

808 W. Clinton

Contract No. _____

AGREEMENT

This Agreement being made this 24 day of September, 2009, between the City of Napoleon, Ohio, a municipal corporation (hereinafter called "the City") and Karen E. Olwick (hereinafter called *Landowner*)

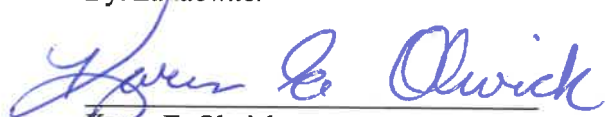
In consideration of *Landowner* granting the *City* a temporary drive access easement, the *City* Agrees as follows:


The *City* shall within 90 days of the execution of this Agreement, at the *City's* sole expense, cause to be resurfaced a drive, utilizing its own forces or forces of a contractor, in accordance with the specifications and material as found in attached exhibit "A", incorporated herein, (hereafter called "*the Project*"). Once the *Project* is completed, the *City* shall have no further interest in the *Project*. The *Project* shall be maintained by *Landowner*, without further contribution by the *City*. The *City* has no independent warranty or maintenance bond on the *Project*; however, the *City* will pass any *Contractor* warranty, if any exist, over to the *Landowner*, to the extent permitted by the terms and conditions of the warranty. In no event shall the *City* be held liable for any defect in workmanship. The location of the *Project* that is the subject of this Agreement shall be as found in attached exhibit "B", incorporated herein. The cost of the *Project* in no event shall exceed \$25,000.00.

This is the complete agreement between the parties, oral representations may not be relied upon.

By: *Landowner*

By: *City*


Karen E. Olwick


Dr. Jon A. Bisher,
City Manager

Approved as to form and correctness:


David M. Grahn, Law Director

CERTIFICATION OF FUNDS

I, Gregory J. Heath, Finance Director of the City of Napoleon, Ohio hereby certify that the money to meet this contract has been lawfully appropriated for the purpose of the contract and is in the treasury of the City of Napoleon, Ohio or is in the process of collection to the credit of the appropriate fund free from prior encumbrance.


Gregory J. Heath, Finance Director

EXHIBIT "A"

Article 1 Pavements, Curbing, and Walks

GENERAL - SCOPE

- 1.) This section includes the furnishing of all labor, materials, equipment, and services necessary for the completion of the Work in accordance with the contract documents.
- 2.) The Work includes the replacement of the various types of pavements, curbing, and sidewalks.
- 3.) Improvements to the existing asphalt drive shall consist of a scratch course of asphalt with 1-1/2" of surface asphalt as outlined in Section 1.6.3.
4. Replacement of the existing stone drive with an asphalt drive shall consist of 1-1/2" of surface asphalt as outlined in Section 1.6.3, 3" of base asphalt as outlined in Section 1.6.1, and 6" of aggregate base as outlined in Section 1.4.1.

1.1 SUBMITTALS

- 1.1.1 The CONTRACTOR shall submit a load ticket for each load of asphalt and/or concrete delivered to the site.
- 1.1.2 If requested by the AUTHORIZED REPRESENTATIVE, the CONTRACTOR shall submit recent certification (within one (1) year) from the State Department of Transportation or certification from a testing laboratory that the asphalt and/or concrete plant(s) utilized meet ODOT requirements.
- 1.1.3 The CONTRACTOR shall submit one (1) copy of the mix design proposed for asphalt pavement a minimum of ten (10) days prior to the placement.

1.2 GENERAL

- 1.2.1 No heavy construction vehicle shall operate on any pavement, curbing, or sidewalk after it has been installed.
- 1.2.2 Any existing asphalt or concrete drives, sidewalks and curbs outside the original scope of work damaged as a result of CONTRACTOR actions shall be replaced by and at the expense of the CONTRACTOR.
- 1.2.3 All soil subgrade under pavements, drive approaches, curbs and gutters and sidewalks shall be prepared in accordance with Article 7 of these Project Specifications.
- 1.2.4 Pavement markings, unless otherwise provided in the Bid Schedule, shall be completed by the OWNER.

