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**JACK WAALER**  
City Attorney

**STEPHEN HOLZ**  
Assistant City Attorney

## **Memorandum**

**DATE:** March 28, 2002  
**TO:** Bruce Walden  
**FROM:** Bill Gray and Jack Waaler  
**RE:** Bondville Sanitary Sewer Connection

### **BACKGROUND.**

After years of negotiation, in 1992, the Cities of Champaign and Urbana reached an agreement with the Urbana-Champaign Sanitary District (UCSD) that new sewer connections would be allowed only for properties within the corporate limits of the respective cities, or where the respective cities had an annexation agreement. To implement this agreement, it was necessary for Champaign, Urbana, and Savoy to enter into boundary agreements with each other delineating their various jurisdictions for purposes of this agreement. As part of the agreement, the Cities of Champaign and Urbana agreed to take over maintenance of the Boneyard Creek.

For several years now, the Village of Bondville has recognized that it must do something to establish sanitary sewer service for residents of the Village. To connect to the Urbana-Champaign Sanitary District, however, it was necessary that the Village first have a defined service area. The attached Facility Planning Area (FPA) map appended to Tab C is the defined service area.

Attached (Tab A) is a City of Champaign, Report to City Council that goes into detail the history of negotiations with the Village of Bondville on a defined service area. Having a FPA clears the way for Bondville to have an agreement with the Urbana-Champaign Sanitary District. The Sanitary District, however, requires that the Cities of Champaign and Urbana and the Village of Savoy formally amend their agreement with the Sanitary District to formalize their consent to the Bondville connection.

The attached agreement (Tab B with ordinance approving same) is an amendment to the agreement between the Cities and the Village of Savoy and the Sanitary District, which reflects the above.

Also attached for reference at Tab C is the agreement between the Sanitary District and Bondville. Some of the key points in the agreement are:

1. The UCSD applies to the IEPA to revise their FPA.
2. Bondville will execute an Annexation Agreement with UCSD.
3. Bondville will construct sanitary sewer facilities tributary to the Southwest Treatment Plant.
4. Bondville cannot connect the Southwest Treatment Plant until the expansion work is completed (projected completion is December, 2005).
5. Bondville will own and operate the sanitary sewer lines.
6. UCSD will own and operate and maintain the pump station and force main.
7. Bondville and its residents will pay all applicable connection and user fees to UCSD.

### **Council Action**

Approve an Amendment to Agreement Regarding Sanitary Sewers.

### **Fiscal Impacts.**

There are no fiscal impacts to the City of Urbana. Bondville is paying their share of the capital costs and operating and maintenance costs for the conveyance and treatment of sewage.

### **Recommendation**

It is recommended that the ordinance authorizing the Mayor and Clerk to execute an Amendment to Agreement Regarding Sanitary Sewers be approved.

## REPORT TO CITY COUNCIL

FROM: Steven C. Carter, City Manager

DATE: **March 29,2002**

SUBJECT: **PROPOSED BONDVILLE SANITARY SEWER AGREEMENT**

**A. Introduction:** This report discusses the history of negotiations with the Village of Bondville on a proposed boundary agreement and seeks direction from City Council on a proposed Sanitary Sewer Agreement.

**B. Recommended Action:** The administrations recommends alternative one, directing staff to place the proposed amendment to the Agreement Regarding Sanitary Sewers on a regular agenda for consideration of approval as proposed.

### C. Summary:

Discussions started about how to provide sanitary sewer service to Bondville in 1995. A study of the issue completed in 1999 determined that the most cost effective solution was to use a lift station and force main to pump the sewage to the Urbana-Champaign Sanitary District Southwest Treatment Plant. In May 2000, the Village of Bondville adopted its first Comprehensive Plan. Attempts to negotiate a boundary agreement between the City of Champaign and the Village of Bondville failed. As part of the UCSD Long-Range Plan, it is proposed that the Village of Bondville be served as a customer to the District, rather than as a partner to the intergovernmental agreement. In order to provide service to Bondville, an

amendment to the intergovernmental Agreement Regarding Sanitary Sewers needs to be approved by the City of Urbana, the Village of Savoy and the City of Champaign. Approval of this amendment will allow the UCSD to complete its Long-Range Plan, receive approval from the Illinois Environmental Protection Agency, and be placed on the list for State funding for the expansion of the Southwest Treatment Plant and construction of phase I of the South Interceptor.

