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TOWN OF GRIFFITH
RON SZAFARCZYK
111 N. BROAD ST
GRIFFITH, IN 46319

TOWN of HIGHLAND, DEPARTMENT OF PUBLIC SANITATION,
LAKE COUNTY, INDIANA
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2005-12

2005 051785

A Resolution Authorizing the Entry into an Interlocal Cooperation Agreement for Financial Participation for the Beneficial Share of the Construction Project known as the Cady Marsh Ditch Tunnel Project for Mutual Benefit of the Sanitary District of Highland and the Griffith Storm Water District

WHEREAS, The Department of Public Sanitation (Sanitary District), of Highland, Lake County, Indiana, has reviewed the needs and requirements of its statutory mission, regarding the providing of storm and waste water collection and treatment services to residents of the Town; and,

WHEREAS, The Department of Public Sanitation (Sanitary District), of Highland, Lake County, Indiana, has been advised that the provisions of Indiana 36-1-7-1 et seq. as amended from time to time, permit political subdivisions and entities to make the most efficient use of their powers by enabling political subdivisions to mutually purchase and utilize equipment, supplies and services for the mutual benefit of the participating governmental entities; and,

WHEREAS, Department of Public Sanitation (Sanitary District), of Highland, Lake County, Indiana, is a political subdivision empowered by the terms and provisions of Indiana Code 36-1-7-1, et seq., as amended from time to time, to enter into agreements with participating governmental units for the purchase and utilization of equipment, supplies and services; and,

Whereas, The Town of Highland, its Department of Public Sanitation organized pursuant to IC 36-9-25 et seq., and the Griffith Storm Water District, Town of Griffith, Lake County, Indiana are political subdivisions empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

Whereas, Town of Highland, through the Board of Sanitary Commissioners seeks to enter into an agreement, constructed pursuant to IC. 36-1-7-1, et seq., with the Griffith Storm Water District, Town of Griffith, Lake County, Indiana by and through the District Management Board, to provide for the ability and flexibility to financially participate in the construction project known as the Cady Marsh Ditch Tunnel Project, for the mutual benefit of the participating entities, and at a shared cost, pursuant to the agreement; and

Whereas, Department of Public Sanitation (Sanitary District), of Highland, through its Board of Sanitary Commissioners, has determined that entry into a joint agreement with the Griffith Storm Water District for the construction of the Cady Marsh Ditch Tunnel Project is in the best interests of the residents of the Town of Highland, and therefore, has determined that it is advisable to enter into and become a participating unit under such an agreement pursuant to applicable provisions of State Law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD of SANITARY COMMISSIONERS of the DEPARTMENT of PUBLIC SANITATION of HIGHLAND, LAKE COUNTY, INDIANA:

FILED

Section One: That the Board of Sanitary Commissioners of the Department of Public Sanitation of Highland, Lake County, Indiana, shall take all appropriate and legal measures to enter into an Interlocal Cooperation Agreement with the Griffith Storm Water District in order to financially participate, for the mutual benefit of the two (2) participating political subdivisions, at shared costs pursuant to the Agreement for the Cady Marsh Ditch Tunnel Project.

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STEPHEN P. STIGLICH
LAKE COUNTY AUDITOR

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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Section Two: That the President of the Board of Sanitary Commissioners is hereby authorized and permitted to enter into an Interlocal Cooperation Agreement, for the Cady Marsh Ditch Tunnel Project, for the mutual benefit of the political subdivisions herein named, at shared costs, pursuant to the applicable provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time; further, the Secretary is hereby authorized to attest the execution of said agreement by the President of the Board;

Section Three: That a copy of the Interlocal Cooperation Agreement between and among Town of Highland and its Departments of Public Sanitation and Griffith Storm Water District Management Board shall be attached to this Resolution and incorporated herein by reference;

Section Four: That this Resolution shall take effect and be in full force and effect from and after its passage by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana.

