

CITY OF DUBLIN

Building Standards - 5800 Shier-Rings Road - Dublin, Ohio 43016

Phone: (614) 410-4670 - Inspection Line: (614) 410-4680

CONDITIONAL APPROVAL AGREEMENT

This agreement made and entered into by and between _____
(Project Manager/General Contractor)

Herein after known as the Project Manager/General Contractor, and _____
(Owner/Occupant)

Hereinafter known as the Owner/Occupant, and the City of Dublin, hereinafter known as the City, who mutually agree and covenant as follows:

1. The Project Manager/General Contractor, who is constructing a new premises at:

Building Permit No. _____, has applied for a Certificate of Occupancy.

2. The premises, as of the date this agreement is signed, has not met all requirements of the Dublin Codified Ordinances, hereinafter known as the Code, and therefore additional final inspections cannot be approved.
3. The list of items, which is attached to and is a part of the agreement, is accepted by both the Project Manager/General Contractor and the Owner/Occupant, documentation of those items necessary to be completed prior to the project receiving final approval.
4. Acknowledging that the premises are not completed and that certain items, as shown, are requirements of the Code of the City, the Owner/Occupant, requests that the City allows occupancy of the premises and use of the property as of the date of this agreement.
5. In return for such above Conditional Approval, the Project Manager/General Contractor agrees to complete all items as shown by (date) _____ and further agrees to release, hold harmless and indemnify the City and its agents, assigns and employees from any and all obligation, liability, and/or responsibility that might arise as a result of permitting occupancy under a Conditional Approval Agreement.
6. In return for the City allowing conditional approval, the Owner/Occupant hereby releases the City, its agent, assigns and employees from any and all obligations and/or responsibilities related to the completion of the premises, and further agrees to release and hold harmless the City, its agents, assigns and employees from any and all liability that might arise as a result of occupancy of the premises. Further, the Owner/Occupant accepts the responsibility for the completion of those items shown as incomplete, and recognizes that the City may revoke the Conditional Approval

Agreement causing the premises to be vacated; and/or the City may initiate legal action, if these items are not completed on a timely basis, and within the schedule contained in item 5 of this agreement. The Owner/Occupant agrees that the City or its agent shall have full access to the property to inspect, or at it's sole and exclusive discretion cause to be made any improvement necessary to bring any part of the premises into compliance with this Conditional Approval Agreement.

7. The Owner/Occupant and the Project Manager/General Contractor both agree that the City, by accepting this Agreement in allowing occupancy as of the date of this Agreement has in no way waived, forfeited or otherwise relinquished any rights and/or powers that it would have if this Agreement were not in effect.
8. The Owner/Occupant acknowledges that he is under no obligation whatsoever to enter into this Agreement, but that absent this Agreement, Conditional Approval to use the property will not be granted.
9. This Conditional Approval Agreement will serve as the Temporary Occupancy Permit the Building Official may issue in accordance with 4101:2-1-27(E) of the Ohio Administrative Code when the entire scope of the building work has not been completed, but the Building Official has determined the building can be occupied safely.

Project Manager/General Contractor (Please Print)	Date
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Project Manager/General Contractor (Signature)

Owner/Occupant (Please Print)	Date
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Owner/Occupant (Signature)

Accepted – City of Dublin	Date
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5800 Shier-Rings Road, Dublin OH 43016

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Inspection Line 614.410.4680

Fax 614.761.6566

CONDITIONAL OCCUPANCY AGREEMENT CHECKLIST

(All items on the list must accompany the request for Conditional Approval)

- ☐ Conditional Occupancy Agreement signed by the General Contractor and Homebuyer (Residential) or Owner/Tenant (Commercial).
- ☐ Engineering Final Inspection showing approval from the engineering inspector for conditional occupancy.
- ☐ Fire Department Final Inspection showing approval from the fire inspector for conditional occupancy (Commercial Only).
- ☐ Planning & Zoning approval, including landscaping showing approval from the Inspector for Conditional Approval.
- ☐ Occupancy Inspection showing approval from the building inspector to apply to the Chief Building Official for Conditional Occupancy.
- ☐ Inspection Card completed by all inspectors.
- ☐ Nonrefundable conditional occupancy handling fee of **\$450.00**. This is in addition to the escrow amount listed on the Conditional Occupancy inspection notice. This fee will be good for the time period noted on the building inspector's inspection notice not to exceed six (6) months. In the event an extension is necessary (i.e. a model home), an additional \$450.00 handling fee will be billed for each six (6) month time period. A notice will be sent to the General Contractor and Homeowner prior to the expiration of the Conditional Occupancy. If a Conditional expires, an additional **\$450.00** fee will be due prior to an Occupancy being scheduled.
- ☐ The amount listed on the Conditional Occupancy Inspection in the form of a Check or an original escrow letter on letterhead of the issuing financial institution and with the original signature, printed name, title and telephone number of the issuing agent for the financial institution. Commercial projects also have the option of providing a bond or letter of credit although additional time will be required for review.
- ☐ The Chief Building Official will review the Conditional Occupancy Agreement within 8 business hours for residential and 16 business hours for commercial. It will be signed after this review if it is deemed there are no safety issues involved and the above items have been submitted to the Building Standards Division.
- ☐ The building/home may be occupied **AFTER** the Chief Building Official has signed the Conditional Occupancy Agreement.

Note: Residential conditionals will be issued for sod and other exterior weather-related items only. Any exceptions must be pre-approved in writing by the Chief Building Official and available to the building inspector at the time of the inspection for conditional occupancy. (Write a letter to the CBO explaining the exception you are requesting and it will be signed and returned if approved.)