

VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Ordinance No: 4906

File Number: 2014-0365

AN ORDINANCE OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS, AMENDING ORDINANCE NO. 4861, AND CERTAIN PROVISIONS OF THE LONG TERM WATER SALE, PURCHASE, AND SERVICE AGREEMENT AUTHORIZED THEREIN, SUCH AGREEMENT BEING BY AND AMONG THE VILLAGE OF OAK LAWN, COOK COUNTY, ILLINOIS, AND OTHER MUNICIPALITIES, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID AGREEMENT

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 17th day of June, 2014 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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AN ORDINANCE OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS, AMENDING ORDINANCE NO. 4861, AND CERTAIN PROVISIONS OF THE LONG TERM WATER SALE, PURCHASE, AND SERVICE AGREEMENT AUTHORIZED THEREIN, SUCH AGREEMENT BEING BY AND AMONG THE VILLAGE OF OAK LAWN, COOK COUNTY, ILLINOIS, AND OTHER MUNICIPALITIES, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID AGREEMENT

WHEREAS, the Village of Orland Park, Cook and Will Counties, Illinois (the “Village”) on the 2nd day of December, 2013, adopted Ordinance No. 4861 (the “Original Ordinance”), authorizing the execution of a “Water Sale, Purchase and Service Agreement Between the Village of Oak Lawn, Illinois and Certain of Its Municipal Customers” (the “Agreement”); and

WHEREAS, the President and Board of Trustees of the Village (the “Corporate Authorities”) have determined and do hereby determine that that it is necessary and in the best interests of the Village that certain provisions of the Agreement be amended and that the Agreement as so amended be authorized to be executed and delivered as herein provided;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

Ratification. The Agreement as approved by the Original Ordinance is hereby ratified, confirmed and approved, subject to the following amendments (the “Agreement as Amended”).

SECTION 2

Amendments. The definition of “New Southeast Customer Agreements” in Section 1 of the Agreement is hereby amended to read as follows:

“New Southeast Customer Agreements” means the Chicago Water sale, purchase and service agreements between Oak Lawn and the Southeast System Customers, based upon a Conforming Agreement, as and if executed and delivered on or before December 31, 2014.

The definition of “North Customer Agreements” in Section 1 of the Agreement is hereby amended to read as follows:

“North Customer Agreements” means the Chicago Water sale, purchase and service agreements between Oak Lawn and North System Customers, based upon a Conforming Agreement, as and if executed and delivered on or before December 31, 2014.

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Section 41.A of the Agreement is hereby amended to read as follows:

Effective Date. This Agreement shall be in full force and effect and shall become binding upon the Parties if, on or before December 31, 2014, (1) each of North System Customers submits to Oak Lawn an original signed copy of the North Customer Agreements, as an offer, and Oak Lawn countersigns such North Customer Agreements as acceptance, and (2) each of Mokena, New Lenox, Oak Forest, Orland Park, and Tinley Park submits to Oak Lawn an original signed copy of this Agreement, as an offer, and Oak Lawn countersigns such Agreement as acceptance. Provided all such conditions have been met, the Effective Date of this Agreement shall be the first day of the month next following the completion of the actions set forth in clauses (1) and (2) above. The Parties hereto further agree to provide a sufficient number of duplicate originals of this Agreement so as to provide one such duplicate original to each Party. Oak Lawn agrees to supply certified copies of the North Customer Agreements to the Parties hereto promptly after execution.

Exhibit H of the Agreement shall be replaced with Exhibit 1 attached hereto.

The 11th preamble to the Original Ordinance is hereby amended to read as follows:

Whereas, the Corporate Authorities of the Municipality have explored the available sources for purchase of water and have determined that it is in the best interest of the Municipality to enter into the Agreement with Oak Lawn for the purchase of the full water requirements of the Municipality from the date as set forth in the Agreement for a period of 40 years; and

Section 4 of the Original Ordinance is hereby amended to read as follows:

The Municipality shall purchase water from Oak Lawn under and pursuant to the terms of the Agreement to be effective on the date as set forth in the Agreement and continue for a period of 40 years.

SECTION 3

Execution. By this Ordinance, the President of the Village is hereby authorized and directed to execute and deliver and the Village Clerk is hereby authorized to attest and seal the Agreement as Amended.

SECTION 4

Publication. A full, true and complete copy of this Ordinance shall be published within ten days after passage in pamphlet form by authority of the Corporate Authorities.

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SECTION 5

Severability; Superseder. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. All ordinances, resolutions and orders, or parts thereof, in conflict with this Ordinance are hereby superseded to the extent of such conflict and as further provided in the Agreement as Amended.

SECTION 6

Effective Date. This Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED this 16th day of June, 2014

/s/ John C. Mehalek

John C. Mehalek, Village Clerk

Aye: 6 Trustee Fenton, Trustee Schussler, Trustee Gira, Trustee Griffin Ruzich, Trustee Calandriello, and President McLaughlin

Nay: 0

Absent: 1 Trustee Dodge

DEPOSITED in my office this 16th day of June, 2014

/s/ John C. Mehalek

John C. Mehalek, Village Clerk

APPROVED this 16th day of June, 2014

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 17th day of June, 2014

/s/ John C. Mehalek

John C. Mehalek, Village Clerk