

ORDINANCE NO. 2023-0-011

AN ORDINANCE AUTHORIZING THE SALE OF THE
EAGLE PARK SANITARY COLLECTION SYSTEM

WHEREAS, the Metro East Sanitary District, Madison County, Illinois ("MESD"), is a duly organized and existing Sanitary District created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Metro East Sanitary Act of 1974, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the District.

WHEREAS, the MESD has identified serious problems with its existing sanitary collection system at Eagle Park and it has determined that it has insufficient capital and resources to upgrade its systems; and

WHEREAS, the Constitution of the State of Illinois and Illinois Compiled Statutes including but not limited to 70 ILCS 2905/Metro East Sanitary Act of 1974 and applicable case law authorize the MESD to sell and/or transfer assets; and

WHEREAS, the MESD has considered input and advice of its engineers, and engaged the consulting services of engineers Juneau and Associates, and has determined that, after soliciting and receiving bids for the sale of Eagle Park Sanitary Collection System, it is in the best interest of MESD and its residents to sell the Eagle Park Sanitary Collection System to Illinois American Water; and

NOW THEREFORE, BE IT ORDAINED by the Chairman and the Board of Commissioners of the Metro East Sanitary District as follows:

SECTION 1: Incorporation Clause. The Chairman and MESD Commissioners hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

SECTION 2: Purpose. This ordinance is to authorize the sale and transfer of all property associated with the Eagle Park Sanitary Collection System to the responsible and successful bidder, Illinois American Water Company; said bid being attached hereto and made a part hereof.

SECTION 3: Sale is Authorized. This ordinance hereby authorizes the Chairman to do all acts necessary to consummate the sale of the Eagle Park Sanitary Collection System by signing all asset purchase agreements attached hereto and made a part hereof and any other required sale documents. Said asset purchase agreement will be signed only after

proper review by MESD legal counsel in conjunction with the Board Chairman.

SECTION 4: Invocation of Authority. This ordinance is enacted pursuant to the authority granted to the MESD by the Constitution of the State of Illinois and Illinois Compiled Statutes including but not limited to 70 ILCS 2905 et al. and applicable case law.

SECTION 5: State Law Adopted. All applicable provisions of the Illinois Compiled Statutes, including the Metro East Sanitary District Act, as may be amended from time to time, relating to the purposes of this ordinance are hereby incorporated herein by reference.

SECTION 6: Other Actions Authorized. That the Chairman is hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this ordinance.

SECTION 7: Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Commissioners that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

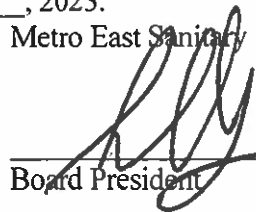
SECTION 8: Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published as provided by the Metro East Sanitary District Act of 1974.

SECTION 9: Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Metro East Sanitary District Act of 1974, as amended.

PRESENTED, PASSED, APPROVED AND ADOPTED by the Board Chairman and Board of Commissioners at its regular meeting on this 18 day of July, A.D., 2023, roll call vote.

ADOPTED this 18 day of July, 2023.

Metro East Sanitary District by:


Board President

Stacy Partney
District Clerk