### D. Background

1. History of Proposed Sanitary Sewer Project To Serve the Village of Bondville. This project started in January 1995 with a meeting of representatives from Urbana, Savoy, Champaign and the Urbana-Champaign Sanitary District (UCSD) to discuss a proposal to serve Bondville. As a result of that meeting, ten issues were identified that needed to be addressed before considering service to Bondville. The issues were:
  - a. How will sanitary sewer service be provided? If by a new interceptor, what area will the new interceptor serve in addition to the area currently in the Bondville Village Limits?
  - b. Is extension of sanitary sewer service from the Southwest Sewage Treatment Plant the most cost effective solution for providing sanitary sewer service to Bondville?
  - c. Does Bondville have a comprehensive plan or a growth philosophy which would indicate the future service demand that may result from this extension?
  - d. How will development pressure be limited along the corridor of the sanitary sewer extended to serve Bondville to ensure that the philosophy of compact and contiguous growth to the existing urban area can be maintained?
  - e. What is the capacity of the Southwest Sewage Treatment Plant and how can owner's in the existing service area be assured that expansion of the District's service area will not negatively impact either the current or future use of their property due to reduced capacity?

- f. Is the Sanitary District prepared to accept the additional service demands that would be generated and what changes would need to be made to ensure that there would be no drop in service level to existing customers?
- g. Since it seems likely that a study (such as recently done in the 1-57 area) would be needed before the District could make a decision, who would pay for the study.?
- h. How would Bondville be required to "buy into" the existing capital assets which residents of the District have already paid for?
- i. Is Bondville prepared to undertake all of the responsibilities of a party to the intergovernmental agreement, or would they look to the District to carry them out? If the latter is the case, is the District in a position to carry out those responsibilities and at what fee?
- j . Would a boundary agreement between Bondville and Champaign be required?

These issues were forwarded to the UCSD in a joint letter from Champaign, Urbana and Savoy.

In December 1997, the City of Champaign received notification of a proposal by the Champaign County Regional Plan Commission (CCRPC) to study the extension of sanitary sewer services to Bondville. A meeting of the involved parties was requested before proceeding, including representatives from Champaign, Urbana, Savoy and the UCSD. That meeting occurred on February 20, 1998. In attendance were representatives from Bondville, Savoy, Urbana, Champaign, UCSD, CCRPC and Representative Rick Winkel to discuss the Bondville sewer request. Concerns identified included:

- Limited capacity of the Southwest Treatment Plant
- Need to address the 10 Questions previously identified
- Policy issues with respect to control of development
- Proposal to pursue a Planning Grant to undertake a study on sanitary sewer service to Bondville.

In July 1998, notice was received that a planning grant had been awarded to study sanitary sewer alternatives for Bondville. This study was completed in October 1999, and determined that the most cost-effective solution to providing sanitary sewer service to Bondville was via a lift station and force main transferring the sewage to the UCSD Southwest Treatment Plant for treatment. This answered several of the questions, but did not resolve issues regarding capacity of the Southwest Treatment Plant Bondville's growth policy or the Village's capacity to meet the responsibilities of a party to the Intergovernmental Agreement.

2. Bondville Comprehensive Plan. In May 2000, The Village Board of Bondville adopted its first Comprehensive Plan and Map. This plan looked at low and high growth scenarios for the Village and projected 50-year land needs for residential, commercial and industrial land uses to serve a population growth of 699 (low growth) to 2,768 (high growth). Based on this projection, the Plan estimated a need for an additional 30 acres of land in the low growth scenario and 260 acres in the high growth. Neither estimate included a projection for acreage of industrial land.

