

**AN ORDINANCE APPROVING AN AGREEMENT
WITH THE UNIVERSITY OF ILLINOIS CONCERNING THE COST OF
OPERATIONS OF THE URBANA SANITARY LANDFILL**

(To Provide for Post-Closure Care Costs)

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

Section 1. That an Agreement to Supplement an Agreement Concerning Costs of Operation of the Urbana Sanitary Landfill by and between the City of Urbana, Illinois and the Board of Trustees of the University of Illinois, in the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

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 hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

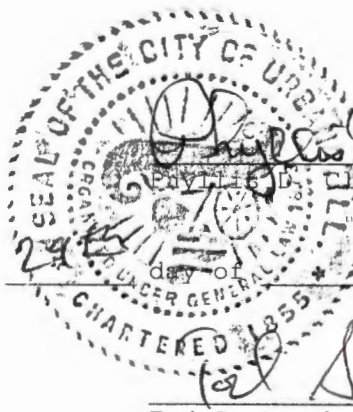
PASSED by the City Council this 20th day of May,
2002.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 24th day of May,
2002.



D. Clark
D. Clark, City Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor

AN AGREEMENT TO SUPPLEMENT AN AGREEMENT CONCERNING COSTS OF OPERATION OF THE CITY DUMP OF URBANA, ILLINOIS, AND TO THE AGREEMENT CONCERNING PURCHASE OF SANITARY LANDFILL GROUNDS AS SUPPLEMENTED AND AMENDED

This AMENDMENT made and entered into this 17 day of April, 2002, by and between the City of Urbana, Illinois, a municipal corporation (hereinafter referred to as "City"), and the Board of Trustees of the University of Illinois, a public corporation (hereinafter referred to as "University"):

WITNESSETH:

WHEREAS, the University entered into an agreement with the City to share the costs of operation of the City's sanitary landfill in an agreement dated June 19, 1950 entitled "An Agreement Concerning Cost of Operation of City Dump [Sanitary Landfill] of Urbana, Illinois"; and

WHEREAS, the University subsequently entered into another agreement with the City dated October 5, 1954, entitled "Agreement Concerning Purchase of Dumping [Sanitary Landfill] Grounds by the City of Urbana Creating Trust for Benefit of University" by which the parties agreed that the University would be the owner of a 30% beneficial interest of the property purchased pursuant to that agreement; and

WHEREAS, said agreements have been amended and supplemented by agreements dated December 19, 1960, November 16, 1970, June 19, 1974, January 19, 1976, September 15, 1976, and September 15, 1983; and

WHEREAS, the City of Urbana and the City of Champaign entered into an agreement dated August 4, 1986 entitled "An Agreement Concerning the Expansion of the Urbana 10-Acre Landfill Site" which requires certain long-term post-closure care activities to be performed by the cities through November 19, 2018, which agreement did not incorporate the University as a

party, but which agreement directly benefits the University in discharging post-closure care of properties in which the University has a beneficial interest; and

WHEREAS, the cities have performed post-closure care activities under the administration of Champaign-Urbana Solid Waste Disposal System since 1988; and

WHEREAS, the University and the City previously reached a verbal agreement determining the appropriate proportional share of University costs for such post-closure care to be 20% and payments based on this agreement have been made by the University since 1989.

NOW, THEREFORE, the University and the City agree that notwithstanding anything to the contrary in any of the aforesaid agreements, that the following shall govern the obligation of the University to contribute to post-closure care costs:

1. Operating costs as defined in the aforesaid agreement, as amended, shall, during the term of this supplement and amendment, be deemed to include long-term post-closure care costs for the Urbana Complex which said costs have or will be incurred and include, but are not limited to, surface and groundwater monitoring; erosion control; vegetation control; gas monitoring; remedial action; environmental response; insurance; engineering and administrative expenses.

2. The University's share of sanitary landfill operating costs shall equal twenty percent (20%) of the gross operating cost and will be payable within thirty (30) days of the date of annual invoice for such costs.

3. All terms and provisions of said agreements dated December 19, 1960, November 16, 1970, June 19, 1974, January 19, 1976, September 15, 1976, and September 15, 1983, are hereby ratified and confirmed and shall remain in full force and effect in accordance with the terms thereof.

4. All commitments made by the University in connection with the foregoing are necessarily subject to existing constitutional and statutory limitations and restrictions, and are

contingent upon the availability of funds which the University may legally use in making the above-mentioned payments when and as the same become due in accordance with the foregoing. It is understood that no interest charge will be made for any portion of the payment by the University.

5. This amending agreement shall inure to the benefit of and be binding upon all successors of each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to said prior agreements to be executed by their duly authorized officers and their respective corporate seals to be hereunto affixed, all as and of the date and year herein set forth.

CITY OF URBANA

By: *Tom Sattler*
Mayor

THE BOARD OF TRUSTEES
OF THE UNIVERSITY OF ILLINOIS

By: *Craig S. Byrnes*
Comptroller

ATTEST:

By: *Phyllis A. Clark*
City Clerk
By: *Robert J. Robert*
Deputy Clerk



ATTEST:

By: *Michele M. Thompson* 4/17/02
Secretary

APPROVED:

By: *Van A. Anderson*
Vice-Chancellor for
Administrative Affairs

By: *John H. Dempsey*
Director, Operation and
Maintenance Division

By: *Gregory J. Lawrence*
For Legal Counsel