

CONTRACT

THIS CONTRACT AND AGREEMENT made and concluded this 31st day of January, 1977, by and between Greater Portsmouth Growth Corporation, acting by and through its President, Harry Kuhner, and The Department of Rehabilitation and Correction, State of Ohio, by its Director, George F. Denton, WITNESSETH:

WHEREAS, on the 24th day of October, 1966, Greater Portsmouth Growth Corporation did contract with The Department of Public Works, State of Ohio, to provide water of the same quality as furnished to inhabitants of the City of Portsmouth, Ohio, to the Southern Ohio Correctional Facility near Lucasville, Ohio, and

WHEREAS, The Department of Rehabilitation and Correction, State of Ohio, is the successor in interest to The Department of Public Works, State of Ohio, with respect to the benefits of said contract as related to the Southern Ohio Correctional Facility, and

WHEREAS, the parties understand and agree that the cost of water to Greater Portsmouth Growth Corporation pursuant to its contractual arrangements with the City of Portsmouth, Ohio, has substantially been increased making continued performance of the contract of October 24, 1966, above identified, impossible, and

WHEREAS, the parties mutually agree that it is beneficial and in the best interests of The Department of Rehabilitation and Correction, State of Ohio, and of the State of Ohio to alter and amend the agreement between Greater Portsmouth Growth Corporation and The Department of Rehabilitation and Correction, State of Ohio, so as to permit continued sales of water by Greater Portsmouth Growth Corporation for the benefit of the Southern Ohio Correctional Facility,

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

- (1) This written agreement shall in all respects cancel and supersede the written agreement of October 24, 1966, by and between Greater Portsmouth Growth Corporation and The Department of Public Works, and, effective upon execution hereof, Greater Portsmouth Growth Corporation is released from its obligations to provide water arising pursuant to that contract;
- (2) Effective immediately, Greater Portsmouth Growth Corporation shall sell water to The Department of Rehabilitation and Correction for the benefit of the Southern Ohio Correctional Facility according to the following rate schedule, to-wit:

<u>GALLONAGE</u>	<u>PRICE PER ONE THOUSAND GALLONS</u>	
Up to 8,000,000	\$0.435	Cents
8,000,000 to 9,000,000	\$0.43	Cents
9,000,000 to 10,000,000	\$0.425	Cents
10,000,000 to 11,000,000	\$0.42	Cents
11,000,000 to 12,000,000	\$0.415	Cents
12,000,000 to 13,000,000	\$0.41	Cents
13,000,000 to 14,000,000	\$0.405	Cents
14,000,000 and above	\$0.40	Cents

Water shall be provided by Greater Portsmouth Growth Corporation pursuant to this Agreement for the balance of the initial 20-year term agreed upon between the parties, which is stipulated to expire on October 24, 1986. Such water shall be furnished at the meter at least 696,000 gallons per minute with residual pressure of 50 pounds per square inch, measured at the operating floor of the power house. Such water shall be of a quality of at least the same as furnished to the inhabitants of the City of Portsmouth, Ohio.

- (3) The above quoted rates shall be subject to increase or decrease during the term of this Agreement in

proportion to amounts increased or decreased in the cost to Greater Portsmouth Growth Corporation of acquiring water from the City of Portsmouth, as evidenced by a written certificate from the City Manager of the City of Portsmouth evidencing such increase or decrease in rate, a copy of which certificate shall be supplied to the Department of Rehabilitation and Correction as evidence of such rate change. Such increases or decreases in the cost of water sold hereunder shall become effective immediately upon changes in the cost of water to Greater Portsmouth Growth Corporation as evidenced by such certificate, and shall be in amounts identical to increases or decreases in the rates charged Greater Portsmouth Growth Corporation by the City of Portsmouth, Ohio.

IN WITNESS WHEREOF, the parties have caused this document to be executed this 3rd day of February , 1977.

Signed in the presence of:

[Signature]

[Signature]

[Signature]

[Signature]

GREATER PORTSMOUTH GROWTH CORPORATION

By *[Signature]*
Harry Kuhner, President

THE DEPARTMENT OF REHABILITATION AND CORRECTION, STATE OF OHIO

By *[Signature]*
George F. Denton, Director

Approved as to form:
