

STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

CERTIFICATIONS

I, MICHAEL S. TALBETT, do hereby certify that I am the duly appointed, acting and qualified Village Clerk of the Village of Kildeer, Lake County, Illinois, and that as such Village Clerk, I am the keeper of the records and minutes and proceedings of the President and Trustees of said Village of Kildeer.

I do hereby further certify that at a regular meeting of the President and Trustees of the Village of Kildeer, held on the **19th** day of **April 2022**, the foregoing Resolution entitled:

RESOLUTION NO. 22-R-007

**A RESOLUTION APPROVING AND AUTHORIZING
THE EXECUTION OF THE SECOND AMENDMENT TO THE 2014 AMENDED AND
RESTATED AGREEMENT FOR RETAIL SANITARY SEWER SERVICE TO THE
VILLAGE OF KILDEER**

was duly passed by the President and Board of Trustees of the Village of Kildeer.

I DO FURTHER certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and seal this 22nd day of **April 2022**.

Michael S. Talbett
Village Clerk
Village of Kildeer
Lake County, Illinois



RESOLUTION NO. 22-R-007

**A RESOLUTION APPROVING AND AUTHORIZING
THE EXECUTION OF THE SECOND AMENDMENT TO THE 2014 AMENDED
AND RESTATED AGREEMENT FOR RETAIL SANITARY SEWER SERVICE TO
THE VILLAGE OF KILDEER**

WHEREAS, there is an existing agreement between the County of Lake (“County”), a corporate body of the State of Illinois, and the Village of Kildeer (“Village”), an Illinois Municipal Corporation, regarding sewer service; and

WHEREAS, the existing agreement was first amended on October 16, 2018 to expand the County’s retail service area to include the property at 21481 Rand Road, see 18-R-024; and

WHEREAS, the Village desires to again amend the 2014 Amended and Restated Agreement for Retail Sanitary Sewer Service to the Village of Kildeer by expanding the County’s retail service area to include the property at PINs 14-35-302-019 and 14-35-302-020, which are intended to be developed with a Thornton’s Gas Station; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Kildeer and its residents to expand the retail service area to facilitate the development of a drive-through truck stop facility; and

WHEREAS, in furtherance thereof, the Village and the County desire to enter into a Second Amendment to the 2014 Amended and Restated Agreement for Retail Sanitary Sewer Service to the Village of Kildeer (“Amendment”) in substantially the form set forth as Exhibit A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF KILDEER, LAKE COUNTY, ILLINOIS, as follows:

SECTION 1. Recitals. The foregoing recitals are hereby incorporated into, and made a part of, this Resolution as findings of the President and Board of Trustees of the Village of Kildeer.

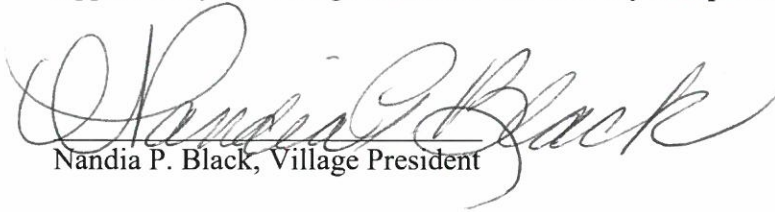
SECTION 2. Approval and Execution. The Amendment by and between the County and the Village in substantially the form attached to this Resolution as Exhibit A and in a final form acceptable to the Village Attorney, is hereby approved. The Village President and the Village Clerk are hereby authorized and directed to execute and attest the Amendment on behalf of the Village of Kildeer.

SECTION 3. Effective Date. This Resolution shall be in full force and effect upon its passage by the President and Board of Trustees of the Village of Kildeer in the manner required by law.

Passed by the Corporate Authorities this 19th day of April 2022 on a roll call vote as follows:

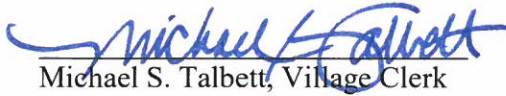
Trustees:	Aye:	Nay:	Absent	Abstain:
William Johnson	<u>✓</u>	_____	_____	_____
Keith Kovanda	<u>✓</u>	_____	_____	_____
Ralph Liberatore	<u>✓</u>	_____	_____	_____
Lester Sokolowski	<u>✓</u>	_____	_____	_____
Barbara Stavropoulos	<u>✓</u>	_____	_____	_____
Basel Tarabein	<u>✓</u>	_____	_____	_____

Approved by the Village President this 19th day of April 2022.



Nandia P. Black, Village President

ATTEST:



Michael S. Talbett, Village Clerk

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EXHIBIT A

**SECOND AMENDMENT
TO THE 2014 AMENDED AND RESTATED AGREEMENT FOR
RETAIL SANITARY SEWER SERVICE TO THE VILLAGE OF KILDEER**

This *Second Amendment to the 2014 Amended and Restated Agreement for Retail Sanitary Sewer Service to the Village of Kildeer* (“**Second Amendment**”) is between the County of Lake (“**County**”), a body corporate and politic of the State of Illinois, and the Village of Kildeer (“**Kildeer**”), an Illinois Municipal Corporation, and is effective this

_____ of _____, 2022.

Recitals

Whereas:

1. The County and Village entered into their *Amended and Restated Agreement for Retail Sanitary Sewer Service to the Village of Kildeer* (“**Sewer Agreement**”) in 2014.

2. The Sewer Agreement provides that the County will treat and dispose of sewage within certain described boundaries of a service area, called the “**Kildeer Retail Service Area**,” under the jurisdiction of the Village.

3. The Village seeks to offer sanitary sewer service to two properties it recently annexed (PINs 14-35-302-019 and 14-35-302-020), which are intended to be developed with a Thornton’s Gas Station (“**Gas Station**”). The properties were within the “Potential Service Area” identified in the Sewer Agreement’s Exhibit F, and are not currently included within the boundaries of the Kildeer Retail Service Area.

4. Section 4.5 of the Parties’ Sewer Agreement sets forth amendment criteria for expanding the Kildeer Retail Service Area.

5. The County has determined that, subject to the terms and conditions described below, the extension of service to the new properties is feasible for the purpose of constructing the Gas Station.

6. The County and Village therefore seek to amend their Sewer Agreement to expand the Kildeer Retail Service Area so that it encompasses the properties intended for the Gas Station, as further described below.

Now therefore, in consideration of the mutual covenants contained in this amendment, the County and Village hereby agree as follows:

Section 1: Recitals.

The foregoing recitals are incorporated into this Second Amendment as if fully set forth here.

Section 2: Expansion of the Kildeer South Service Area.

By this Second Amendment, the Kildeer Retail Service Area—specifically, its South Service Area—shall be expanded to the area currently encompassing PINs 14-35-302-019 and 14-35-302-020, as depicted on Exhibit A to this Second Amendment. The expansion area is shown in greater detail on the map attached to this Second Amendment as Exhibit A-1.

Section 3: Conditions Precedent and Subsequent.

This Second Amendment does not supersede any provision of the underlying Sewage Agreement other than altering the South Service Area, as described above. All conditions and terms contained in the Sewage Agreement apply to the expansion area, just as they did to the previously delineated South Service Area.

Attached as Exhibit D to this Second Amendment is an updated Exhibit D showing the subarea service limits as of the date of this Second Amendment but including the estimated 11 P.E. that will be used for the Thornton's Gas Station.

Section 4: Exhibits.

Exhibits A, A-1, and D, which are attached to this Agreement, are incorporated into this Second Amendment and made a part of it. Exhibits A and D supersede the original exhibits labeled "A" and "D" from the underlying Sewer Agreement.

Section 5: Confirmation.

Except as modified and amended here, the Sewage Agreement is hereby ratified and confirmed.

Section 6: Recordation.

Following its execution by the parties, the County may cause this Second Amendment to be recorded in the Office of the Lake County Recorder of Deeds. The County shall bear any recording fees.

Signed:

COUNTY OF LAKE

By: _____

Its Chairman, Lake County Board

Attest: _____

County Clerk

VILLAGE OF KILDEER

By:  _____

Its President

Attest:  _____

Village Clerk

22-R-007

EXHIBITS A, A-1 and D

EXHIBIT A
KILDEER RETAIL SERVICE AREA
AND SUB AREAS

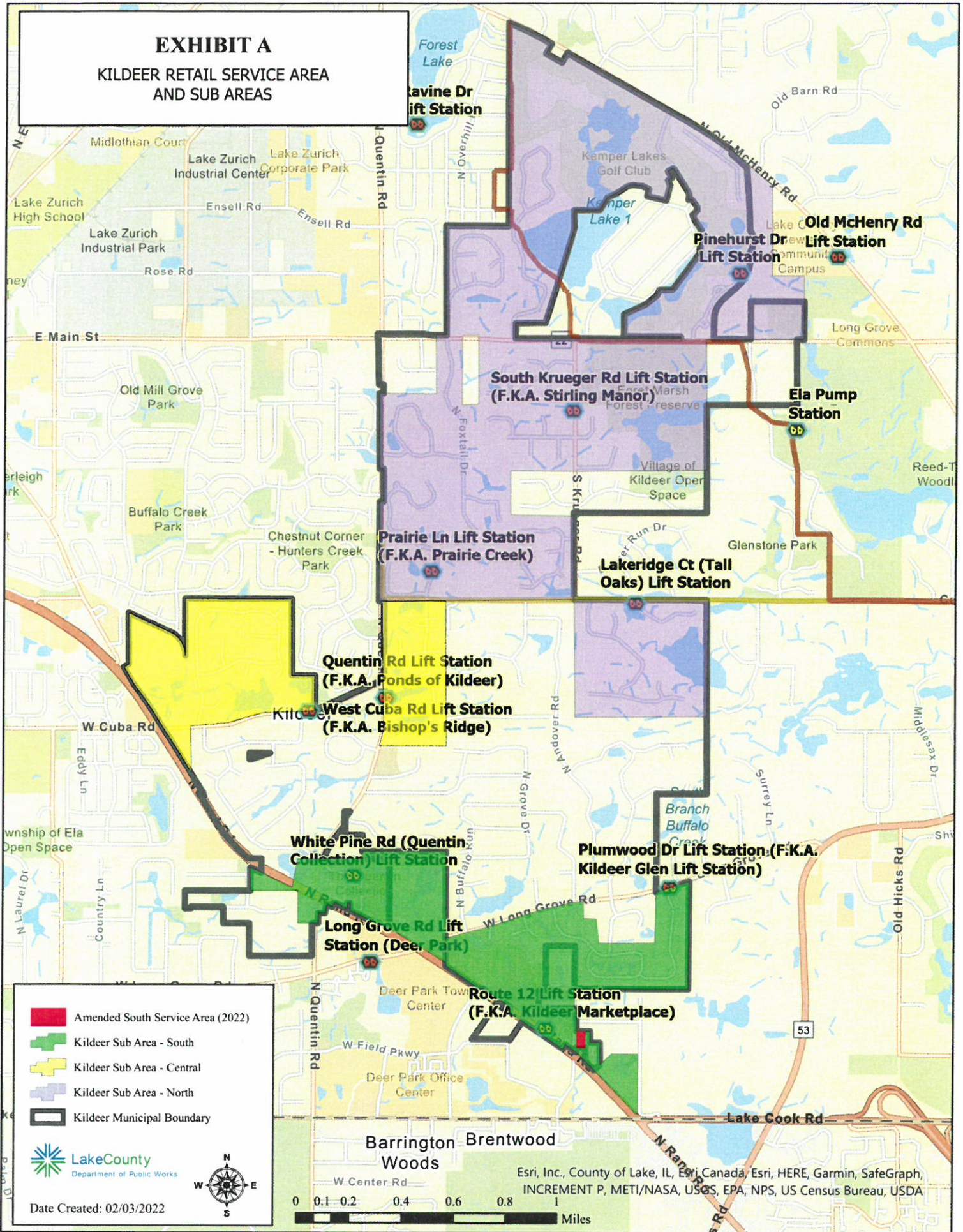
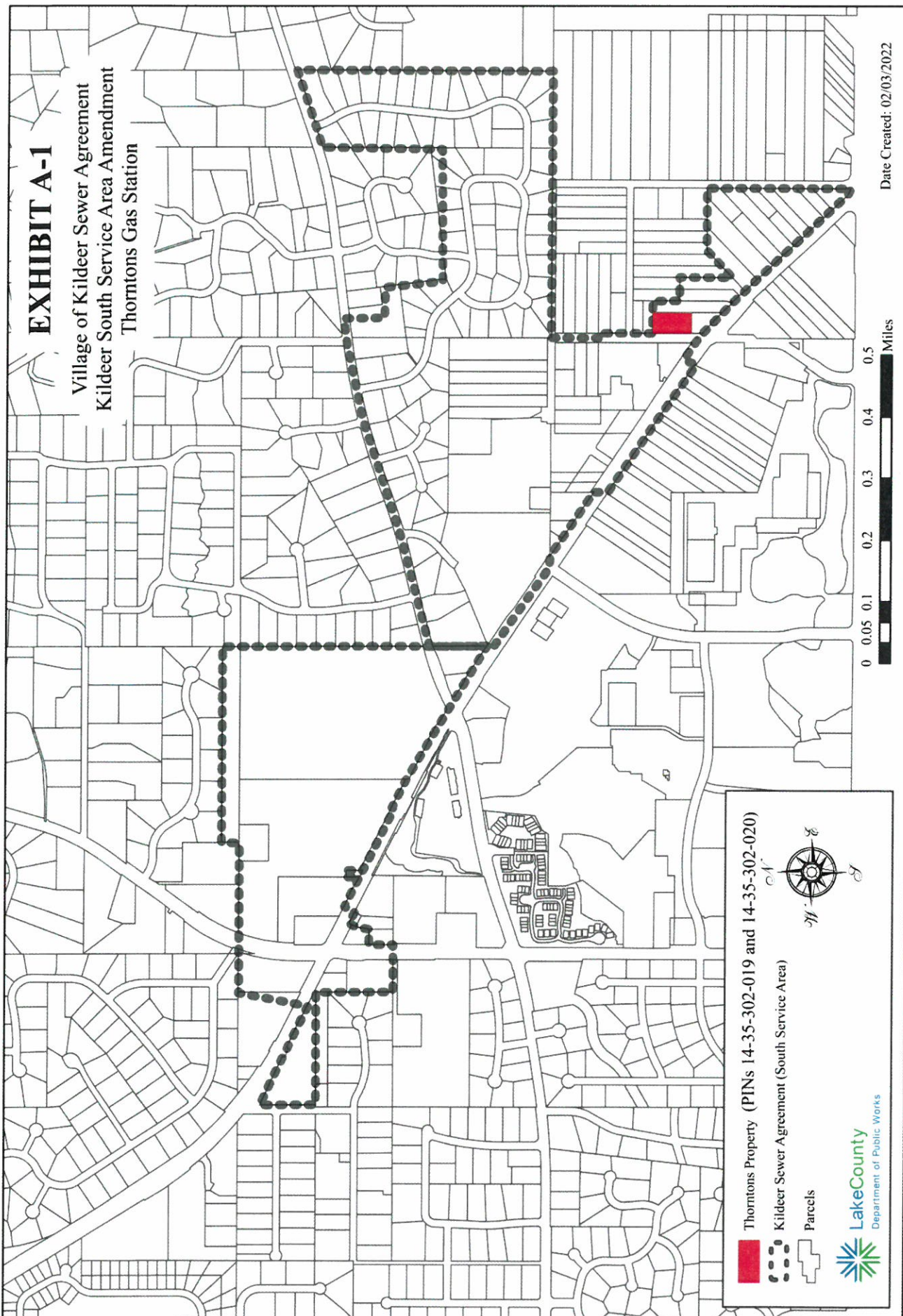


