

**RESOLUTION NO. R-39-10**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
FOR EMERGENCY INTERCONNECTION BETWEEN  
THE CITY OF WHEATON AND ILLINOIS-AMERICAN WATER COMPANY  
(ARROWHEAD WATER SYSTEM)**

**WHEREAS**, the City of Wheaton owns and operates a municipal water system and furnishes water to the public located in and adjacent to its corporate limits for residential, commercial, industrial and corporate purposes; and

**WHEREAS**, Illinois-American Water Company owns and operates a public utility water system and furnishes water to the public located in and within the vicinities of the corporate limits of the City; and

**WHEREAS**, Illinois-American Water Company desires to install an emergency interconnection between the two water systems with a packaged meter/vault/pressure reducing valve (PRV) controlled interconnect station, to provide for an emergency supply of potable water from the City to Illinois-American; and

**WHEREAS**, the City and Illinois-American desire to set out in an agreement their respective duties, rights and obligations with respect to the construction, operation, maintenance and use of the emergency interconnection.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, that the Mayor is authorized to execute a certain agreement for emergency interconnection between the City of Wheaton and Illinois-American Water Company for the Arrowhead Water System.

**IT IS FURTHER RESOLVED** that the City Clerk is authorized and directed to attest to the signature of the Mayor and attach a certified copy of this resolution to the agreement for emergency interconnection between the City of Wheaton and Illinois-American Water Company for the Arrowhead Water System.

**ADOPTED** this 19<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

ROLL CALL VOTE

Ayes: Councilman Suess  
Councilwoman Corry  
Councilman Levine  
Mayor Gresk  
Councilman Scalzo

Nays: None  
Absent: Councilman Mouhelis  
Councilman Prendiville

Motion Carried Unanimously

## AGREEMENT FOR EMERGENCY INTERCONNECTION

This Agreement, made and entered into this 19<sup>th</sup> day of July, 2010 by and between City of Wheaton, DuPage County, IL, an Illinois municipal corporation (hereinafter the "City"), and Illinois-American Water Company, an Illinois public utility corporation (hereinafter the "Company").

WHEREAS, the City, owns and operates a municipal water system and furnishes water to the public located in and adjacent to its corporate limits for residential, commercial, industrial and corporate purposes;

WHEREAS, the Company, owns and operates a public utility water system and furnishes water to the public located in and within the vicinities of the corporate limits of the City.

WHEREAS, Company desires to install an emergency interconnection, between the two systems, with a packaged meter/vault/pressure reducing valve (PRV) controlled interconnect station, to provide for an emergency supply of potable water from City to Company.

WHEREAS, City and Company desire to set out in this Agreement their respective duties, rights and obligations with respect to the construction, operation, maintenance and use of the emergency interconnection.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, restrictions, rights, duties and obligations herein contained, the parties hereto agree as follows:

1. Company agrees to construct, at its sole cost and expense, an emergency interconnect station between the City's potable water supply and the Company's potable water supply in Wheaton, Illinois at approximately the intersection of Seneca Drive and Embden Lane, as shown on the jointly approved plans marked Exhibit "A", attached hereto and incorporated herein by reference.
2. Upon completion of construction of the emergency interconnection, the Company shall be authorized to utilize the emergency interconnection to

supplement their potable water supply on an emergency basis by drawing upon the potable water supply of the City. For the purposes of this Agreement an "emergency" shall be defined as any period of time when the Company is experiencing, or is expected to experience, low water pressure which is determined to be a threat to public safety, health, fire prevention or fire suppression needs.

3. All water used by Company shall be metered. The City agrees to read the meter and bill the Company for the water used. Upon receipt of the bill, the Company shall pay the City for the water used at the wholesale rate charged by the City in effect at the time of the usage.
4. The Parties hereby agree that the Company will own the meter station as designed, constructed, installed and maintained by the Company. The Company shall purchase and install the main water meter connected to the automated PRV valve. Upon installation, the meter shall become the property of the City. The Company shall own the all other facilities related to the interconnection inclusively up to the location of a manual valve located immediately adjacent to the point of connection sleeve on the City owned water main. City shall maintain ownership beyond referenced manual valve on the City's side of system interconnection.
5. In the event of automatic operation and opening of the PRV control/metering valve, the Operations Manager of the Company shall alert the City's Superintendent of Water upon occurrence of an emergency event or SCADA alert/alarm notification of PRV valve operation within 24 hours of the event.
6. All notices to be provided herein shall be either in person, telephone, or if by written notice to the other then delivered by first class mail, return receipt requested, addressed as follows:

If to City:

Albert L. McMillen, Superintendent of Water  
City of Wheaton Public Works Department  
821 West Liberty Drive

Wheaton, IL 60187

If to Company:

Kevin Hillen, Operations Manager  
Illinois-American Water Company  
1000 Internationale Parkway  
Woodridge, IL 60517

Emergency Contact phone numbers of operations managers:

City of Wheaton (listed in order of preference):

Wheaton Water Department:	630-260-2090
Wheaton Police Department:	630-260-2161
Water Superintendent (mobile):	630-768-6601

Illinois-American Water Company:

Operations Manager	630-739-8959
Operations Manager (mobile)	630-281-0535
Network Supervisor	630-739-8820
Network Supervisor (mobile)	630-669-9925

Emergency notification may be made by telephone to the emergency contact number provided herein or such other number as either Party may specify in writing.