1.3 PAVEMENT REPAIRS

- 1.3.1 Asphalt pavement repairs shall be done in accordance with ODOT Items 251, 253 and 254, as applicable, except that the asphalt concrete utilized shall be modified 448, as subsequently specified.
- 1.3.2 Rigid pavement repairs shall be in accordance with ODOT Items 252 and 255, as applicable. The concrete shall be ODOT Item 499 Class FS.
- 1.3.3 Crack cleaning shall be performed at the direction of the AUTHORIZED REPRESENTATIVE. All cracks shall be blown dry and free of loose debris prior to the placement of crack sealer.
- 1.3.4 Crack sealing material shall be AC-20 in accordance with ODOT Item 702.01.

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1.4 AGGREGATE BASE

- 1.4.1 The aggregate base for all pavement shall meet the requirements of ODOT Item 304 and placed to meet the thickness as shown on the plans.

1.5 TACK COAT, PRIME COAT AND SEAL COAT

- 1.5.1 Tack coat shall be in accordance with ODOT Item 407, except the material shall be RC-70, RC-250 or SS-1.
- 1.5.2 Prime coat shall be in accordance with ODOT Item 408, except the material shall be MC-30 or MC-70.
- 1.5.3 Seal coat shall be in accordance with ODOT Item 409, except the material shall be RC-250, RC-800 or MC3000.
- 1.5.4 Tack coat, prime coat and seal coat shall be considered incidental to the asphalt unit prices.

1.6 ASPHALT CONCRETE PAVEMENTS

- 1.6.1 The base course of asphalt shall be manufactured and placed in accordance with ODOT Item 301, PG64-22.
- 1.6.2 The leveling course of asphalt shall be manufactured and placed in accordance with ODOT Item 448 Type 2, Medium Traffic, PG64-22.
- 1.6.3 The surface course of asphalt shall be manufactured and placed in accordance with ODOT Item 448 Type 1, Medium Traffic, PG64-22.
- 1.6.4 No surface course of asphalt may be placed after October 15th or before April 15th, unless otherwise approved by the AUTHORIZED REPRESENTATIVE.
- 1.6.5 Additional care in the placement and compaction of all asphalt in shaded areas shall be taken by the CONTRACTOR.
- 12.6.6 ODOT Item 401.20 Asphalt Binder Price Adjustment, expressly does not apply.

1.7 SUBGRADE STABILIZATION FABRIC

- 1.7.1 The fabric shall be woven polypropylene fabric, designed specifically for ground stabilization and meeting the requirements of ODOT Item 712.09 Type D (Soil Type 2).
- 1.7.2 The fabric shall be laid in the direction of traffic. Fabric panels shall be overlapped both side-to-side and end-to-end 1.5 feet.
- 1.7.3 Traffic and construction equipment shall not operate on the fabric once it has been placed on the subgrade.
- 1.7.4 After the fabric is placed, the stone base shall be installed over the fabric with the use of a tracked bulldozer.

1.8 PAVEMENT OVERLAY FABRIC (BUTT JOINTS)

- 1.8.1 The fabric shall have high asphalt absorption, designed specifically for asphalt overlay applications, and fabric weight not less than 4.0 ounces per cubic yard.
- 1.8.2 The fabric shall not be exposed to ultraviolet radiation for more than seven (7) days and shall be a minimum of seventy-five (75) inches but no more than 150 inches in width.
- 1.8.3 The tack coat shall meet the requirements of Article 12.5.1 and applied at a rate of 0.15 to 0.25 gallons per square yard. The tack coat shall be sprayed uniformly

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in one (1) pass at a spray width of approximately eight (8) inches greater than that of the fabric in order to allow for guidance errors.

- 1.8.4 Pavement surface should be dry, free of dirt, grease, and loose material. Air temperature shall be not less than 50° Fahrenheit.
- 1.8.5 Cracks narrower than 3/8" shall be filled with a liquid asphalt cement until flush with the surface. Cracks wider than 3/8" shall be filled with an asphalt filler. Large cracks or holes shall be patched with ODOT 448 Type 2, medium Traffic, PG64-22.
- 1.8.6 Fabric shall be laid smoothly into the tack coat with minimum wrinkling. Fabric placement should begin immediately after spraying the asphalt cement tack but before it loses its tackiness. Fabric shall be brushed after placement to remove minor wrinkles and air pockets to insure sufficient contact with the existing surface. If a large wrinkle develops, slit the fabric with a knife and overlap the pieces in the direction of paving.
- 1.8.7 Fabric panels shall be overlapped twelve (12) inches minimum. Transverse joints shall be overlapped in the direction of the paver to avoid snagging the top panel. At overlaps, one (1) layer of fabric shall be bonded to the other with a suitable tack coat, wither by brushing on the sealant, or using a hand sprayer. The amount of tack coat needed to bond fabric joints is 0.10 to 0.15 gallons per square yard.
- 1.8.8 Hot mix temperatures below 265° Fahrenheit or above 325° Fahrenheit shall be avoided when using pavement fabric.

