

MODIFICATION OF CONTRACT FOR SEWER SERVICES
FOR THE RICKENBACKER/LOCKBOURNE SERVICE AREA
BETWEEN
THE CITY OF COLUMBUS, OHIO,

THE COUNTY OF FRANKLIN, OHIO
AND
THE VILLAGE OF LOCKBOURNE

This Modification of Contract is made and entered into on this ___ day of _____, 20__ by and among the City of Columbus, Ohio (“Columbus”), a municipal corporation, as authorized by Ordinance No. _____ passed _____, the County of Franklin, Ohio (“the County”), through its Board of County Commissioners, duly authorized by Resolution No. _____, passed _____, and the Village of Lockbourne (“Lockbourne”), as authorized by Ordinance No. _____ passed _____, and the parties hereby agree as follows:

WHEREAS, the Columbus, the County, and Lockbourne (“the Parties”) entered into a contract for sewer service (“the Sewer Contract”) on September 6, 1995; and

WHEREAS, the Sewer Contract was modified on December 5, 1996; July 2, 1997; and January 1, 2012; and

WHEREAS, the January 1, 2012 modification provides that the Sewer Contract will remain in effect until midnight of January 1, 2022; and

WHEREAS, the Parties desire to amend the Sewer Contract to extend the duration of the Sewer Contract.

NOW, THEREFORE, the Parties hereby covenant and agree as follows:

- I. The term of the Sewer Contract as set forth in Section 3 of that agreement and as modified by the modification of the Sewer Contract effective January 1, 2012 is hereby deleted and replaced with the following:
 - a) The term of this agreement will commence on January 1, 2012 and shall remain in full force and effect until midnight of January 1, 2024 (Expiration Date”). Columbus and Lockbourne may negotiate a new agreement at any time prior to the Expiration Date. If Columbus and Lockbourne have not negotiated a new agreement prior to the Expiration Date, the Parties may amend this agreement to extend its term. If the term of this agreement is not extended as provided herein, this agreement will expire on the expiration date.
 - b) The Parties reserve the right to renegotiate this agreement at any time if amendment of this agreement is necessary in order to effect compliance with any regulatory standard or requirement imposed on either party by any regulatory agency, and both parties agree, upon written notice of renegotiation to negotiate in good faith. If the parties fail to negotiate an amended contract within one year of the notice of renegotiation, any party may terminate this agreement upon thirty (30) days written notice of termination. If any party incurs penalties or any other cost directly resulting from the failure of the other party to negotiate in good faith under this paragraph, the party incurring such costs reserves the right to assess the costs incurred against the other party.

II. It is understood and agreed by and between the Parties that all terms and conditions of the Sewer Contract shall remain in full force and effect, except as necessarily amended herein, and the only purpose of this modification is to extend the term of the Sewer Contract.

THE CITY OF COLUMBUS, OHIO

By _____
Director of Public Utilities

APPROVED AS TO FORM:

City Attorney
City of Columbus, Ohio

THE COUNTY OF FRANKLIN, OHIO

By _____

By _____

By _____

Board of County Commissioners
Franklin County, Ohio

Prosecuting Attorney
County of Franklin, Ohio

THE VILLAGE OF LOCKBOURNE, OHIO

By _____

Title _____

Village Solicitor
Village of Lockbourne, Ohio