7. Company shall be responsible for all costs to maintain, operate and repair the emergency interconnect in its sole discretion.
8. It is understood that all water to be supplied hereunder shall be potable water and that the standards of the Illinois Environmental Protection Agency for drinking water shall be the standards used in determining potability.
9. The term of this Agreement shall be for ten (10) years from the date of execution. This agreement will automatically extend for subsequent and additional ten (10) year terms unless terminated by at least by ninety (90) days written notice by either Party to the other Party prior to the end of then effective ten (10) year term. Upon termination of this Agreement, the Company shall have no further right to draw water through the emergency

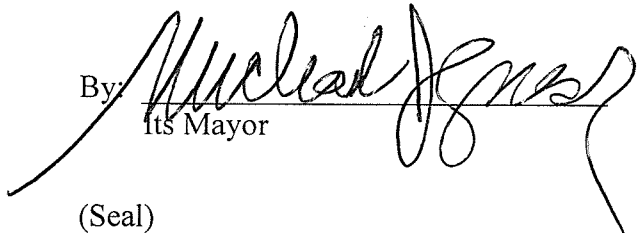
interconnection and the emergency interconnection shall be physically disconnected by the Company.

10. Company hereby agrees to defend, indemnify and hold harmless the City, its elected and appointed officials, employees, agents and assigns from any and all claims, demands, actions, causes of action, damages, injuries, and costs, including reasonable attorney and expert witness fees, and expenses, resulting from any deficiency or failure in the supply of water to the Emergency Interconnection or damage attributable thereto, including, but not limited to, claims brought by third parties against the City, as a result of any failure of the Emergency Interconnection, City's failure to supply water through the Emergency Interconnection, or deficiency in the supply of the water from City, regardless of the cause. It is the intent of this Agreement that the City shall have no liability to Company, or its customers, in consequence of the fact that the City derives no benefit from the Emergency Interconnection or this Agreement and because the benefits of the same are to Company and its customers.
11. This Agreement has been authorized by each Party by their respective corporate authorities at a regular meeting duly called and properly held.
12. This Agreement shall be construed in accordance with the laws of the State of Illinois.
13. This Agreement may be changed, altered, modified or amended upon mutual agreement of the Parties hereto. No such change, alteration, modification or amendment shall be valid unless it shall be in writing and duly executed by both parties.
14. This Agreement shall insure to the benefit of and shall be binding upon the successors and assigns of the Parties, but nothing herein contained shall be deemed to confer any rights upon any persons, firm or corporation other than the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be  
duly executed.

CITY OF WHEATON  
DUPAGE COUNTY, ILLINOIS

ILLINOIS-AMERICAN  
WATER COMPANY

By:   
Its Mayor

By:   
Its President

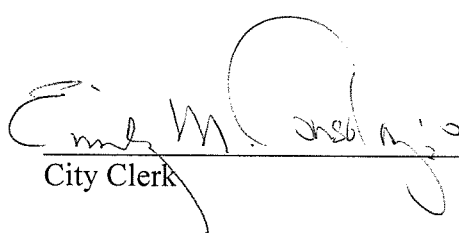
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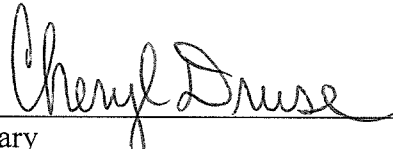
(Seal)

(Seal)

Attest:

Attest:

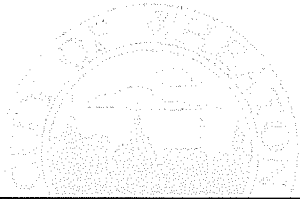
  
City Clerk

  
Secretary

**EXHIBIT A**

**EMERGENCY INTERCONNECT PLANS AND DETAILS**





Wheaton City Hall  
303 W. Wesley St., Box 727  
Wheaton, IL 60187-0727

City of Wheaton, Illinois

www.wheaton.il.us

## CITY OF WHEATON, ILLINOIS

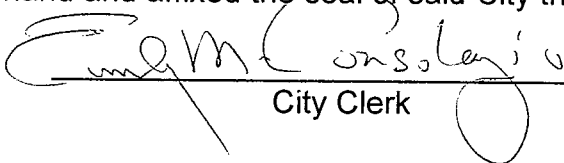
R- 39-10

### A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR EMERGENCY INTERCONNECTION BETWEEN THE CITY OF WHEATON AND ILLINOIS-AMERICAN WATER COMPANY (ARROWHEAD WATER SYSTEM)

I HEREBY CERTIFY that I am the City Clerk of the City of Wheaton, DuPage County, Illinois, and that, as such City Clerk, I have the custody of the papers, entries, records and ordinances of said City.

I FURTHER CERTIFY that the attached is a true and correct copy of City of Wheaton Resolution R -39-10 which was adopted by the Wheaton City Council on Monday July 19<sup>th</sup>, 2010.

I have hereunto set my hand and affixed the seal of said City this 20<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
City Clerk



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ROLL CALL VOTE

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Councilwoman Corry  
Councilman Levine  
Mayor Gresk  
Councilman Scalzo

Nays: None

Absent: Councilman Mouhelis  
Councilman Prendiville

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