1.9 PAVEMENT OVERLAY FABRIC (GENERAL)

- 1.9.1 Pavement Overlay Fabric shall meet the requirements of O.D.O.T. Item 712.09, Type E, and shall be constructed of long chain synthetic polymers composed of at least eight-five (85) percent polyolephines, polyesters, and polyamides by weight, shall be resistant to chemical attack, mildew, and rot, and shall meet the following physical requirement:

Property	Specification	Test Method
Grab Tensile Strength (lbs)	101 Min.	ASTM D 4632
Grab Elongation (%)	50 Min.	ASTM D 4632
Asphalt Retention (gal/sy)	0.25 Min.	AASHTO M-288
Melting Point (degrees F)	300 or Greater	ASTM D 276

- 1.9.2 The fabric shall not be exposed to ultraviolet radiation for more than seven (7) days and shall be a minimum of seventy-five (75) inches but no more than 150 inches in width and furnished in rolls of approximately one hundred (100) yards in length.
- 1.9.3 The asphalt sealant shall be PG64-22 meeting the requirements of O.D.O.T. Item 702.01. Certification shall be furnished in accordance with O.D.O.T. Item 101.061 before the fabric is placed. The Engineer may require sampling for testing purposes as directed by the Laboratory.
- 1.9.4 The Contractor shall provide equipment for heating and applying bituminous material. Heating equipment and distributor shall meet the requirements of O.D.O.T. Item 407. The mechanical laydown equipment shall be mounted on a four-wheeled vehicle that is capable of driving over the fabric while it is being

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installed to control the tension of the material. The vehicle shall have a minimum wheelbase of 130 inches. The laydown machine shall be equipped with clutches to adjust the roll tension and brooms to smooth out wrinkles during installation. Manual laydown may only be used in areas inaccessible to the laydown machine.

- 1.9.5 The cracks and entire road surface to be treated, and at least one (1) additional foot on each side, shall be cleaned by sweeping, blowing, or other methods until all dust, mud, clay lumps, vegetation, and foreign material are removed entirely from the pavement before the bituminous material is applied. Care shall be exercised to prevent material removed from becoming mixed with the new surface.
- 1.9.6 The application of the asphalt sealant shall conform to the applicable portions of O.D.O.T. Item 407. The asphalt sealant shall be uniformly sprayed over the area to be covered by fabric at a rate of 0.25 to 0.30 gallons per square yard.
- 1.9.7 The quantity applied will vary with the surface condition of the existing pavement (degrees of porosity, for example). The fabric alone, under heat of the overlay, will absorb at least 0.20 gallons per square yard. Within intersection or other zones where vehicle braking is common, the application shall be reduced to twenty (20) percent. The sealant shall be applied to an area two (2) to six (6) inches wider than the widths of the fabric being placed, but restricted to the area of immediate fabric laydown. Application shall be by distributor with hand spraying allowed only where the distributor cannot be used. Asphalt spills shall be cleaned from the road surface to avoid flushing and possible movement at these asphalt rich areas.
- 1.9.8 The asphalt cement used as a sealant shall have a distributor tank temperature between 300 degrees and 350 degrees Fahrenheit. Application temperature is not critical after the asphalt is sprayed on the pavement. If the fabric is to be over-sprayed, the distributor tank temperatures should not exceed 350 degrees Fahrenheit to avoid damage to the fabric.
- 1.9.9 The fabric shall be placed on the asphalt sealant as soon as practical and before the tackiness of the sealant is lost. The fabric shall be placed as smoothly as possible to avoid wrinkles. It shall be unrolled so that the soft side is unwound into sealant, thus providing optimum bond between fabric and pavement during the construction process. Wrinkles severe enough to cause "folds" shall be slit and laid flat. Small wrinkles which flatten under compaction are not detrimental to performance. The fabric shall be broomed or squeegeed to remove air bubbles and make complete contact with the road surface as recommended by the fabric manufacturer. The fabric shall be laid straight, within the sealant area. Moderate curves can be negotiated by stretching the fabric on the outside of the curve by adjusting the drag on the brakes of the laydown equipment.
- 1.9.10 Longitudinal joints shall be made by overlapping the fabric one (1) to three (3) inches. Transverse joints shall be made by overlapping the fabric four (4) to six (6) inches. Additional sealant (0.20 gallons per square yard) shall be added to the joints as required. The additional sealant for transverse joints may be applied by hand spraying or with mop and bucket if extreme care is taken to not exceed the specified rate. No additional payment shall be granted for such sealant applied.
- 1.9.11 To enhance the bond of the fabric with the existing pavement and to smooth out any wrinkles for fold in the fabric, the Contractor may be required to pneumatically roll the fabric after it is placed.
- 1.9.12 It is unnecessary to tack coat the fabric prior to placement of the overlay unless there are circumstances such as delay of overlay, dust accumulation or under application of sealant which would make tack coating desirable. If a tack coat is