3. Boundary Agreement Negotiations. In August 2000 the initial meeting was held to discuss a possible Bondville/Champaign Boundary Agreement. Issues discussed included a status report on the answers to the 10 questions raised in 1995, the Bondville Comprehensive Plan, subdivision activity in Bondville, issues to address in the " Agreement and possible boundary lines. It was agreed that a set of principles should be developed to serve as the basis for negotiating the agreement.

A draft of principles was reviewed at the next meeting. The proposed principles included the following:

- a. Sanitary sewer service is a basic need for urban areas. This boundary agreement will allow Bondville to meet that need.
- b. The annexation boundary line should reflect logical and realistic service areas within the capability of the appropriate jurisdiction to provide.
- c. The annexation boundary line should protect Champaign's opportunity for future growth to the west while providing proportional growth opportunities for Bondville.
- d. The annexation boundary line should reflect the existence of natural or man-made barriers to the provision of service.
- e. The agreement and the boundary line should provide a basis for each community to retain its individual identity.
- f. Infrastructure planning should be coordinated, with improvements being the responsibility of the respective jurisdiction. Where both jurisdictions benefit from a particular improvement, both jurisdictions should share in the cost for a proportionate share of benefit.
- g. The boundary agreement should provide for joint review for those cases where a proposed development is within the respective jurisdictions eventual boundary but within the other jurisdictions extraterritorial jurisdiction.

Negotiations continued for approximately seven months. Major points of discussion included:

How to handle development occurring in the overlapping Extraterritorial Jurisdictions between Champaign and Bondville.

- Ways to establish a buffer between Champaign and Bondville in the future to allow the Village to retain its own identity.
- Use of the proposed Facility Planning Area as a boundary line since this provided ample room for growth based on Bondville's Comprehensive Plan.
- Whether merger of the two communities could be provided for at some point in the future.
- Undertaking a corridor study along the Route 10 corridor to determine future land uses and plan for compatible development when the two communities grow together.
- Preservation of a greenbelt along the Kaskaskia River.
- Proposals for Champaign to provide direct financial assistance to Bondville for its sewer project in exchange for a boundary line.
- Investigation of whether the new lift station could be used to serve territory that will eventually be in Champaign.

Negotiations ended when it did not appear that further meetings would result in agreement.

4. UCSD Long-Range Plan. During the time that Champaign and Bondville were discussing a boundary agreement, the UCSD was working on an update of its Long Range Plan to address improvements that were needed to its treatment facilities, and future interceptor sewer locations to serve its full Facility Planning Area (FPA) or service area. This resulted

in plans to expand the capacity of the Southwest Treatment Plant, which once implemented would provide adequate capacity to allow connection by Bondville without negatively impacting the existing service area. The State of Illinois Department of Environmental Protection has indicated that it would like the issue of service to Bondville resolved before it approves the District's new long-range plan.

5. Amendment to Intergovernmental Agreement. Since negotiations of a boundary agreement between Champaign and Bondville were not successful, it was necessary to take another approach to serving Bondville using UCSD facilities. After some discussion, it was proposed by the UCSD that service to Bondville be provided on the basis that the Village is a "new connection" under the terms of the existing agreement, rather than a party to the intergovernmental agreement. In this way, the requirement for a boundary agreement is eliminated, and some of the same objectives are achieved. These include, Bondville becomes eligible for service, the area of service of the new facilities is limited to a new sub-FPA shown in Attachment 1, the UCSD will receive approval of its long-range plan and be placed on the State funding list, and the interests of Champaign and Savoy residents are protected since no connection will be allowed until the Southwest Treatment Plant is expanded.

#### 6. Conclusions.

- a. The City of Champaign administration supports the idea of sanitary sewer service being provided to the residents of Bondville. This is a basic service needed in an urban area to ensure public health.
- b. At the same time, the best outcome for all concerned would be the eventual merger of the two communities to ensure the most efficient growth pattern and effective delivery of urban services.
- c. The next best solution is a boundary agreement that protects the reasonable interests of both parties.
- d. Failing those outcomes, the administration believe that another solution for protecting interests while providing sanitary sewer treatment services from the UCSD should be identified, and that treating this service as a "new connection" is the best approach.

