THE LEARY CONSTRUCTION CO., INC.
32 E. PIERSON ST.
GREENFIELD, IN 46140
(317) 462-2100
www.learycc.com

CALL TOLL FREE:
1-800-428-2323

10 YEAR WATER TANK
PREVENTIVE PROTECTION PROGRAM

THIS AGREEMENT ENTERED INTO BY AND BETWEEN **TOWN OF YORKTOWN** HERE IN AFTER KNOWN AS THE OWNER AND **THE LEARY CONSTRUCTION CO., INC.** HERE IN AFTER KNOWN AS THE COMPANY. THE OWNER AGREES TO EMPLOY THE LEARY CONSTRUCTION CO., INC. TO SERVICE AND MAINTAIN THE **APPROXIMATELY 400,000 GALLON GOLFBALL TANK** LOCATED AT **YORKTOWN, IN**.

THE COMPANY WILL **ANNUALLY** INSPECT AND SERVICE THE TANK BEGINNING **2014**. THE INTERIOR AND EXTERIOR OF THE TANK WILL BE THOROUGHLY INSPECTED TO ASSURE THAT THE STRUCTURE IS IN A SOUND WATERTIGHT CONDITION.

1ST YEAR	**2014**
2ND YEAR	**2015**
3RD YEAR	**2016**
4TH YEAR	**2017**
5TH YEAR	**2018**
6TH YEAR	**2019**
7TH YEAR	**2020**
8TH YEAR	**2021**
9TH YEAR	**2022**
10TH YEAR	**2023**

*** CONTRACTOR TO DO BIENNIAL WASHOUT AND INSPECTION OF TANK THROUGHOUT THE COURSE OF THIS CONTRACT.**

THE COMPANY WILL MAKE ANY AND ALL REPAIRS TO THE TANK AND TOWER THAT ARE NEEDED DURING THE TERM OF THIS CONTRACT. THESE REPAIRS INCLUDE STEEL REPLACEMENT, STEEL PARTS, EXPANSION JOINTS, FLOAT LEVEL INDICATORS, SWAY ROD ADJUSTMENTS, MANHOLES AND OTHER COMPONENT PARTS THEREOF.

WHEN REPAINTING IS NEEDED, ALL PRODUCTS AND PROCEDURES WILL BE EQUAL TO, OR EXCEED THE REQUIREMENTS OF THE AMERICAN WATER WORKS ASSOCIATION AND STEEL STRUCTURES PAINT COUNCIL AS TO SURFACE PREPARATION, COATING MATERIALS AND STERILIZATION.

WHEN COMPLETE INTERIOR PAINTING IS NEEDED, THE TANK WILL BE RECOATED WITH EXISTING LINING.

IN THE EVENT TECHNOLOGY DEVELOPS A BETTER PRODUCT AND THE AMERICAN WATER WORKS ASSOCIATION APPROVES ITS USE IN POTABLE TANKS, THE NEWER PRODUCT CAN BE USED.

AT THE TIME OF REPAINTING THE EXTERIOR, THE OWNER MAY SELECT A COLOR DIFFERENT FROM THE EXISTING ONE SO LONG AS THE GENERIC TYPE OF MATERIALS REMAINS THE SAME.

A LOCK WILL BE INSTALLED ON THE ROOF HATCH OF THE TANK TO PREVENT ANY UNAUTHORIZED ENTRY TO THE WATER SUPPLY. THE OWNER AND THE COMPANY WILL RETAIN KEYS TO THE TANK.

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THE COMPANY WILL PROVIDE EMERGENCY SERVICE TO HANDLE ANY PROBLEMS WITH THE TANK AT NO ADDITIONAL COST TO THE OWNER. REASONABLE TRAVEL TIME MUST BE ALLOWED FOR THE REPAIR UNIT TO REACH THE TANK SITE.