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required, emulsified asphalt shall be applied at a rate of 0.02 to 0.05 gallons per square yard residual asphalt. No additional payment shall be granted for additional tack coat applied. Placement of the asphalt concrete overlay shall closely follow fabric laydown. In the event that the sealant bleeds through the fabric before the asphalt concrete is placed, it may be necessary to blot the sealant by spreading sand or asphalt concrete over the affected areas. This will prevent any tendency for construction equipment to pick up the fabric when driving over it.

- 1.9.13 Turning of the paver and other vehicles shall be gradual to avoid movement or damage to the membrane. Streets shall not be opened to traffic prior to placement of the asphalt concrete overlay.
 - 1.9.14 If rain prior to the overlay should cause a blistered appearance and some bond loss throughout the membrane, it shall be corrected by pneumatic rolling until adhesion is restored.
 - 1.9.15 The asphalt concrete overlay shall conform to O.D.O.T. Item 401 except that the mixture shall be delivered to the paver at a temperature of 275 degrees to 300 degrees Fahrenheit. The temperature of the mix shall in no case exceed 325 degrees Fahrenheit.
- 1.10 TEMPORARY PAVEMENT
- 1.10.1 Unless otherwise noted on the plans or specifications, all temporary pavement shall meet the requirements of ODOT Item 410, except that the material shall be crushed limestone meeting the grading requirements of Type B.
 - 1.10.2 Temporary pavement shall be used as directed by the AUTHORIZED REPRESENTATIVE and shall be paid at the unit price included in the bid.
- 1.11 RIGID CONCRETE PAVEMENT
- 1.11.1 Rigid concrete pavement shall be constructed in accordance with ODOT Item 451, except that contraction joints shall be spaced at intervals of no greater than twelve (12) feet.
 - 1.11.2 The thickness of the pavement shall be as shown on the drawings.
- 1.12 CAST-IN-PLACE CONCRETE (CURBS, SIDEWALKS AND DRIVE APPROACHES)
- 1.12.1 Unless otherwise noted on the plans or in the specifications, all cast-in-place concrete shall be Class C as defined in ODOT Item 499 and modified in Article 13 of these Project Specifications. Reinforcing, if required, shall be in accordance with Article 13 of these Project Specifications.
 - 1.12.2 Concrete curb and gutter shall be of the type as shown on the plans and constructed meeting the requirements of ODOT Item 609.04.
 - 1.12.3 All curb and combination curb and gutter not constructed integral with the base or pavement shall have ¼ inch contraction joints constructed at ten (10) foot intervals. The joint may be constructed with the use of metal separator plates, by the use of a grooving tool, or sawed. The depth of joint shall average two (2) inches or more for combination curb and gutter, and for curb shall average one-fourth or more of the curb height. The joint shall be filled with hot or cold applied joint sealer. Where expansion joints occur in the abutting pavement, they shall be provided for by separation of the section being placed with one (1) inch preformed joint filler.
 - 1.12.4 One (1) inch expansion joint filler shall be installed between the back of curb and all concrete drive approaches and sidewalks.

