



## Legislation Text

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**File #:** 28144, **Version:** 1

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### **Fiscal Note**

No funds required.

### **Title**

Second Amendment to RES-12-00664 for Approving a Service Agreement for Public Services for Solid Waste Collection to serve 801 McClellan Drive. (3<sup>rd</sup> AD)

### **Body**

WHEREAS, on September 4, 2012, the Common Council approved RES-12-00664 which approved a Service Agreement for Public Services for Solid Waste Collection to serve 801 McClellan Drive; and

WHEREAS the original resolution authorized a contract with Birchwood Ridge Condominium Association, but the contracting entity should have been Birchwood Ridge Condominiums of McClellan Estates Homeowners Association, Inc.; and,

WHEREAS, on October 16, 2012, the Common Council approved RES -12-00813, which was an Amendment to the original resolution and authorized a contract with Birchwood Ridge Condominiums of McClellan Estate Homeowners Association, Inc.; and,

WHEREAS, upon contract routing of the service agreement, a typo was discovered in the original and Amended resolution regarding liability, the erroneous clause requiring that the service agreement release the City from all claims by its employees, contractors or others performing work under the agreement, which clause would not address the acts of the City in performing services under the Agreement and would release the City of all liability for personal injuries of its employees, neither of which is the intent of the parties to the agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized and directed to execute a Service Agreement for 801 McClellan Drive for Solid Waste Collection on a Private Street, with Birchwood Ridge Condominiums of McClellan Estates Homeowners Association, Inc.
2. The City shall not be held responsible for any damage to the property of Birchwood Ridge Condominiums of McClellan Estates or that may be caused by the City, its employees, contractors or others, performing work as detailed under this Agreement.
3. The City has the right to collect a fee for administration of the Service Agreement and amend the fees as necessary to recoup any costs that are above and beyond the normal cost to perform similar services on public streets.
4. That the City and the Association shall be allowed to either terminate or extend the agreement per the terms of said agreement.