#### E. Alternatives:

1. Direct staff to place the proposed amendment to the Agreement Regarding Sanitary Sewers on a regular agenda for consideration of approval as proposed.
2. Direct staff to negotiate for additional provisions before considering the amendment to the Agreement Regarding Sanitary Sewers.
3. Do not schedule the amendment for consideration and provide staff with further direction.

#### F. Discussion of Alternatives:

Alternative 1 will result in City Council considering the proposed amendment at a regular meeting as proposed. Adoption by Champaign, Urbana and Savoy will result in service being provided to Bondville as a new connection. Bondville will only be able to serve property located within the new sub-FPA (Exhibit which will be added to the overall UCSD FPA. Further, no such connection would be allowed until the expansion of the Southwest Treatment Plant has been completed.

#### a. Advantages:

- Allows residents of the Village of Bondville to receive sanitary sewer service.

- Protects the interests of the existing parties to the intergovernmental agreement by not allowing the new connection until the Southwest Treatment Plant is expanded.
- Amends the UCSD FPA to add a new sub-FPA for Bondville resulting in a defined area that can be served with the new system built to serve Bondville.
- Allows the UCSD to get on the funding list for State funding to facilitate the expansion of the Southwest Treatment Plan.

b. Disadvantages.

- Does not result in a boundary agreement between Champaign and Bondville.
- Results in Bondville being responsible for subdivision review in a portion of the City's ETJ that overlaps with Bondville's ETJ.

Alternative 2 would result in City Council providing direction to staff to negotiate for specific additions to the agreement before considering it at a regular Council meeting.

a. Advantages.

Allows for City Council to provide direction on additional provisions it would like to see included in the agreement before adoption.

b. Disadvantages.

The additional provisions may not be acceptable to all the other parties involved and any delays may result in the UCSD not being put on the funding list for State funds to expand the Southwest Treatment Plant.

Alternative 3 would result in City Council not considering the amendment to the agreement and therefore not adopting it. This would result in Bondville not being eligible for sanitary sewer service through the UCSD. However it would also delay State approval of the UCSD Long Range Plan and miss the opportunity to be placed on the State-funding list for this year. As a result, the expansion of the Southwest Treatment Plant would be delayed.

a. Advantages.

\* None.

b. Disadvantages.

Would make it necessary for Bondville to build its own treatment facility in order to provide sanitary sewer service to its residents. This has been determined to be a less cost-effective solution. Would likely delay expansion of the Southwest Treatment Plant. Would likely delay the south interceptor project (since it relies on expansion of the Southwest Treatment Plant) thereby impacting the next phases of tile UI South Research Park.

**G. Community Input:** ' The UCSD held a public hearing on its proposed Long-Range Plan on March 11, 2002. At that time, the proposal for the Bondville sub-FPA was presented to the public. Representatives of Bondville, Savoy and Champaign were present. No objections to the proposal were voiced at that time.

**H. Budget and Staffing Impact:**

1. Budget Impact. There is no immediate budget impact from this item. The Village will, finance improvements designed to serve Bondville. The expansion of the Southwest Treatment Plant will be financed by the UCSD and any debt paid off through user fees. Ultimately, moving this project forward will allow the new south interceptor project to move forward. It is planned that the City of Champaign will finance the developer's share of this project and recover its costs as development proceeds.

2. Staffing Impact. Approval of the amendment to the agreement will not have any significant impact on staff time. The item will be prepared for Council consideration at a regular meeting. Staff time will continue to be spent coordinating with the UCSD on plans for the south interceptor.

Prepared by:

Bruce A. Knight AICP  
Planning Director

Attachments:

1. UCSD Facility Planning Area
2. Bondville Sub-FPA



**AMENDMENT TO  
AGREEMENT REGARDING SANITARY SEWERS**

Section 1. The parties hereby agree that the Agreement concerning sanitary sewers is hereby amended by the addition of Section 1 OA which shall read as follows:

Section 10. Village of Bondville.

(a) The parties agree that, subject to the other restrictions of the Agreement and this Section, a sanitary sewer connection to be used exclusively for sewer connections within the Bondville SubFacilities Planning Area, 2002, a map of which is attached hereto, to the Village of Bondville sewer system, is an approved connection under this Agreement.

