

**AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF
MILWAUKEE AND THE CITY OF MEQUON FOR THE PURCHASE OF
WATER AT WHOLESALE**

This Amendment to the Agreement between the City of Milwaukee and the City of Mequon for the Purchase of Water at Wholesale (“Amendment”) is made as of the ____ day of _____, 2023 (“Effective Date”) pursuant to Wis. Stat. §§ 66.0813(3)(b) and 66.0301 by and between the City of Milwaukee, operating as a water public utility (“Milwaukee”) and the City of Mequon, operating as a water public utility (“Mequon”).

WHEREAS, As of December 10, 2003, Milwaukee and Wisconsin Gas Company (d/b/a We Energies Water Services), operating as a water public utility (“We Energies”), executed an Agreement between the City of Milwaukee and We Energies for the Purchase of Water at Wholesale (“Agreement”); and

WHEREAS, We Energies entered into an Asset Purchase Agreement dated September 5, 2008 pursuant to which it agreed to sell the water system assets of We Energies Water Services to Mequon; and

WHEREAS, Upon the sale of the water system assets to Mequon, We Energies assigned to Mequon all of its rights and obligations under the Agreement; and

WHEREAS, By letter dated December 18, 2008, authorized by Common Council Resolution No. 080850, adopted on December 16, 2008, the City of Milwaukee consented to the assignment; and

WHEREAS, Under the Agreement, Milwaukee agreed to provide wholesale water service to Mequon at two identified connections: North 76th Street and County Line Road and North 107th Street and County Line Road; and

WHEREAS, Mequon currently receives wholesale water service at the North 76th Street and County Line Road connection and has not established the second connection at North 107th Street and County Line Road; and

WHEREAS, Mequon seeks to move the second connection with MWW to North Swan Road and West County Line Road; and

WHEREAS, By Resolution File No. _____ adopted on _____, 2023, the Common Council of the City of Mequon authorized this Amendment to the Agreement; and

WHEREAS, By Resolution File No. _____ adopted on _____, 2023, the Common Council of the City of Milwaukee authorized this Amendment to the Agreement.

Now, therefore, in consideration of the mutual covenants hereinafter expressed, it is agreed as follows:

1. Section I.(a) of the Agreement is amended to read:

I. Definitions

(a) Adequate Water Service – Except as otherwise provided in paragraph II (i) of this agreement, unlimited, uninterrupted service of standard quality water as follows:

Location	Elevation (NGVD) (Center of Intersection)	Minimum Hydraulic Grade (NGVD)	Estimated Maximum Flow Rate (MGD)
N. 76 th St. and County Line Road	682	867	2.16 MGD (1,500 GPM)
N. Swan Road and County Line Road	743	892	2.16 MGD (1,500 GPM)

2. All terms and conditions of the Agreement not inconsistent with the terms of this Amendment remain in full force and effect.

**CITY OF MILWAUKEE, operating
as a Water Public Utility**

**CITY OF MEQUON, operating as a Water
Public Utility**

Mayor Cavalier Johnson

Mayor

City Clerk, James R. Owczarski

City Clerk

COUNTERSIGNED:

COUNTERSIGNED:

City Comptroller, Aycha Sawa

Director of Finance and Treasurer

Approved as to form and execution:

Approved as to form and execution:

City of Milwaukee Assistant City
Attorney

City of Mequon City Attorney

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