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- 1.12.5 At curb inlets, a one (1) inch expansion joint shall be installed one (1) foot from the outside wall on each side of the curb inlet. The expansion joint shall have two (2)-1" x 18" dowels with expansion caps installed nine (9) inches from the edge of the curb and gutter or concrete pavement section. Bond breaking oil shall be applied to the dowel bars.
 - 1.12.6 Concrete sidewalks shall be four (4) inches in thickness, except that within five (5) feet of and across drive approaches and within the intersection of rights-of-way sidewalks shall be six (6) inches in thickness. Concrete sidewalks shall be placed on a minimum of four (4) inches of ODOT Item 304 or 411, except that within five (5) feet of and across drive approaches, which shall be placed on a minimum of six (6) inches of ODOT Item 304 or 411, the payment for which shall be included in the unit price of the sidewalk.
 - 1.12.7 Unless otherwise directed by the AUTHORIZED REPRESENTATIVE, sidewalks shall have a transverse slope of one-quarter (1/4) inch per foot, with the low side toward the roadway.
 - 1.12.8 Concrete drive approaches shall be six (6) inches in thickness and shall be placed on a minimum of six (6) inches of ODOT Item 304 or 411, the payment for which shall be a separate item.
 - 1.12.9 Concrete sidewalks and drive approaches shall have a broomed finish to slightly roughen the surface.
- 1.13 PAVEMENT REPLACEMENT
- 1.13.1 Unless otherwise noted on the plans or specifications, all pavement replacement and patches shall, at a minimum, match the existing, unless otherwise directed by the AUTHORIZED REPRESENTATIVE.
 - 1.13.2 Payment for pavement replacement over pipe sewers and water mains shall be calculated based upon the nominal pipe diameter plus four (4) feet in width. Payment for pavement replacement around manholes and structures shall be calculated based upon the measurement of one (1) foot around the perimeter of the structure.
- 1.14 GRINDING ASPHALT
- 1.14.1 Unless noted on the plans and/or the bid schedule, all asphalt grinding shall be considered incidental to the unit prices for construction of the new pavement.
- 1.15 PAVEMENT MARKINGS
- 1.15.1 Pavement markings (street striping) shall conform to ODOT Items 641, 642, 643 and 644, as applicable and subsequently modified.
 - 1.15.2 In addition to the application rates stated in ODOT Item 642.03, the AUTHORIZED REPRESENTATIVE shall require verification of the amount of paint used. The wet thickness of the paint shall be no less than fifteen (15) mils, with a dry thickness of no less than seven (7) mils.
 - 1.15.3 Paint materials shall be ODOT Item 740.02 Type 2, fast dry, alkyd, for all stop bars, channelizing lines, crosswalks, directional arrows, words on pavement, centerlines and edge lines. Parking stalls and handicap spaces shall be item 740.02 Type 4 (1997 Specification), conventional, alkyd type.
 - 1.15.4 All handicap parking spaces shall have surface areas painted blue, including the curb, where applicable, and shall have the handicap symbol painted white.

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1.15.5 Payment for pavement marking (street striping), where required, shall be on a lump basis, as defined in the Bid Schedule, subject to deductions for deficiency as defined in ODOT Item 641.

1.16 TRAFFIC LOOP DETECTORS

1.16.1 Traffic loop detectors shall conform to ODOT Item 632, as subsequently modified, and shall include only the necessary wiring required to remove and replace the existing detector loops installed in the pavement and connection to the existing traffic controllers. The required materials shall conform to ODOT Item 732, as applicable.

1.16.2 Payment for the removal and replacement of the existing traffic loop detectors shall be on a lump basis, as defined in the Bid Schedule.

