles abutting the parcel. Said agreed designs shall be subject to approval by the Department of Public Works.

6. Woodbury Ridge One LLC's obligation to fund this improvement in lieu of moving utility poles and improving the entries as noted in this document shall be \$125,000.

7. City shall ensure that Woodbury Ridge One LLC has access from Casey Road at the proposed north entrance to Woodbury Ridge throughout the construction of the Casey Rd and Eagle Parkway roundabout.

8. Any and all disputes shall be resolved through the Hamilton County Circuit or Superior Courts as the Parties agree that Hamilton County, Indiana shall be the only proper venue.

IN WITNESS WHEREOF, the parties have executed this Termination of Utility Relocation Agreement as of the date first above written.

Woodbury Ridge One LLC

Signed:  Date: 7/21/14

Printed: David M. Conwill

Title: Manager

City of Westfield, Indiana

Signed: _____ Date: _____

Printed: Kenneth L. Alexander

Title: Director of Public Works