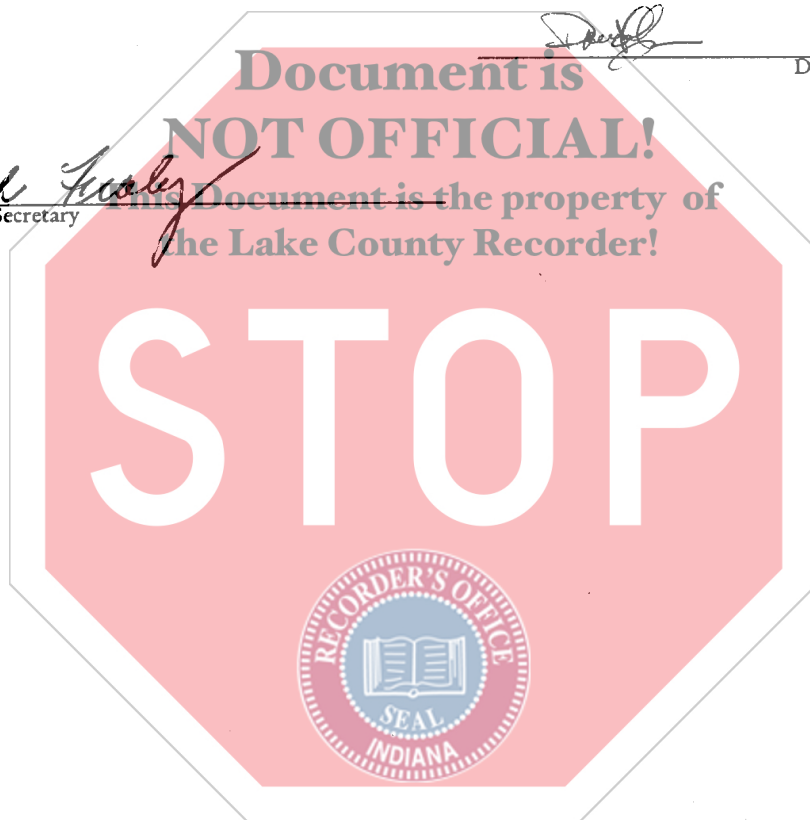
Duly passed, resolved and adopted by the Board of Sanitary Commissioners of the Department of Public Sanitation of Highland, Lake County, Indiana, this 19th Day of April, 2005, by a vote of 3 in favor and 0 opposed.

Department of Public Sanitation
By its Board of Sanitary Commissioners:



David Jones, President

Attest:


Joseph Fraley, Secretary

INTERLOCAL COOPERATION AGREEMENT

This Agreement dated as of the 16TH day of JUNE, 2005 between the Town of Highland Sanitary District (hereinafter referred to as "Highland Sanitary District") and the Town of Griffith Storm Water District Management Board (hereinafter referred to as "Griffith Storm Water District"). Pursuant to Indiana Code § 36-1-7-1, et seq., and in consideration of the promised conditions contained herein, the parties agree as follows:

I. Duration

A. This Agreement shall be for a period of ten (10) years.

II. Purpose

The purpose of this Agreement is to allow the parties to this Agreement to participate financially based upon their respective beneficial share of the construction project know as the Cady Marsh Ditch Tunnel Project. This is an Army Corps of Engineers project wherein the Griffith Storm Water District is the local sponsor. This project involves the construction of storm water control facilities, including a ten foot diameter concrete tunnel running approximately 6,400 feet under Arbogast Avenue in Griffith and flowing northward to the Little Calumet River. In addition to the tunnel, the project will involve excavating, reshaping, and seeding the main channel of the Cady Marsh Ditch for a distance of 1,290 feet and the construction of a pumping station on the north side of the Cady Marsh Ditch. This project will be of enormous benefit to the residents of the Town of Griffith as well as being beneficial to the other communities along the Cady Marsh Ditch. By entering into this Agreement the Highland Sanitary District will reimburse the Griffith Storm Water District the cost of its beneficial share of the project, which has been estimated at eight (8%) percent of the Griffith Storm Water District cost of six million two hundred fifty thousand (\$6,250,000.00) dollars which amounts to five hundred thousand (\$500,000.00) dollars. Under no

circumstances shall ~~Highland Sanitary District's share exceed five hundred thousand~~ (\$500,000.00) dollars.

III. Administration

A. The Highland Sanitary District shall pay to the Griffith Storm Water Board the sum of fifty thousand (\$50,000.00) dollars per year for ten (10) years payable on or about the 30th day of Jan. 2006 and each year thereafter until the sum of five hundred thousand (\$500,000.00) dollars has been paid.

IV. Recording

This Agreement shall be recorded with the Lake County Recorder's Office and the State Board of Accounts, pursuant to law.

V. Counterparts to this Agreement

This Agreement shall be signed in counter parts and each said counterpart shall be considered originals.

This Agreement has been executed by the executive officer of each of the districts who are parties hereto and each said signature has been attested by the Clerk-Treasurer of each municipality.

Town of Griffith Storm Water District
Management Board

Town of Highland Sanitary District

By: [Signature]
President

By: [Signature]
President

Attest: [Signature]
Clerk-Treasurer
Town of Griffith

Attest: [Signature]
Secretary

Date: JUNE 17, 2005

Date: April 19, 2005

