

CONSTRUCTION INSPECTION AGREEMENT FOR PRIVATELY FUNDED PUBLIC PROJECTS

TO THE CITY COUNCIL OF OLATHE, KANSAS:

PROJECT NO'S:

The undersigned has submitted to you a plan of subdivision of the following described premises:

The undersigned agrees, at the sole expense of the undersigned, to construct and install, within two years from the date of approval by the City of the aforementioned plans, the following improvements as required by the plans:

1. Curb and Gutter. No street shall be paved unless provision is made for the concurrent installation of concrete curb and gutter along each side-edge of the pavement. The installation, construction, and design of the curb and gutter herein required shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe.
2. Sidewalks. Concrete sidewalks shall be installed in conformity with the provisions of Section 18.030 of the Olathe Municipal Code. Required sidewalks shall be constructed for each premise prior to the issuance of a certificate of occupancy for such premises. The installation, construction, and design of the required sidewalks shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe.
3. Pavements.
 - A. All streets shall be paved with asphaltic concrete of a uniform thickness as follows:
 - (1) Local Streets: Not less than 8 inches.
 - (2) Collector or Service Street: Not less than 10 inches.
 - (3) Thoroughfare Streets: Not less than 12 inches.
 - B. The minimum widths of pavements shall be as follows:
 - (1) Local Streets: 28 feet measured from back of curb to back of curb.
 - C. The installation, construction, and design of pavements shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects to the City of Olathe.
4. Water Mains. Water mains shall be installed and constructed in such a manner that every lot or parcel of land shall be served by means of a connection within its own frontage. The installation, construction, and design of water mains shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe.

5. Fire Hydrants. Fire hydrants shall be installed and located at intervals of approximately ___* feet in a manner permitting connection of a 10-foot to 20-foot, non-flexible steamer hose connection with a fire truck standing on the pavement. The installations, construction, and design of the hydrants shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe.
6. Sanitary Sewers. Sanitary sewers shall be installed and constructed in such a manner that every lot or parcel of land to be served thereby shall be served by means of a house connection within its own frontage. The installations, construction and design of the sanitary sewers shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe.
7. Storm Sewers. A storm sewer system shall be constructed throughout the entire subdivision which shall be separate and independent of the sanitary sewer system and which shall provide an efficient outlet to an acceptable receiving watercourse. No street shall be paved unless provision is made for the concurrent installation and construction of storm sewers for the full length of the street pavement. The installation, construction and design of the storm sewers shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe.
8. Street Signs. Metallic street name signs shall be erected on metallic posts on not less than two corners of each intersection. It shall be the responsibility of the undersigned to order the installation of the signs and make payment for said installation to the City's Public Works Department prior to completion of the street improvement. The cost for the materials and labor involved for this work shall be as determined by the Public Works Department. The type of sign, its location and its erection shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices to the extent applicable and shall be acceptable to the City Engineer.
9. Street Lights and Public Utilities.
 - A. If during construction of the improvements, it becomes apparent that additional easements must be granted, they shall not be less than 5 feet in width and be established where practicable at the rear of each lot and along such other lot lines as to provide continuity of alignment from block to block.
 - B. All utility distribution lines, for telephone, gas, and electric service, to be installed, shall be placed underground within easements or dedicated public ways.
 - C. The installation of street lights and public utilities shall be the responsibility of the undersigned. In situations where payment is required for the underground installation of service lines for these facilities, and such costs are not paid for these facilities, and such costs are not paid through the City's franchise agreement or similar agreements between the City and the public utilities, such cost shall be paid by the undersigned.
10. Erosion Control and Seeding. Erosion control measures shall be installed to prevent migration of silt or other materials from the site. All disturbed areas will be temporarily seeded as soon as practical. The installation, construction, and design of the erosion control measures and seeding shall be in accordance with the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe.
11. Other Improvements. Should other improvements not listed above be required to be made, or should those listed above need to be stated more clearly and accurately, then they will be set forth on an addendum marked Exhibit "A," attached hereto and incorporated by reference herewith as if fully set forth.

