

CONTRACT  
BETWEEN THE CITY OF OLYMPIA  
AND SERJ DRIVE-INS REALTY OLYMPIA, LLC  
FOR REPLACEMENT OF A STORMWATER PIPE  
ALONG COOPER POINT ROAD SW

This contract is made by and between the City of Olympia (the "City"), a municipal corporation, and Serj Drive-Ins Realty Olympia, LLC (the "Developer"), a Washington State limited liability company, and shall be effective upon the date of the last signature contained hereon.

WHEREAS, the Developer is constructing streetside (frontage) improvements along Cooper Point Road SW as part of the permitted development of property at 1301 and 1303 Cooper Point Road SW; and

WHEREAS, that part of the City's existing stormwater system located within adjacent right of way and underlying the location of said frontage improvements is undersized; and

WHEREAS, the City intends to make improvements to its existing stormwater system in the vicinity of the Developer's property, including that portion of the system located within the aforesaid frontage; and

WHEREAS, the Amended Notice of Land Use Approval and SEPA Determination of Nonsignificance for Sonic Drive In and Coffee Shop Development (Project 15-0087), Paragraph 16, gives the developer the option to either complete all the required frontage improvements prior to issuance of an engineering permit or to defer completing the improvements, which the City would then complete, and then pay the City for the actual cost to complete such improvements;

NOW, THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The Developer will include in its engineering permit plans to improve the City's stormwater system located across and immediately adjacent to the Developer's frontage along Cooper Point Road SW. These improvements are estimated to include approximately 150 linear feet of 48-inch reinforced concrete pipe (RCP) or high-density polyethylene (HDPE) pipe, two 96-inch diameter type 2 catch basins, and one 96-inch diameter type 2 manhole.
2. The City agrees to reimburse the Developer for the actual cost of these improvements up to the sum of \$186,139.39, following the City's approval of the Engineer's estimate to complete the work, a copy of which is attached to this contract as Exhibit A.
3. The Developer agrees to defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including reasonable attorney fees, rising out of or in connection with the performance of this contract, including the providing of services as set forth herein, except to the extent such injuries and damages are caused by the negligence of the City.

**CITY OF OLYMPIA**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Steven R. Hall, City Manager

Approved as to form: 

Mark Barber, City Attorney

**SERJ DRIVE-INS REALTY OLYMPIA, LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Jasmin Patel, Managing Member

Exhibit A  
 FOR REPLACEMENT OF A STORMWATER PIPE  
 ALONG COOPER POINT ROAD SW

**Sonic Olympia Offsite Storm Drainage (Cooper Point Road)  
 Installation of 48" Storm Pipe and Structures**

General Conditions - Includes Mobilization, Completion Bond, Maintenance bond, Surveying, etc.	\$15,625.00
48" Concrete Storm Pipe (150 LF @\$184/LF)	\$27,600.00
Storm Structures (two 96" type 2 CBs & one 96" type 2 MH)	\$13,200.00
Misc. Storm Materials, grout, etc.	\$7,200.00
	\$18,750.00
Bedding and Backfill Materials - 1200 tons total, (500 tons pea gravel for pipe zone bedding, 700 tons of bank run gravel or approved equivalent for trench backfill). From Geotech report it appears as if the native material may be prone to slough so we are planning on a trench excavation of approximately 12' wide and 10' deep this will allow us room to work safely around the pipe.	
	\$50,000.00
Installation Labor - Includes use of 350 - 450 size excavator for trench excavation and pipe placement 70 hours, includes export of 1000 Cubic yards of excavated materials including hauling and disposal fees, includes loader for placement of bedding and backfill 40 hours, includes 40 hours of misc. equipment (dozer, loader, forklift, etc.) for grading, movement of materials, etc., includes 200 hours of labor for pipe installation, rigging, grouting, trench Safety management, Pedestrian Safety management, working around existing utilities as may be required, traffic control for trucks entering and exiting site, etc.)	
Trench Safety Equipment	\$12,500.00
Testing Services	\$4,375.00
Contractors Overhead and Profit	\$21,834.00
Subtotal Storm Installation	\$171,084.00
Tax @ 8.8%	\$15,055.39
Total With Tax	\$186,139.39