

8-R-97

A RESOLUTION

Approving An Agreement By and Between  
The City of Evanston and the Village of Skokie  
Relating to Settlement of Village of Skokie vs.  
City of Evanston, Case No. 95 CH 08595

WHEREAS, Skokie has been purchasing from Evanston all of the potable Lake Michigan Water required by the customers of the Skokie public water supply system (the "Skokie System") since June 5, 1944; and

WHEREAS, on June 30, 1993, the long term agreement between Evanston and Skokie pursuant to which Evanston had sold and delivered Lake Michigan Water to Skokie to meet the demands of the Skokie System expired (the "Prior Agreement"); and

WHEREAS, Skokie desires to continue to purchase and receive Lake Michigan Water from Evanston for distribution and sale by Skokie to the customers of the Skokie System; and

WHEREAS, Evanston desires to continue to sell and deliver Lake Michigan Water to Skokie and currently has, and will continue to have, available facilities sufficient to pump, treat and deliver Lake Michigan Water to Skokie in quantities sufficient to meet the maximum daily demands of the Skokie System ("Water Supply Service"); and

WHEREAS, following the expiration of the Prior Agreement, Evanston and Skokie were unable to agree on a water rate for continued Water Supply Service; and

WHEREAS, such lack of agreement led to the filing by Skokie of a lawsuit, Village of Skokie v. City of Evanston, Case No 95 CH 08595, by which Skokie sought to have the Circuit Court of Cook County establish a new water rate for continued Water Supply Service

and in which Evanston filed a counterclaim seeking to compel payment of the water rate demanded by it for such continued Water Supply Service (the "Litigation"); and

WHEREAS, Evanston and Skokie have, nevertheless, continued to negotiate in good faith in an effort to agree upon a new water rate for continued Water Supply Service; and

WHEREAS, Evanston and Skokie have settled and compromised all differences between them relating to Water Supply Service and have agreed on a new agreement for Water Supply Service to replace the Prior Agreement; and

WHEREAS, such settlements and compromise have been incorporated into a proposed settlement agreement, a copy of which is attached hereto, and by this reference incorporated herein, as Exhibit A (the "Settlement Agreement");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Recitals. The foregoing recitals are by this reference incorporated into this Resolution as the findings of the City Council.

SECTION 2: Approval and Execution of Settlement Agreement. The Settlement Agreement is hereby approved, and the City Manager and City Clerk are hereby authorized and directed, respectively, to execute such Settlement Agreement on behalf of the City, and the Corporation Counsel is hereby authorized and directed to take all actions as may be necessary to obtain the dismissal of the Litigation in accordance with the terms of said Agreement.

SECTION 3: Effective Date: Condition. This Resolution shall be in full force and effect immediately upon its passage and approval in the manner provided by law, the

City Council hereby finding and declaring the approval of the Settlement Agreement to be a matter of urgency ; provided, however, that this Resolution shall be of no force or effect unless and until the President and Board of Trustees of the Village of Skokie shall have passed and approved a similar resolution, satisfactory to the Corporation Counsel, approving and authorizing and directing the execution of the Settlement Agreement and directing the prompt completion of all actions as may be necessary to obtain the dismissal of the Litigation in accordance with the terms of said Settlement Agreement.

AYES: Aldermen: Moran, Engleman, Jacobi, Feldman, Newman, Drummer, Guthrie, Heydemann and Kent

NAYES: NONE

ABSENT: NONE

PASSED AND APPROVED THIS 3rd day of February, 1997.

Lorraine A. Morton  
Mayor

ATTEST:

Dorothy A. Davis  
City Clerk

Adopted: February 3rd, 1997