* as determined by the Fire Marshal

The undersigned further agrees to provide the City with detailed plans for the project. Said plans shall be approved by the City Engineer prior to the start of construction. A contract shall be initiated between the undersigned and a contractor to construct the project on the basis of the aforementioned city approved plans. Before the start of the work, the City shall be presented a copy of the contract proposal, this agreement executed by the undersigned, and all performance and maintenance bonds as required by the city. Inspection fees and sign costs shall be paid by the undersigned before construction will be allowed to begin. The undersigned's Engineer shall be required to perform construction staking prior to the start of work in accordance with the approved contract drawings and shall perform periodic checks of all elevations of the project as the construction progresses to assure conformance to the contract drawings.

The undersigned fully understands that:

1. The City Engineer has been authorized by the City of Olathe to ascertain that all construction of public facilities is equal to or exceeds the minimum construction standards as set forth in the latest edition of the Technical Specifications and Design Criteria Manual for Public Improvement Projects of the City of Olathe. The project inspector shall act as a representative of the City Engineer and shall be responsible for assuring that all work involving public improvements is in conformance with the City's standard specifications and policies. The City Engineer shall have the sole responsibility to authorize any deviations from the provisions of these standard specifications and policies or from the approved construction drawings. The project inspector has the authority to reject defective materials, inferior materials, defective workmanship, and work which is not fully in conformance with the standard specifications. The inspector is not authorized to alter provisions of the specifications or to issue instructions contrary to the specifications or to make any changes in the work without the consent of the City Engineer.
2. The acceptance of the project shall be documented by the issuance of a project completion certificate by the City of Olathe. Said certificate shall be issued in accordance with the following:
 - A. A determination of the City project inspector that the physical construction is complete in accordance with the contract drawings and the requirement of the City standard specifications.
 - B. As-built drawings denoting all changes made to the project during the course of the work have been prepared by the undersigned Engineer and submitted to and verified by the City project inspector.
 - C. Receipt of the entire inspection fee by the City finance department from the undersigned.
 - D. All required testing to be completed and the specified results met.
3. The City project inspector will not be required to work on Saturdays or holidays without the prior approval of the City Engineer. Requests for permission to work on legal holidays shall be considered upon advance notification of a minimum of five (5) working days prior to the anticipated date of the work to be performed. Requests for permission to work on Saturday shall be received by 3:00 p.m. on the Thursday preceding. Requests for permission to work on a project past 5:00 p.m. shall be made to the project inspector by 12:00 p.m. (noon) of that day. Work on Sundays will not be allowed under any circumstance.
4. The project inspector's regular work schedule consists of an eight-hour work day, 8:00 a.m. to 5:00 p.m. (one hour off for lunch), Monday through Friday. The undersigned is responsible for providing compensation to the City for all inspection services that occur

outside of the project inspector's regular work schedule. Compensation for inspections occurring on Saturdays and holidays will need to be received in advance. A four (4) hour minimum compensation is required for these inspections. Compensation for overtime inspections occurring Monday through Friday shall be received within three (3) days of the service rendered. An hourly rate for overtime compensation shall be established on an annual basis by the City Engineer.

5. All improvements shall be inspected during the course of construction by the City Engineer or a duly authorized representative and all costs in connection with such inspection shall be paid by the undersigned. Such project inspection fee shall equal four and one half (4.5) percent of the cost paid to the undersigned's contractor or contractors for the improvements made. The four and one half (4.5) percent fee does not include the cost of overtime inspections. Such fee shall be determined by filing a copy of the contract proposal form between the undersigned and its contractor along with all associated change orders verifying contract cost adjustments with the City Engineer. Such payment shall be made to the City of Olathe in the form of cash or a certified check and shall be made before construction is allowed to begin.
6. If any provision of the project, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
7. That the provisions of this agreement shall bind the undersigned, its partners, successors, executors, administrators, and assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands this _____ day
of _____, 20_____.

Company Name

Address _____

By _____

Title

Phone _____

ATTEST:

By _____

Title

CITY OF OLATHE, KANSAS

By _____
City Engineer

ATTEST:

City Clerk