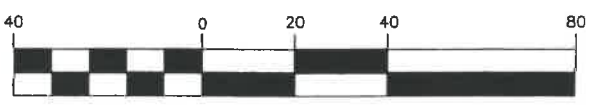
Easement Exhibit "B" City of Napoleon

Being part of Lot No. 11 of the Heller and Donnelly's First Addition,
City of Napoleon, Henry County, Ohio

PAI Job #09-0421
Dwg. RKT

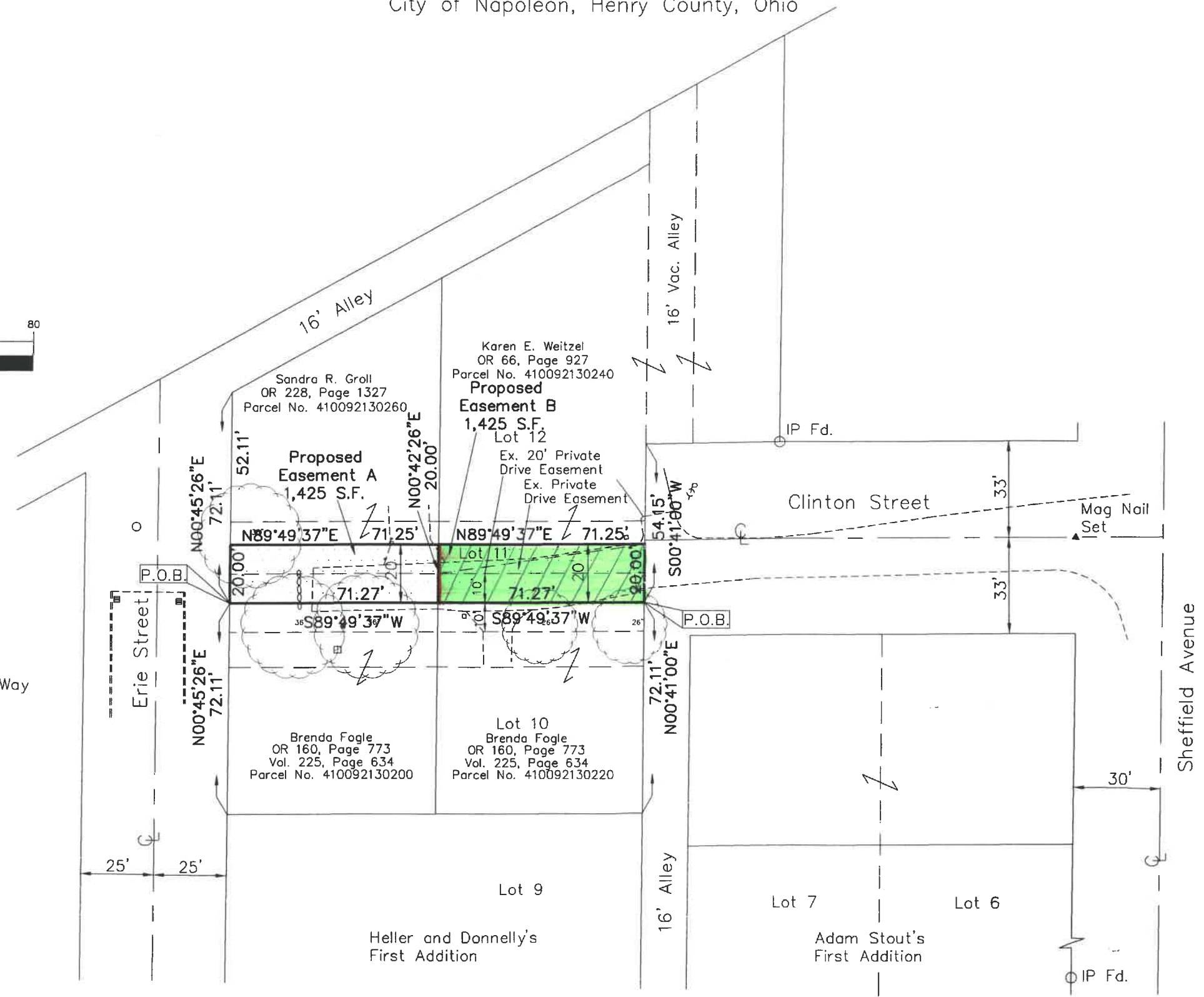


GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

 = Proposed Right of Way Easement



Note: The bearings on this plat are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

IP Set = 5/8"x30" rebar with Peterman Associates Cap.

Rev. 9-3-2009
Date: 8-17-2009

Nick E. Nigh
Nick E. Nigh, P.S. #7384
Peterman Associates, Inc.
3480 N. Main Street
Findlay, Ohio 45840



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