(b) The connection approved in (a) shall, consist of a force main and pump station under the ownership and control of the Sanitary District with the collector sewers to be provided by the Village of Bondville. The force main and original pump station shall connect directly to the Southwest Treatment Plant. The connection may include other pump stations/force mains which are tributary to the main pump station servicing the area described in (a).

(c) Service to the Village of Bondville under this section shall be provided on terms substantially in accordance with the Agreement between the Village of Bondville and the Sanitary District attached hereto.

CITY OF CHAMPAIGN

By

Mayor

ATTEST:

City Clerk

Date:

APPROVED AS TO FORM:

City Attorney

CITY OF URBANA

By

Mayor

ATTEST:

City Clerk

Date:

APPROVED AS TO FORM:

City Attorney

VILLAGE OF SAVOY

B

ATTEST:

Date:

APPROVED AS TO FORM:

URBANA-CHAMPAIGN SANITARY  
DISTRICT

By

ATTEST:

Date:

APPROVED AS TO FORM:

This Ordinance:  
Does NOT amend the Code of Ordinances.

ORDINANCE NO. 2002-04-037

AN ORDINANCE APPROVING AMENDMENT TO THE URBANA AND CHAMPAIGN  
SANITARY DISTRICT MASTER SEWER AGREEMENT WITH MUNICIPALITIES OF  
CHAMPAIGN, SAVOY AND URBANA

(Bondville)

WHEREAS, the Urbana-Champaign Sanitary District (UCSD) and the municipalities of Champaign, Savoy and Urbana did heretofore execute an intergovernmental agreement entitled "Agreement Regarding Sanitary Sewers"; and

WHEREAS, the UCSD's provision of certain sanitary sewer service within the areas to which said Agreement applies requires the municipalities' approval; and

WHEREAS, the Village of Bondville and the UCSD have proposed an arrangement for UCSD sanitary sewer service to and around the Village of Bondville village limits, and the provision of sanitary sewer service to this area requires the concurrence of the UCSD and the municipalities of Champaign, Savoy and Urbana, in the form of an Amendment to said sewer agreement; and

WHEREAS, all parties are in agreement on the terms of such amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Agreement attached hereto as Exhibit A entitled "Amendment to Agreement Regarding Sanitary Sewers" by and between the Urbana-Champaign Sanitary District, the City of

Champaign, the Village of Savoy and the City of Urbana is hereby approved by the City of Urbana, Illinois.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 3. Except as provided in said Amendment, the original Agreement, as otherwise amended, shall remain in full force and effect.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

**AGREEMENT REGARDING SANITARY SEWER  
SERVICE TO BONDVILLE**

This Agreement made and entered into by and between the Urbana and Champaign Sanitary District, a municipal corporation, hereinafter referred to as 'District'; and the Village of Bondville, a municipal corporation, hereinafter referred to as "Bondville";

WHEREAS, Bondville desires to arrange for sanitary sewer service for the inhabitants of Bondville; and,

WHEREAS, the District is in a position to assist Bondville in that endeavor and is willing to assist, subject to the conditions contained in this Agreement; and,

WHEREAS, the District is a unit of local government and Bondville is a unit of local government; and,

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution and the Intergovernmental Cooperation Act provide not only the encouragement for Intergovernmental Cooperation, but also provide the authority for cooperation among and between all units of local government to contract and otherwise associate among themselves in any manner not prohibited by law; and,

WHEREAS, the parties hereto recognize that sewage transportation and treatment is a problem, which would be more effectively resolved by placing it under the jurisdiction of the District;

NOW THEREFORE, it is agreed by and between the parties as follows:

I Revisions of District's Facility Planning Boundaries. The District will immediately apply to the IEPA for a revision of the District's Facility Planning Boundaries to include the Bondville Sub-Facilities Planning Area (sub-FPA). The Bondville sub-FPA shall be as illustrated on the attached figure and shall be described as:

