

**JOINT RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND
AND
THE MAYOR AND COUNCIL OF THE CITY OF HAGERSTOWN, MARYLAND
AMENDING THE CONSOLIDATED GENERAL SERVICE AGREEMENT
FOR THE PROVISION OF SANITARY SEWER SERVICE**

WHEREAS, The Board of County Commissioners for Washington County, Maryland, a body corporate and politic and, as the duly-constituted legislative body of Washington County, Maryland, a subdivision of the State of Maryland (the "County"), has determined that it is in the best interests of the County and the citizenry thereof to amend the existing Consolidated General Service Agreement for the Provision of Sanitary Sewer Service (the "Agreement"); and

WHEREAS, The Mayor and Council of the City of Hagerstown, as the duly-constituted legislative body of the City of Hagerstown, Maryland, a municipal corporation (the "City"), has determined that it is in the best interests of the City and the citizenry thereof to amend the Agreement with the County; and

WHEREAS, Amendments to the Agreement are required by the Agreement to be authorized by resolutions of the County and the City.

NOW THEREFORE, BE IT RESOLVED, By the County that Amendment No. 7 to the Agreement, a copy of which is attached hereto, is hereby accepted, approved and ratified; and

BE IT FURTHER RESOLVED, That Gregory I. Snook, President of the Board of County Commissioners, or his successor, is hereby authorized, empowered and directed to execute Amendment No. 7 and any other documents necessary to effectuate the purposes hereof.

NOW THEREFORE, BE IT RESOLVED, By the City that Amendment No. 7 to the Agreement, a copy of which is attached hereto, is hereby accepted, approved and ratified; and

BE IT FURTHER RESOLVED, That Robert E. Bruchey, II, Mayor of the City of Hagerstown, or his successor, is hereby authorized, empowered and directed to execute Amendment No. 7 and any other documents necessary to effectuate the purposes hereof; and

BE IT FURTHER RESOLVED, that this resolution is effective as to each body this date.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Joni L. Bittner
Joni L. Bittner, County Clerk

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND

By: Gregory I. Snook (SEAL)
Gregory I. Snook, President

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Donna H. Spickler
Donna Spickler, City Clerk

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

By: Robert E. Bruchey, II (SEAL)
Robert E. Bruchey, II, Mayor

FOR THE COUNTY:
Date of Introduction: June 13, 2006
Date of Passage: June 13, 2006
Effective Date: June 13, 2006

FOR THE CITY:
Date of Introduction: May 23, 2006
Date of Passage: May 23, 2006
Effective Date: May 23, 2006

Approved as to form
and legal sufficiency:

John M. Martirano
John M. Martirano
County Attorney

Approved as to form
and legal sufficiency:

John H. Urner
John H. Urner
City Attorney

For the County:
Mail to:

Office of the County Attorney
100 W. Washington Street, Rm. 202
Hagerstown, MD 21740

For the City:
Mail to:

Donna Spickler
City Clerk
City of Hagerstown
1 East Franklin Street
Hagerstown, MD 21740

**AMENDMENT TO THE
CONSOLIDATED GENERAL SERVICE AGREEMENT
FOR THE PROVISION OF SANITARY SEWER SERVICE
BY AND BETWEEN
THE CITY OF HAGERSTOWN, MARYLAND AND
THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY,
MARYLAND**

AMENDMENT No. 7

RECITALS

The City of Hagerstown, Maryland (the "City") and the Board of County Commissioners of Washington County, Maryland (the "County"), adopted by joint resolution dated September 16, 1997, a Consolidated General Service Agreement for the Provision of Sanitary Sewer Service (the "Agreement").

Section 17 of the Agreement, entitled "Amendments," provides that "Changes to this Agreement shall be made by formal amendment and adopted by resolution by the City and County."

It is the intention of the City and County to amend this Agreement to include additional property to the area served by Joint Sewer Service.

NOW, THEREFORE, the parties agree as follows:

1. It is agreed that the approval, execution and signing of this Amendment does not in any way modify, amend, alter, revoke, invalidate or revise any term, condition, or provision of the existing Agreement referred to except as may be hereinafter provided.
2. It is agreed and recognized by the parties that they are bound by all of the terms and conditions referred to in said Agreement and any amendments thereto.
3. Section 16, entitled "Joint Sewer Service Areas," is amended with the addition of the following subsection:
 - (r) Parcel 114, Washington County Tax Map Number 25 – as identified as the hatched area on Exhibit M, attached hereto.
4. The approved portions of the parcel identified above are subject to the same requirements of application, review and approval for wastewater service as all other prospective Joint Sewer Service customers covered by the Agreement.

5. Any sewer related developer contributed assets specifically related to the above-referenced property (i.e. Parcel 114 on Tax Map 25) located in the Joint Sewer Service Area that have not required investment or debt to be incurred by the County for rehabilitation or purchase of those assets, shall be offered for transfer and dedication by the County at no cost to the City in the event said property (i.e. Parcel 114) is annexed into the City, provided that such sewer related assets can be directly connected to and served solely by the City's sewer collection system.

The parties agree and do represent to each other that this Amendment has been approved by each respective legislative body at a duly constituted public meeting and that the undersigned have been designated as the duly authorized signatories and representatives of said bodies.

IN WITNESS whereof, the parties hereto have each executed the Amendment by their duly authorized signatory and representative.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Joni L. Bittner
Joni L. Bittner, County Clerk

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND

By: Gregory J. Snook (SEAL)
Gregory J. Snook, President

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Donna H. Spickler
Donna Spickler, City Clerk

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

By: Robert E. Bruchey, II (SEAL)
Robert E. Bruchey, II, Mayor

