LIFT STATION OPERATION, MAINTENANCE AND REPLACEMENT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____ _____, 20 _____, by and between the Norman Utilities Authority (hereinafter referred to as the "Authority") and _____Cedar Lane, L.L.C._____, an Oklahoma limited liability company (hereinafter referred to as the "Developer").

1. WHEREAS, the Developer applying for the approval of developing and subdividing their property which would otherwise be served by septic tanks or sewage lagoons maintained privately desire that their property be served by lift stations which would pump wastewater into the Authority's wastewater system; and

2. WHEREAS, this alternative, if approved by the Authority, would require additional operation, maintenance, and replacement costs which are unique to the lift station being utilized; and

3. WHEREAS, the Developer of the proposed subdivision requests that the subdivision be provided wastewater service through an existing lift station pumping into the Authority's wastewater system; and

4. WHEREAS, the Developer requests that this alternative be approved as part of the platting process and that an administrative fee be established for each lot in the subdivision (development) to provide for the operation, maintenance, and replacement of said lift station serving said subdivision; and

5. WHEREAS, the use of an existing lift station and the servicing of new subdivision (development) will be of great advantage to the property owners within the subdivision by reducing their costs for the installation, operation and maintenance of septic systems or privately maintained sewage lagoons or in the alternative, the value of their property would be reduced significantly.

BE IT THEREFORE AGREED BY AND BETWEEN THE PARTIES HERETO:

1. THAT a monthly Lift Station operation, maintenance, and replacement fee will be implemented for Lots 1 through 8, Block 1 of Classen Business Park, a Planned Unit Development (PUD) which will utilize the existing Post Oak Lift Station for the purpose of pumping wastewater from the newly platted subdivision into the Authority's wastewater system and that said monthly fee be billed to each utility bill recipient as to each lot, business, dwelling or apartment in the subdivision served by the lift station through the City of Norman utility billing process (note the monthly fee will not be charged to the property owner but rather the person or entity on each utility bill in the subdivision such as in the case of a tenant). Said provision shall be included in the restrictive covenants covering said subdivision.

2. THAT the procedure for establishing said operation, maintenance, and replacement fee for each individual subdivision shall be as follows:

   a. Prior to Council consideration of the preliminary plat, the Utilities Engineer, or his authorized representative, shall estimate the annual administrative fee (the Lift Station Fee) necessary to provide for the proper operation, maintenance and replacement (OM&R) of the lift station, force main and directly associated appurtenances.
   b. The Authority shall levy the Lift Station Fee upon all utility bill recipients as to all new lots, businesses or dwelling units within the lift station service area and this determination shall be made a condition of Council's preliminary plat approval.
   c. Prior to Council consideration of the final plat under which the lift station and force main is constructed, the Utilities Engineer or his authorized representative, shall finalize the Lift Station Fee utilizing the construction record drawings and final certified construction cost. The Lift Station Fee shall be filed of record as a restrictive covenant with said final plat and all future final plats within the lift station service area.

d. The Lift Station Fee will be adjusted annually to account for inflation based on the rate of change in the Untied States Department of Labor's Consumer Price Index for All Urban Consumers for the month most recently published, as compared to the same month in the previous year, and may otherwise be adjusted if the Authority determines that changes to the lift station's service area boundaries necessitate said adjustment.

e. In the event a new lift station enlarges the service area of the proposed lift station and replaces said lift station, the Lift Station Fee applicable to all existing final plats (if any) may not increase as a result of new calculation. However, the Lift Station Fee applicable to all existing final plats (if any) may decrease to the amount of new Lift Station Fee calculation.

f. In the event the lift station is taken out of service and its wastewater subsequently flows by gravity to the wastewater treatment facility site, any applicable Lift Station Fee shall be discontinued upon filing of a notice by the Authority.

g. The Lift Station Fee shall be made a part of the City of Norman Utility bill for collection monthly and accounted for in the Water Reclamation Fund.

h. The estimated Lift Station Fee has been calculated and is attached hereto as Exhibit "A" and made a part hereof.

i. The preliminary plat for Classen Business Park, a part of the Post Oak Lift Station service area, is shown on Exhibit "B" attached hereto and made a part hereof, as initialed on each page by the undersigned and Authority.

