

**CHAPTER 927**  
**Utilities Serving New Condominium Developments**

<b>927.01</b> Application. <b>927.02</b> Water and sanitary sewer taps prohibited. <b>927.03</b> Procedure preliminary to development of a new condominium development.	<b>927.04</b> Condominium municipal utility contract and utility infrastructure construction. <b>927.05</b> City Engineer's acceptance of utility infrastructure.
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**927.01 APPLICATION.**

(a) This Chapter shall apply to Condominium Developments on land located within the corporate boundaries of the City and first submitted to the provisions of Chapter 5311 of the Ohio Revised Code by the execution and filing for record of a declaration pursuant to Section 5311.05 of the Ohio Revised Code for such land subsequent to January 1, 1997.

(b) The term "Condominium Development," as used in the Codified Ordinances, shall have the same meaning as the term "condominium development" defined in Section 5311.01 of The Ohio Revised Code.

(c) The term "New Condominium Development" means a Condominium Development which is subject to this Chapter.  
(Ord. 97-148. Passed 4-29-97.)

**927.02 WATER AND SANITARY SEWER TAPS PROHIBITED.**

No permit to tap a City water main or a City sanitary sewer line to connect a New Condominium Development to the City's water and/or sewer utilities shall be issued until after the owner of the New Condominium Development has entered into a Condominium Municipal Utility Contract with the City pursuant to Section 927.04 of the Codified Ordinances.  
(Ord. 97-148. Passed 4-29-97.)

**927.03 PROCEDURE PRELIMINARY TO DEVELOPMENT OF A NEW CONDOMINIUM DEVELOPMENT.**

When the owner of a tract of land wishes to develop a New Condominium Development thereon, such owner shall submit to the City Engineer for his review a water and sanitary sewer utility plan for the use and development of such tract of land. The City Engineer shall investigate and ascertain whether the water and sanitary sewer utility plan

complies with the following conditions:

- (a) The water and sanitary sewer utility plan shall provide for the installation of water lines, sanitary sewer lines and necessary related appurtenances, as determined by the City Engineer, in accordance with construction specifications established in Chapter 931 of the Codified Ordinances.
- (b) The water and sanitary sewer utility plan shall include an accurate centerline survey for all water and sanitary sewer lines to be installed within the New Condominium Development. The water and sanitary sewer utility plan shall include extending all water lines and sanitary sewer lines within the New Condominium Development to the property lines of the development as the City Engineer shall determine is necessary so that municipal utility services can be provided to areas beyond the boundary of the New Condominium Development in the future.
- (c) The owner of the New Condominium Development shall submit along with the water and sanitary sewer utility plan a deed document conveying to The City of Springfield, Ohio a forty foot (40') wide easement, extending Twenty feet (20') on each side of the surveyed center line of the water lines and sanitary sewer lines described in the water and sanitary sewer utility plan, and conveying to The City of Springfield, Ohio good title in the water and sanitary sewer infrastructure which the City will operate and maintain upon acceptance of dedication thereof. The owner may request that the City Engineer permit a narrower easement in the event appurtenances (such as, by way of example, water meters or water shutoffs) will not be extended from both sides of a line or in the event a forty foot (40') width is not possible. The said deed document shall convey the easement and utility infrastructure to the City at no cost to the City, shall be in a form approved by the Law Director and shall warrant that the easement is free and clear of all encumbrances. Neither receipt of a water and sanitary sewer utility plan with an executed easement document included therewith nor approval of the water and sanitary sewer utility plan by the City Engineer shall constitute accepting dedication of the easement described in the easement document by the City.

(Ord. 97-148. Passed 4-29-97.)

