

VILLAGE OF DOWNS UNANIMOUS CONSENT TO ACTION

The undersigned, being all of the Trustees and the Mayor of the Village of Downs (“VOD”), an Illinois municipal corporation, hereby consent to, approve, and adopt the following emergency unanimous consent to action resolution (“resolution”) without a meeting, which resolution shall be adopted and ratified as a corporate action of the corporate body of the VOD at its regularly scheduled meeting on May 1, 2014 at 7:00 p.m. upon compliance with the applicable posting and notification requirements to proceed to adopt and ratify the following preambles.

WHEREAS, on or about April 21, 2014 the VOD learned that the septic system at 104 N. Huff Rd., Downs, Illinois (“subject property”) was in a deteriorating condition such that continued use of the septic system of the subject property was not feasible; and

WHEREAS, after further investigation and consideration the VOD had conversations with the landowner at the subject property and learned that the landowner desired to hook onto the municipal sewer system operated by the VOD: and

WHEREAS, thereafter the VOD and the landowner had conversations with personnel of the Bloomington Normal Water Reclamation District (“BNWRD”), including counsel for BNWRD, regarding the landowner entering into and obtaining approval of a pre-annexation agreement with BNWRD to allow the landowner to abide by the terms and conditions of the Amended and Restated Intergovernmental Wastewater Treatment Agreement entered into between the VOD and BNWRD in November of 2011 (“IGA”) on an accelerated, emergent basis due to the condition of the septic system at the subject property; and

WHEREAS, upon further consideration and investigation it was determined that in order to achieve compliance with the provisions of the IGA and all other applicable state and local laws and ordinances and enactments applicable to the subject property, to VOD and to BNWRD, it is necessary: a) for the subject property to be annexed into the VOD; and b) it is necessary to hold a Public Hearing of the BNWRD for consideration of the pre-annexation agreement, which contingencies cannot be accomplished in any expedited fashion as a consequence of prerequisites to consideration of the annexation and the pre-annexation agreements by the VOD and BNWRD; and

WHEREAS, due to the emergent nature of the situation for the landowner the undersigned deem it in the best interests of the VOD to proceed with the unanimous consent of these preambles; and the VOD has been advised by BNWRD that in exchange of receipt of this resolution and unanimous consent to the same by the VOD, BNWRD will give its conditional approval for VOD to allow the landowner to hook onto the VOD’s municipal sewer system so long as the VOD and landowner acknowledge and understand that the BNWRD conditional approval is granted with the understanding that the following contingencies will be met as set forth below:

a. VOD annexes the subject property in accordance with all applicable state and local laws as soon as practicable and not later than June 5, 2014; and

b. That BNWRD holds a Public Hearing on the pre-annexation agreement between the landowner of the subject property and BNWRD, and approval of the pre-annexation agreement is obtained; and

c. That in the event that the landowner hooks onto the VOD sewer system prior to the occurrence of those conditions set forth in subparagraph a and b of this resolution; and thereafter the landowner, the VOD and BNWRD are unable to complete all of the conditions precedent set forth herein, the landowner will unhook the subject property from the VOD sewer system within seventy-two (72) hours of a Notice to the landowner that the conditions precedent cannot be met.

WHEREAS, the undersigned unanimously consent to the provisions of this resolution and give assurance to BNWRD that the preambles set forth in this resolution are binding on the VOD as if said resolution was adopted and ratified at a meeting of the VOD.


NOW THEREFORE, BE IT RESOLVED by the Mayor and Trustees of the Village of Downs, McLean County, Illinois, as follows:

Section 1: That the preambles hereto are true and correct and are incorporated herein by reference as if fully set forth at this point.

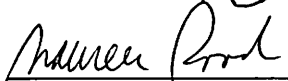
Section 2: That the preambles set forth herein are hereby approved by unanimous consent and shall be adopted and ratified and become effective upon the formal ratification and adoption of this resolution at the meeting of the VOD set on May 1, 2014.

Section 3: That this resolution shall be delivered to the Clerk of the VOD and shall be filed with the minutes of the meetings of the VOD in the corporate records.

Dated and effective as of this 25TH day of April, 2014.



Michael James, Mayor



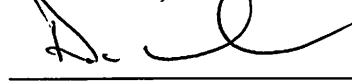
Maureen Roach, Trustee



Mary Goveia, Trustee



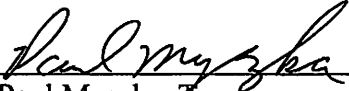
Susan Luke, Trustee



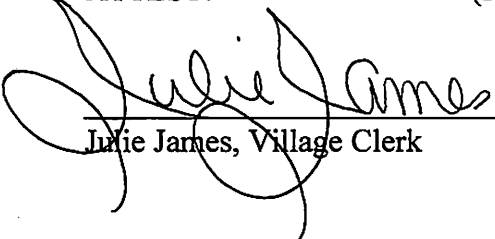
Dan Lush, Trustee



Mike Freimann, Trustee


Paul Myszka, Trustee

ATTEST: (seal)


Julie James, Village Clerk