IN WITNESS WHEREOF, the Authority and Developer have executed this Agreement.

Norman Utilities Authority

ATTEST:

By: _____ _____

Lynne Miller, Chairperson Secretary

APPROVED as to form and legality this _____ day of _____, _____

_____

City Attorney

Cedar Lane, L.L.C.

By: _____

Hunter Miller as Manager

Subscribed and sworn to before me this this _____ day of _____, 20___.

_____

Notary Public

My Commission Expires:

_____

Lift Station Operation, Maintenance and Replacement Cost Estimate

Post Oak Lift Station

The Engineering Report provided by the developer will include sufficient information to allow the City of Norman to calculate the approximate cost to operate, maintain and replace capital equipment for the life of the proposed lift station. This information shall include the following at a minimum:

Proposed Lift Station Sewer Service Area including expected number and type of residential units as well as the number of acres of other zoning classifications such as commercial, institutional, industrial, etc. If applicable, a phasing plan shall be submitted. Calculate estimated population equivalent to be served by the lift station (include total population and breakout by phases, if applicable.) Estimated average daily wastewater flow (ADF) in gallons per day (GPD) and peak hourly flow in GPD utilizing generally accepted standards for per capita ADF or other data acceptable to the City of Norman.

	Parcel 1 The Links	Parcel 2 (Mixed Use)	Parcel 3 (Industrial)	Parcel 4 (Mixed Use)	Parcel 5 (LDR)	Parcel 6 (LDR)	Parcel 7 (LDR)	
	Units	Acres	Acres	Acres	Acres	Units	Acres	Total
	924	40.36	5.45	7.01	137.90	1	48.42	
Population Equivalent Per Category	1.60	14.38	10.00	14.38	8.89	2.54	8.89	
Estimated Population	1,478	580	54	101	1,226	3	430	3,873
Estimated average daily wastewater flow (ADF) in gallons per day using 125 gpcd	184,800	72,544	6,809	12,600	153,241	318	53,807	484,118
Estimated peak hourly flow in GPD	739,200	290,174	27,235	50,402	612,966	1,270	215,227	1,936,473
Peaking Factor	4.0							

Drawings showing the location of the proposed lift station, force main and access roadways. Include sufficient data to allow the pump static head to be determined).

HP = ((GPM) x (TDH)) / ((3960) x (0.50)) where pump efficiency is assumed to be 50% (unless otherwise approved). Check if pump of estimated GPM and TDH is available; adjust HP as required.

GPM	TDH	Efficiency	HP
1000	120	50%	60.61

Estimate average annual electrical cost

1. Pump time (hours per day) = ((ADF in GPD) x 24) / (1440 x (Pump Capacity in GPM))

ADF	Pumping Capacity	Pumping Hours/day
484,118	1000	8.07

2. kilowatt-hours (kWh) = (HP) x 0.746 x (pump time in hours per day) x 365

HP	Pumping Hours/Day	Kwh Per Day	Kwh Per Year
60.61	8.07	364.80	133,152

3. Annual Electrical Cost = kWh per year x $0.08 kWh

Kwh Per Year	Cost per Kwh	Cost per Year
133,152	$0.08	$10,652.17

Estimate annual lift station and force main OM&R cost. Provide approximate cost for lift station and appurtenances. Include wetwell, pumps, discharge piping and valves, electrical controls, flow metering, force main quick-connect coupling, valve vault, fittings and valves, fencing, all weather access road, force main, air release valves and vaults, etc. Assume annual replacement cost is 5% of original construction cost.

Annual OM&R Cost = 0.05 x Capital Cost

Lift Station Cost	Force Main Length	12" Force Main Per Foot	Force Main Cost	Total Cost	Annual Cost
$580,484.00	9,350	$36.00	$336,600	$917,084	$45,854

Calculate Total Monthly OM&R Cost: Monthly OM&R Cost = (Annual Electrical Cost + Annual OM&R Cost) / 12

Electrical Cost	OM&R Cost	Total Annual Cost	Total Monthly Cost
$10,652.17	$45,854.20	$56,506.37	$4,708.86

Calculate Lift Station Fee: The fee will be calculated on a residential lot basis as well as a per capita basis to accommodate other zoning classifications such as commercial, institutional, industrial, etc.