EXHIBIT A-1

Village of Kildeer Sewer Agreement
Kildeer South Service Area Amendment
Thorntons Gas Station



Thorntons Property (PINs 14-35-302-019 and 14-35-302-020)

Kildeer Sewer Agreement (South Service Area)

Parcels

Date Created: 02/03/2022

EXHIBIT D SUB AREA SERVICE LIMITS

A, B
297 RCE RESIDENTIAL ALLOWED
84 RCE RESIDENTIAL CONNECTED

C, D, E
80 RCE RESIDENTIAL ALLOWED –OR–
1195 PE NON-RESIDENTIAL ALLOWED
0 RCE CONNECTED

NORTH
418 RCE ALLOWED
379 RCE CONNECTED

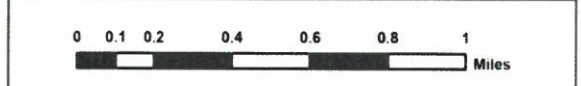
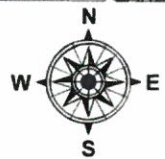
CENTRAL
1000 PE ALLOWED
725 PE CONNECTED

SOUTH
2300 PE ALLOWED
1453 PE NON-RESIDENTIAL CONNECTED
(INCLUDES 11 PE 2022)
284 PE RESIDENTIAL CONNECTED

AMENDED SOUTH
SERVICE AREA (2022)

ADDITION TO SOUTH
11 PE (2022)

- █ Amended South Service Area (2022)
- █ Kildeer Sub Area - South
- █ Kildeer Sub Area - Central
- █ Kildeer Sub Area - North
- Kildeer Municipal Boundary
- Parcels
- Unincorporated Areas



Date Created: 02/03/2022

