

FIRST AMENDMENT
TO
SEWAGE TREATMENT AGREEMENT
BETWEEN THE TOWN OF CULVER, INDIANA

AND

SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT
FOR SEWAGE TREATMENT SERVICES

This First Amendment to Sewage Treatment Agreement (hereafter referred to as the "First Amendment") made and entered into this 24th day of September, 2013, by and between the Town of Culver, Indiana, acting through its Town Council, (hereinafter referred to as "Town"), and the South-West Lake Maxinkuckee Conservancy District, acting through its Board of Directors (hereinafter referred to as the "District").

WITNESSTH:

WHEREAS, the Town and the District entered into a Sewage Treatment Agreement dated July 27, 2010 ("Agreement"); and

WHEREAS, in the last paragraph of Article 1 the District specifically represented it would not enlarge the District unless a new agreement was entered into between the District and the Town; and

WHEREAS, the District has received a request from two residential lot owners that the District boundaries be expanded to include the two lots on the west side of the West Shore Drive; and

WHEREAS, the addition of said two lots would not increase the maximum daily flow capacity of 55,000 gallons per day, which capacity the Town has reserved for the District; and

WHEREAS, the Town and the District desire to amend the Agreement rather than execute a "new agreement."

NOW THEREFORE, the Town and District mutually agree as follows, to-wit:

1. The Town hereby grants to the District the permission to take whatever actions are required by the Conservancy District Act ("the Act") to expand its boundaries to include two residential lots on the west side West Shore Drive labeled Ebert and Sipe as depicted on Exhibit A attached hereto and hereby made a part hereof.

2. The last paragraph of Article 6, Paragraph 2 shall be deleted.

3. The map of the approved service area of the South-West Lake Maxinkuckee Conservancy District service area shall be the map attached hereto and marked Exhibit B.

4. The Town and the District hereby acknowledge that the Agreement is in full force and effect and that all terms and conditions of the Agreement have been complied with and as except as herein modified and amended that all terms and conditions of the Agreement are still in full force and effect.

IN WITNESS WHEREOF, the undersigned certifies that they are duly authorized and empowered to execute this First Amendment and thus bind the governmental unit in whose behalf they sign on the date and year first written above.

TOWN OF CULVER

By: *Sally Kiehl*

By: *Lyn Deemeyer*

By: *Ed Pender*

By: *Brie Pittman*

By: *Gracy B. Moore*

SOUTH-WEST LAKE MAXINKUCKEE
CONSERVANCY DISTRICT

By: *Hathorn A. Densborn*
Chairman

ADOPTED this 24th day of September, 2013 by the Town of Culver, Indiana.

Roseanne
Clerk Treasurer