Monthly Per Capita Fee = ((Monthly OM&R Cost) x Per Capita ADF) / ((ADF) x 30.417 days per month))

Monthly Residential Fee = where the number of persons per household is the same as was assumed in the Engineering Report.

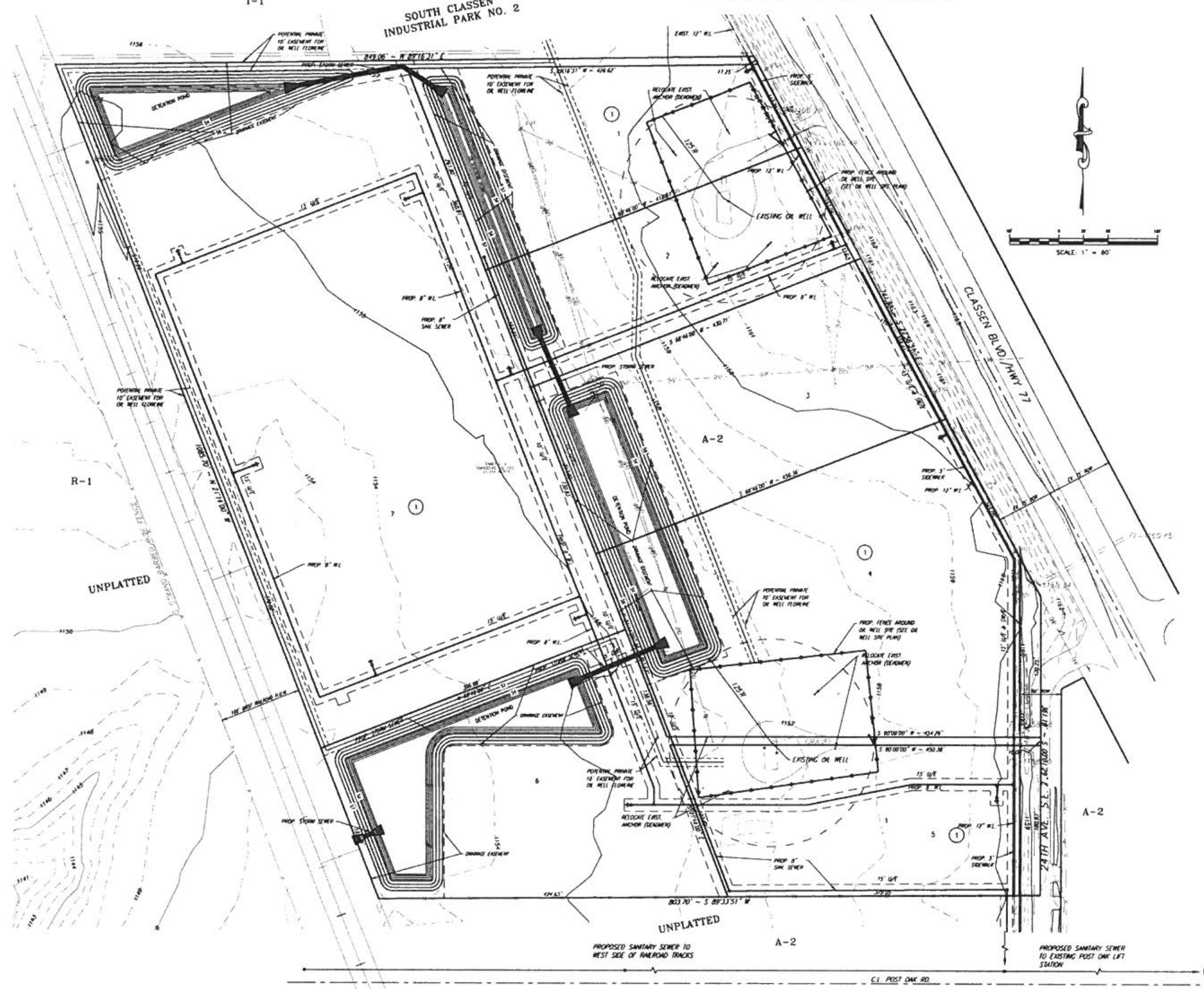
	Total Annual Monthly Cost	Monthly Cost Per Person	Monthly Cost Per Household	Monthly Cost Per Apartment	
	$4,708.86	$1.22	$3.09	$1.95	
7/1/2016		$1.32	$3.36	$2.11	(fee inflated to July 1, 2016 by ENR Cost Index)

