

Order 69-12/13

Given first reading on 10/5/12

Passage: 8-0 (Leeman absent) 10-15-12

MICHAEL F. BRENNAN (MAYOR)

KEVIN J. DONOGHUE (1)

DAVID A. MARSHALL (2)

EDWARD J. SUSLOVIC (3)

CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)

JOHN M. ANTON (A/L)

JILL C. DUSON (A/L)

NICHOLAS M. MAVODONES (A/L)

**ORDER APPROVING AMENDMENT TO AGREEMENT
WITH PORTLAND WATER DISTRICT
RE: PEAKS ISLAND SEWER**

ORDERED, that the Amendment to the Agreement dated August 9, 1996 regarding construction and maintenance of sewers on Peaks Island is hereby approved, substantially in the form attached.

**AMENDMENT TO AGREEMENT BETWEEN
CITY OF PORTLAND
AND
PORTLAND WATER DISTRICT**

AMENDMENT to Agreement dated August 9, 1996, made this _____ day of October, 2011 by and between the **CITY OF PORTLAND**, a body politic and corporate located in the County of Cumberland and State of Maine (hereinafter "**CITY**") and the **PORTLAND WATER DISTRICT**, a quasi-municipal corporation organized and existing pursuant to Chapter 84 of the Private and Special Laws of the State of Maine of 1975, as amended from time to time, located at 255 Douglass Street, Portland, ME 04104 (hereinafter "**DISTRICT**").

WHEREAS, the **CITY** and the **DISTRICT** entered into an Agreement dated August 9, 1996 for the construction, ownership, financing, management, operation and maintenance of sanitary wastewater collector facilities located on Peaks Island; and

WHEREAS, said Agreement authorizes the **CITY** to add collector extensions to the existing facilities on Peaks Island; and

WHEREAS, the Portland City Council, on September 19, 2011, authorized the extension of the Peaks Island sanitary sewer on Island Avenue and Seashore Avenue (a.k.a. Winding Way);

NOW THEREFORE, the parties do hereby agree to amend the Agreement dated August 9, 1996 as follows:

1. The **DISTRICT** shall finance, construct, own, manage, operate and maintain the sanitary wastewater extensions on Island Avenue and Seashore Avenue (a.k.a. Winding Way) on Peaks Island in accordance with Woodard and Curran's Peaks Island Sanitary Sewer Extension Final Report to the **DISTRICT** dated May 2005 and updated in January 2010 as shown on Exhibits A & B attached hereto, and any and all approved design, engineering and construction plans.
2. The **CITY** shall pay for all costs attributable to the Island Avenue and Seashore Avenue (a.k.a. Winding Way) extensions through the **DISTRICT**'s annual assessment process.
3. Both the **CITY** and the **DISTRICT** shall approve the final design and engineering plans for the extension project, and total project cost shall not exceed 3.1 Million Dollars without prior **CITY** approval.

4. Any and all terms of the Agreement not herein amended remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have signed this Amendment by their duly authorized representatives on the day and date first above written.

WITNESS

CITY OF PORTLAND

By: _____

Mark H. Rees
Its City Manager

PORTLAND WATER DISTRICT

By: _____

Ronald Miller
Its General Manager

Approved as to form:

Approved as to budget:

Legal Office

Budget Office