

RESOLUTION No. 2011-10

**A Resolution Authorizing an Amendment to
the 1982 Wastewater Service Agreement between
the Village of West Dundee and the Village of Sleepy Hollow**

WHEREAS. The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the adoption of this Resolution constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, pursuant to a certain prior agreement, to wit: the Wastewater Service Agreement, dated October 18, 1982 ("1982 Wastewater Service Agreement"), West Dundee provides to Sleepy Hollow certain wastewater disposal services, for which there are four (4) metering stations set up and maintained, to wit: the Locust Street station; the Kinder Care station; the Elm Court station; and the HomeLife Building station; and

WHEREAS, the parties desire to amend said agreement to better provide for a system for review and checking of the proper operation of said meters, and to assign responsibility for any problems related thereto, and to describe remedies and actions to be taken in regard to billing for wastewater services; and

WHEREAS, the Parties desire to set out in a written document, titled "Intergovernmental Agreement and Amendment of 1982 Wastewater Service Agreement between the Village of West Dundee and the Village of Sleepy Hollow", their mutual understandings and agreements regarding this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WEST DUNDEE, AS FOLLOWS:

Section 1. The Village of West Dundee shall and hereby does approve a certain amendment to the 1982 Wastewater Service Agreement previously made with the Village of West Dundee, the amendment entitled "Intergovernmental Agreement and Amendment Of 1982 Wastewater Service Agreement Between the Village of West Dundee and the Village of Sleepy Hollow," which is attached hereto and incorporated herein by this reference.

Section 2. The Village President shall be and hereby is authorized to execute, and the Village Clerk to attest, said Agreement on behalf of the Village, upon notification that the Village of Sleepy Hollow has approved the same; and further, the Village Clerk shall deliver to the Village of Sleepy Hollow an executed original of said document together with a certified copy of this Resolution.

Section 3. Any and all ordinances, resolutions and orders, or parts thereof, which are in conflict with the provisions of this Resolution, to the extent of any such conflict, are hereby superseded and waived.

Section 4. If any section, subdivision, sentence or phrase of this Resolution is for any reason held to be void, invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 15th day of August, 2011.

AYES: Trustee Price, Osth, Hanley, Yuscka, Voss and Gillam
NAYS: None
ABSTAIN: None
ABSENT: None

VILLAGE OF WEST DUNDEE

By: Larry Keller
Larry Keller, Village President

ATTEST:

By: Barbara Traver
Barbara Traver, Village Clerk