Beginning at the northeast corner of Section 13, Township 19 North, Range 7 East of the 3rd PM., which is the true point of beginning; thence south along the east line of said Section 13 to the midpoint of the east line of said Section 13; thence west along the centerline of said Section 13 to the midpoint of the west line of said Section 13, which is also the midpoint of the east line of Section 14, Township 19 North, Range 7 East of the 3rd PM.; thence continuing west along the centerline of said Section 14, a distance 1,500 feet to a point on the centerline of said Section 14; thence north parallel to and 1,500 feet west of the east line of said Section 14 to a point on the north line of said Section 14 that is 1,500 feet west of the northeast corner of said Section 14, which is also the southeast corner of Section 11, Township 19 North, Range 7 East of the 3' PM.; thence continuing north along a line that is parallel to and 1,500 feet west of the east line of said Section 11, to a point on the east-west centerline of said Section 11 that is 1,500 feet west of the midpoint of the east line of said Section 11; thence east along the centerline of said Section I I to the midpoint of the east line of said Section 11, which is also the midpoint of the west line of Section 12, Township 19 North, Range 7 East of the 3 aPM.; thence continuing east along the centerline of said Section 12 to the midpoint of the east line of said Section 12; thence south along the east fine of said Section 12 to the southeast corner of said Section 12, which is also the northeast corner of Section 13, Township 19 North, Range 7 East of the 3' PM. and the point of beginning.

2. Duties of Bondville. Upon completion of the provision contained in Section I above, Bondville will then proceed, at its expense, with the following action:

A. Bondville will execute an Annexation Agreement which will provide that the entire corporate limits of Bondville will be annexed to the District, once the District's corporate limits become contiguous to the Bondville corporate limits. The Annexation Agreement will be prepared by the District attorney and will contain the usual and customary provisions regarding the requirement of annexation once the corporate limits of Bondville becomes contiguous to the District corporate limits.

The Annexation Agreement will also require that Bondville, upon the admission of any new real estate to the Bondville corporate limits, will require said real estate to annex to the District if said real estate is within the Sub-FPA.

B. Bondville will proceed with the construction of all sanitary sewer facilities recommended in its Facilities Planning Report, dated October 1990 and prepared by Daily & Associates Engineers, Inc. This includes all sanitary sewer and service sewer lines, the pump station and the force main line. Bondville agrees that all sanitary sewer facilities shall be designed and constructed in accordance with District standards, policies, procedures and ordinances. Bondville agrees construction plans and specifications for sanitary sewer lines, the pump station and the force main line shall be reviewed and approved by the District prior to their construction.

C. Bondville shall be responsible for obtaining all construction and maintenance easements for all sanitary sewer facilities. This includes all sanitary sewer lines, the pump station and the force main. The location of the force main line shall be designated by Bondville; provided, however, that in all events, the force main will be discharged at the Southwest Treatment Plant and will go from the pump station to a manhole to be located on the north side of the Copper Slough. All easements for the force main and pump station must be in a form approved by the District and will be assigned to the District by Bondville.

D. It is agreed that Bondville will not be allowed to discharge wastewater to the District facilities until expansion of the District's Southwest Treatment Plant has been completed.

It is also acknowledged by Bondville that it cannot discharge wastewater to the District facilities until the IEPA has approved the revisions to the District's Facility Planning Boundaries so as to include Bondville.

The scheduled completion date for the Southwest Treatment Plant is December of 2005. However, the District cannot provide a firm completion date. If construction is completed ahead of schedule and the Illinois EPA grants all permits and provides its approval, then Bondville will be allowed to connect ahead of schedule.

E. Bondville shall be required to adopt a Sewer Use Ordinance. The ordinance shall include by reference the latest version of the District's Sewer Use and Pretreatment Program Ordinance.

3. New Sewer Connections & Extension. Upon completion of provisions I & 2 above, Bondville and the District agree to the following concerning new sanitary sewer facilities constructed in the Bondville sub-FPA Sanitary sewer facilities include sanitary sewer lines, service sewer lines, pump stations and force mains.