#### **927.04 CONDOMINIUM MUNICIPAL UTILITY CONTRACT AND UTILITY INFRASTRUCTURE CONSTRUCTION.**

(a) The City Engineer shall examine and investigate each New Condominium Development water and sanitary sewer utility plan submitted to him and within Thirty days (30) of receiving such plan shall either approve the plan or advise the owner of the proposed New Condominium Development of any deficiencies the City Engineer finds in the water and sanitary sewer utility plan. If the City Engineer determines that there are deficiencies in a water and sanitary sewer utility plan, the owner of the proposed New Condominium Development may thereafter submit a corrected water and sanitary sewer utility plan for consideration of the City Engineer.

(b) If the City Engineer determines that a submitted New Condominium Development water and sanitary sewer utility plan is acceptable, he shall so inform the Law Director who shall prepare and tender to the owner of the New Condominium Development a Condominium Municipal Utility Contract that shall include the following covenants:

- (1) That the owner shall construct the water and sanitary sewer utility infrastructure on the lands included in the New Condominium Development in strict compliance with the approved New Condominium

- Development water and sanitary sewer utility plan;
- (2) That the owner shall convey the easement and utility infrastructure, described in the approved New Condominium Development water and sanitary sewer utility plan, to the City, at no cost to the City, by means of a deed document which shall be in a form approved by the Law Director and shall warrant that the easement is free and clear of all encumbrances;
  - (3) That the City shall accept dedication of such easement and record such easement after the City Engineer has requested acceptance of the easement and the water and sanitary sewer infrastructure described in the deed document pursuant to Section 927.05 of this Chapter;
  - (4) That the owner shall pay in advance to the City the inspection fees imposed under Subsection 1211.04(c)(3) of the Codified Ordinances;
  - (5) That customers connected to the water and sanitary sewer utility infrastructure constructed in accordance with the Condominium Municipal Utility Contract may receive water and/or sewer services in accordance with the Codified Ordinances and the rules and regulations adopted by the City governing the provision of municipal water and sanitary sewer utility services; and
  - (6) Such other terms and conditions as the Law Director may determine are necessary to protect the interests of the City.

(c) The City Manager is authorized to enter into Condominium Municipal Utility Contracts with owners of New Condominium Developments; provided, that no such contract requiring and expenditure on the part of the City in excess of the expenditure limit established in Section 42 of the Charter shall be entered into without first receiving the approval of the City Commission .

(d) After the owner has entered in to Condominium Municipal Utility Contract with the City, the owner of the New Condominium Development may petition the City Engineer for permission to deviate form the plan. The City Engineer may permit plan deviations which are not in conflict with other provisions of the Codified Ordinances, which are not in conflict with the construction specifications established in Chapter 931 of the Codified Ordinances and which do not prevent the City from extending municipal utility services to customers beyond the boundary of the New Condominium Development without obtaining additional real property rights in the New Condominium Development lands.  
(Ord. 97-148. Passed 4-29-97.)

#### **927.05 CITY ENGINEER'S ACCEPTANCE OF UTILITY INFRASTRUCTURE.**

After the water and sanitary sewer infrastructure has been constructed within the New Condominium Development, the owner of the New Condominium Development shall prepare and deliver to the City Engineer as-built drawings for the said water and sanitary sewer infrastructure and a deed of easement as approved in the Section 927.03 procedure, with necessary changes made due to approved plan deviations allowed by the City Engineer. If the City Engineer determines that the said water and sanitary sewer infrastructure has been constructed in compliance with the approved New Condominium Development water and sanitary sewer utility plan, the City Engineer shall certify his acceptance of the said water and sanitary sewer infrastructure to the City Commission and request acceptance of dedication of the easement and the water and sanitary sewer infrastructure described in the deed of easement. The City shall assume operation and maintenance responsibilities for the water and sanitary sewer infrastructure only:

- (a) upon acceptance of dedication of the easement and water and sanitary sewer

described in the deed of easement,

- (b) upon the deed of easement being recorded, and
- (c) upon the City receiving from the owner's attorney his certification that the said easement is free and clear of all encumbrances and that all mechanic's liens which could attach to the easement and the water and sanitary sewer infrastructure located in the easement have been waived.

(Ord. 97-148. Passed 4-29-97.)