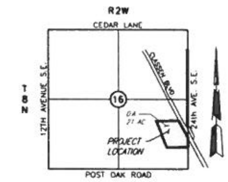
EXHIBIT "B"

PRELIMINARY PLAT

CLASSEN BUSINESS PARK

A PART OF THE S.E. 1/4 OF SECTION 16, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





VICINITY MAP
SCALE: 1" = 2000'

NOTES:

1. EXISTING ZONING IS A-2. PROPOSED ZONING IS C-2 / O-1 FOR LOTS 1, 2, 3, 4, 5 AND 6. PROPOSED ZONING IS RM-6 FOR LOT 7.
2. ALL PUBLIC UTILITIES SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
3. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
4. ALL PUBLIC UTILITIES WILL BE IN DEDICATED EASEMENTS.
5. ALL SANITARY SEWER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
6. ALL WATER LINES TO BE 6" DIA. UNLESS NOTED OTHERWISE. AS FINAL PLATS ARE DEVELOPED, 12-INCH MAY BE USED IF LOOPED SYSTEM CANNOT BE ACCOMPLISHED.
7. FIRE HYDRANTS TO BE SPACED A MAXIMUM OF 300' APART, AND DESIGNED AT FINAL PLAT STAGE PER CITY OF NORMAN STANDARDS AND SPECIFICATIONS. FDC LOCATIONS WILL BE DESIGNED PER CITY OF NORMAN STANDARDS AND SPECIFICATIONS WITH FINAL PLAT AND CONSTRUCTION PLANS.
8. ALL ISLANDS AND/OR MEDIANS WITHIN STREET RIGHTS-OF-WAY AND ALL COMMON OPEN SPACE WITHIN THIS DEVELOPMENT WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OF CLASSEN BUSINESS PARK.
9. THE ENTRY GATE FOR THE MULTI-FAMILY LOT SHALL HAVE A SIREN OPERATING SENSOR (SOS) AND A MANUAL RELEASE.
10. FACADE COVERAGE REQUIREMENTS FOR EACH LOT WILL BE MET AT BUILDING PERMIT STAGE. IF ADDITIONAL WATERLINES AND FIRE HYDRANTS ARE NEEDED, THEY WILL BE SUBMITTED WITH THE BUILDING PERMITS.
11. SEE OIL WELL SITE PLAN.

Legal Description:

A tract of land located in the Southeast Quarter (S.E. 1/4) of Section Sixteen (16), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the Southeast Corner of said S.E. 1/4;

THENCE North 00°03'51" East along the East line of said S.E. 1/4 a distance of 608.67 feet to the POINT OF BEGINNING;

THENCE South 89°34'09" West a distance of 803.79 feet to a point on the Easterly right-of-way of the Burlington Northern and Santa Fe Railroads;

THENCE North 21°11'15" West along said right-of-way a distance of 1086.64 feet;

THENCE North 89°27'44" East a distance of 853.11 feet to a point on the Westerly right-of-way of U.S. Highway 77;

THENCE South 27°41'25" East along said right-of-way a distance of 741.17 feet to a point on the East line of said S.E. 1/4;

Thence South 00°03'51" West along said East line a distance of 360.03 feet to the POINT OF BEGINNING.

Said tract contains 904,034 square feet, or 20.754 acres more or less.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF CLASSEN BUSINESS PARK. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

OWNER/DEVELOPER:
CEDAR LANE, L.L.C.
P.O. BOX 5156
NORMAN, OK 73070

ENGINEER:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN ST.
OKLAHOMA CITY, OK 73106
(405) 232-7715

CLASSEN BUSINESS PARK

24th AVE. S.E. & POST OAK RD.
NORMAN, OKLAHOMA

SMC

PROJECT NO.: 8033.00
DATE: 11/07/16
SCALE: 1" = 80'
DRAWN BY: D.G.
ENGINEER: TOM L. McCALEB
P.E. NUMBER: 13418

EXHIBIT "B"
PRELIMINARY PLAT

SHEET NO.
1