

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ASSIGNMENT OF THE CHICAGO WATER SUPPLY AGREEMENT, RELATED EASEMENTS, AND ANCILLARY PERMITS AND APPROVALS TO THE GRAND PRAIRIE WATER COMMISSION

WHEREAS, the City of Joliet (**“City”**) has undertaken its Alternative Water Source Program (**“AWSP”**) to obtain a safe, reliable and efficient source of supply of Lake Michigan water for the City and its water customers, including coordination of these efforts with other municipalities in the region to establish a common source of supply and a waterworks system to be operated by a regional water commission; and

WHEREAS, pursuant to Ordinance No. 18660, the City joined with those other municipalities to establish such a water commission by approving and executing (1) an Intergovernmental Agreement to Establish the Grand Prairie Water Commission dated June 28, 2024, pursuant to which the City has become a member of the Grand Prairie Water Commission (**“Commission”**); and (2) the Grand Prairie Water Commission Water Supply Agreement dated July 2, 2024 (**“Commission Water Supply Agreement”**), pursuant to which the City will purchase Lake Michigan water from the Commission; and

WHEREAS, as part of the AWSP, the City entered into a Water Supply Agreement with the City of Chicago dated May 1, 2023 (**“Chicago Water Supply Agreement”**) pursuant to which the City of Chicago (**“Chicago”**) has agreed to supply an amount of water sufficient to meet the anticipated water demands of the City and other municipalities who have joined in establishing the Commission; and

WHEREAS, in order to facilitate the initial development of the Commission waterworks system at the point of connection to the Chicago water system, the City has also entered into two easement agreements with Chicago (**“Chicago Easements”**), and obtained certain permits and approvals from Chicago (**“Ancillaries”**), that are required to enable the construction, installation and operation of the facilities to connect the Commission’s waterworks system to the City of Chicago water system (**“Chicago Connection Facilities”**); and

WHEREAS, pursuant to the Chicago Water Supply Agreement, the City has the ability to assign the Chicago Water Supply Agreement to the Commission as well as some or all of the Chicago Easements and Ancillaries; and

WHEREAS, in addition, to further facilitate such development of the Commission waterworks system, the City has also entered into an easement agreement for construction easements with the Chicago Park District (**“Park District Easement”**); the Chicago Easements and the Park District Easement are collectively referred to as the **“Easements”**), and the City has the ability to assign the Park District Easement to the Commission; and

WHEREAS, pursuant to Resolution No. 8078 approved on October 15, 2024, the Mayor and City Council determined that it is necessary and appropriate for the City to initiate the process of assignment of the Chicago Water Supply Agreement, Easements and Ancillaries to the Commission, and directed that the City commence the process of effectuating such an assignment; and

WHEREAS, pursuant to its Resolution No. 2024-8 approved on October 3, 2024, the Board of Commissioners of the Commission determined that it is necessary and appropriate for the Commission to initiate the process of accepting assignment of the Chicago Water Supply Agreement, Easements

and Ancillaries from the City, and directed that the Commission commence the process of effectuating such an assignment; and

WHEREAS, the City, the Commission and Chicago have engaged in discussions regarding the process for completing the assignment of the Chicago Water Supply Agreement, Chicago Easements and Ancillaries by the City to the Commission, and Joliet, the Commission and the Chicago Park District have engaged in discussions regarding the assignment of the Park District Easement, and negotiated the terms and conditions of the agreements necessary to complete the assignment process; and

WHEREAS, the City is prepared to assign (i) the Chicago Water Supply Agreement, Chicago Easements and Ancillaries to the Commission by entering into the first one of those agreements, which is the Assignment and Amendment of Water Supply Agreement – City of Chicago, City of Joliet and Grand Prairie Water Commission (“Assignment Agreement”), pursuant to which the City will assign to the Commission the Chicago Water Supply Agreement as well as the Chicago Easements and Ancillaries, and (ii) the Park District Easement to the Commission by executing an assignment thereof as described in an amended and restated version of the Park District Easement, and all rights duties, obligations, claims and liabilities under these documents, in order to enable the Commission to accomplish its purposes and meet its obligations to the members of the Commission under the Commission Water Supply Agreement, which include the provision of Lake Michigan water to the City; and

WHEREAS, pursuant to the Assignment Agreement, Chicago and the Commission will enter into amended and restated versions of the Chicago Water Supply Agreement and the Chicago Easements, and pursuant to the terms of the Park District Easement, the Chicago Park District and the Commission will enter into an amended and restated version of the Park District Easement, to complete the assignment process; and

WHEREAS, the Mayor and City Council find and determine that it is in the best interests of the City to approve and enter into the Assignment Agreement in substantially the form attached to and made a part of this Ordinance as Exhibit 1 and to authorize execution of an assignment of the Park District Easement and such other documents and take such other actions as are necessary to complete the assignment process pursuant to Section 22.2 of the Chicago Water Supply Agreement and Section 20(a) of the Park District Easement; and

WHEREAS, the City is a home rule municipality under and by virtue of the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET PURSUANT TO ITS HOME RULE AND STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in this Ordinance are true, correct and complete and are hereby incorporated into this Section by reference.

SECTION 2: The Assignment Agreement is hereby approved in substantially the form attached to and made a part of this Ordinance as Exhibit 1, and the assignment of the Park District Easement is hereby approved in substantially the form included in the Park District Easement attached to and made a part of this Ordinance as Exhibit 2.

SECTION 3: The Mayor and City Clerk are hereby authorized and directed to execute the Assignment Agreement, the assignment of the Park District Easement, and such other documents as are necessary, and the Mayor, City Clerk and City Manager are hereby authorized to take such additional actions as are necessary, to complete the process of the assignment of the Chicago Water Supply Agreement and the Easements and Ancillaries by the City to the Commission.

SECTION 4: Each section and part thereof of this Ordinance is deemed to be severable and should any section or part hereof be held invalid or unconstitutional by any court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of the remaining portion(s) of this Ordinance.

SECTION 5: All ordinances, resolutions or parts thereof in conflict with the terms of this Ordinance are hereby repealed and of no further force and effect to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this ____ day of August, 2025.

MAYOR

CITY CLERK

VOTING YES: _____

VOTING NO: _____

NOT VOTING: _____