A. Bondville agrees all sanitary sewer facilities shall be designed and constructed in accordance with the District standards, policies, procedures and ordinances. Bondville agrees all construction plans and specifications for sanitary sewer lines, pump stations and force mains shall be reviewed and approved by the District prior to their construction.

B. Bondville agrees that all sanitary sewer service lines and connections shall be inspected by Bondville or agents of Bondville and the results of such inspection shall be reported in writing to the District on a form designated by the District.

C. Bondville agrees the sewer service line and connection inspection shall not be completed or approved for use by Bondville until evidence is provided that the District's connection permit has been obtained.

D. The District agrees it will not approve any new sanitary sewer lines, pump stations or force mains within the sub FPA prior to or without Bondville's approval.

E. The District agrees it will not approve any connections to the force main referenced in provision 2.

F. It is understood that the pump station will be located within the rectangular area referred to in provision 1. If the pump station is connected to by any party other than Bondville, the District agrees that Bondville shall be entitled to some negotiated reasonable reimbursement for the expense of the pump station and force main.

G. There will be no connections within the rectangular area to sanitary sewers owned and operated by Bondville without the consent of Bondville.

4. Ownership of System. Bondville agrees to own and operate all sanitary sewer lines, manholes and appurtenances constructed in the Sub-FPA. The District agrees to be responsible for all routine maintenance for the Bondville sanitary sewer lines, manholes and appurtenances. Bondville agrees to be responsible for all structural repairs to the sanitary sewer system.

The pump station and force main referenced in provision 2 shall be transferred to the District and owned by the District. After the transfer, the District will be responsible for operation, maintenance and repair of the pump station and the force main.

5. Disconnection of Service. Bondville recognizes the authority of the District to have control over all connections to its treatment facilities and its right to revoke connection permits when a violation of its ordinances is committed. The District shall send written notification to Bondville when it has revoked a sanitary sewer connection permit. Upon receipt of such notice, Bondville will take such steps as are necessary to designate the affected property as unfit for occupancy.

6. District Fees. Bondville agrees to pay or cause to be paid to the District all applicable connection fees established by District ordinance.

Bondville agrees that its residents will be required to pay all applicable District user fees established by District ordinance.

The District has agreed that it will not charge its "interceptor costs recovery fee" based on the initial construction pursuant to this Agreement; provided however that the District reserves the right to charge the "interceptor costs recovery fee" in the event of future development within the rectangular area described above.

7. Governing Agreements. Bondville agrees that it and its residents will be subject to all policies, procedures, standards, ordinances, rules and regulations of the District.

8. Termination Rights. In the event Bondville elects not to proceed with the construction of the Sanitary Sewer Facilities described in provision 2, Bondville shall provide written notice to the District that it has elected. not to proceed with said construction and in such event, either party shall have the right to terminate this Agreement. In the same manner, if an Annexation Agreement has been executed, such Annexation Agreement may also be terminated.

In the event that Bondville has not commenced construction of the Sanitary Sewer Facilities described in provision 2 within four years following the date of this Agreement, then either party will have the right to terminate any Annexation Agreement that may have been executed pursuant to this Agreement.

9. Agreement with Other Municipalities. Bondville acknowledges that based upon the area illustrated on the attached figure and described in Provision I and the agreement of Bondville that any sanitary sewer service will be limited to the Bondville Sub-FPA that forms the rectangle around Bondville, the municipalities of Champaign, Urbana and Savoy have agreed that the service by the District to Bondville will be considered a "new connection" under the Agreement Concerning Sanitary Sewers which was executed between and among the three municipalities and the District in 1992. This authorization to treat the connection as a "new connection" under the 1992 agreement is based upon the condition that the District and Bondville limit the service under this agreement to the Bondville Sub-FPA that forms the rectangle around Bondville as shown on the

attached figure. This Agreement and the terms and conditions contained herein have been approved by the District and Bondville on the dates designated below and by the authorized parties designated below.

Date:

Urbana & Champaign Sanitary District

By:

President Board of Trustees

Attest:

By:

Clerk Board of Trustees

Date:

Village of Bondville, Illinois

By:

Mayor

Attest:

By:

Village Clerk