THE COMPANY WILL FURNISH RELIEF VALVES TO INSTALL IN THE WATER SYSTEM SO THE OWNER CAN PUMP DIRECT AND MAINTAIN WATER PRESSURE WHILE THE TANK IS BEING SERVICED, IF SUCH VALVES ARE NEEDED.

GENERAL: TANK OWNER TO FURNISH WATER SUPPLY, 110V ELECTRIC CURRENT AND OUTLET AT OR NEAR BASE OF TANK...TANK OWNER WILL PROHIBIT PARKING IN AREAS NEARBY OR ADJACENT TO TANK WHILE WORK IS BEING DONE. TANK OWNER WILL KILL OR PROPERLY SHIELD ALL ELECTRICAL LINES WITHIN 30 FEET OF TANK OR SUPPORTING STRUCTURE. TANK OWNER TO FURNISH DUMPSTER OR CONTAINERS FOR SPENT ABRASIVES.

THE COMPANY WILL FURNISH CURRENT CERTIFICATES OF INSURANCE COVERAGE TO THE OWNER AT THE TIME OF ANY WORK OR UPON RENEWAL OF ANY POLICY.

THE OWNER SHALL HAVE THE RIGHT TO CONTINUE THIS CONTRACT FOR AN INDEFINITE PERIOD OF TIME UPON PAYMENT TO THE COMPANY IN THE SUM OF **$10,810.00** AT TIME OF SIGNING THIS CONTRACT AND ANNUALLY EACH YEAR FOR THE DURATION OF THIS AGREEMENT.

THE ABOVE ANNUAL FEE WILL REMAIN CONSTANT FOR THE FIRST TEN (10) YEARS OF THIS AGREEMENT. IN THE YEAR **2024** AND EACH TEN (10) YEARS THEREAFTER, THE ANNUAL SERVICE FEE WILL BE ADJUSTED TO REFLECT THE CURRENT COST OF THE SERVICE. THE ADJUSTMENT, EITHER UP/DOWN WILL BE LIMITED TO A MAXIMUM OF FIFTEEN (15) PERCENT PER OCCURRENCE.

IT IS AGREED THAT FUTURE MANDATED ENVIRONMENTAL REQUIREMENTS WHICH CAUSE SIGNIFICANT CHANGES IN THE COST OF TANK MAINTENANCE WILL BE JUST CAUSE FOR MODIFICATION OF THIS AGREEMENT BY EITHER PARTY. THIS CONTRACT DOES NOT INCLUDE THE REMOVAL OF ANY HAZARDOUS WASTE MATERIALS.

THE LEARY CONSTRUCTION CO., INC.

BY: _____

BY: **BILL REIMANN**

_____
TITLE DATE

SALES MANAGER APRIL 4,2014
TITLE DATE

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THE PROGRAM COVERS ALL COSTS ASSOCIATED WITH THE FOLLOWING:

1. TOTAL MAINTENANCE AND UPKEEP OF THE TANK FROM THE DATE THE CONTRACT IS SIGNED.
2. PLANNING AND EVALUATION NEEDED FOR THE SHORT TERM AND LONG TERM MAINTENANCE NEEDS.
3. EXTERIOR SURFACE PREPARATION AND PAINTING.
4. INTERIOR CLEANING AND PAINTING.
5. INTERIOR AND EXTERIOR REPAIRS.
6. THE OWNER SELECTS FINISH COLORS OF TANK.
7. ENSURING THE TANK IS SOUND, WATER TIGHT AND IN WORKING ORDER.
8. LOCKING AND SECURING THE TANK. THIS INCLUDES INSTALLATION OF A LADDER GUARD, IF NEEDED.
9. ANNUAL INSPECTION OF THE TANK.
10. THE HANDLING OF ANY EMERGENCY SERVICE REQUIREMENT NEEDED DURING THE TERM OF THE CONTRACT.
11. ENSURING THE TANK IS IN GOOD WORKING ORDER, SANITARY AND APPRECIATING IN VALUE.