

AMENDMENT TO
SANITARY SEWER SERVICE AND WATER UTILITY AGREEMENT

THIS AMENDMENT TO SANITARY SEWER AND WATER UTILITY AGREEMENT ("Amendment") is made this 3rd day of February, 2014 by and between the Damon Run Conservancy District ("District") and the Duneland School Corporation ("School Corporation").

WHEREAS, the District and the School Corporation are parties to a certain Sanitary Sewer Service and Water Utility Agreement dated July 17, 2009 ("Original Agreement") regarding the provision of sewer and water service to the School Corporation's facilities and property commonly known as Liberty Intermediate and Elementary Schools ("Liberty Schools");

WHEREAS, as a result of the June 19, 2013 Order issued by the Indiana Utility Regulatory Commission in Cause No. 44146 the District passed Ordinance 2013-1 and Ordinance 2013-2 (together the "Ordinances") on September 30, 2013, amending respectively the District's rates for water and sewer utility service to the School Corporation.

WHEREAS, the District and the School Corporation wish to further amend the Original Agreement to reflect the rate revisions resulting from the Ordinances.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties enter into this Second Addendum according to the following terms:

1. Incorporation of Recitals. The parties agree that the above and foregoing recitals are true and correct and are hereby incorporated into and made a part of this Amendment and this Amendment shall be a part of the Original Agreement.

2. Revised Rate Structure. Paragraph 9 of the Original Agreement is hereby deleted in its entirety and replaced with the following:
 9. Annexation Into District Not Required. In lieu of annexing the Liberty Schools into the District, the School Corporation agrees to pay for use of the District's system as set forth herein. It is the intent of the parties that the School Corporation pay on equal footing with and proportionate to homeowners in the District and predicated on an equivalent dwelling unit ("EDU") factor and an average single family residential district tax bill. To accomplish this purpose, the School Corporation's monthly water and sewer service bill shall each include a Monthly User Fee that is comprised of an Operation and Maintenance Component and a Debt Service Component. The Operation and Maintenance Component of the School Corporation's water and sewer service bills shall be equivalent to the tariffed monthly User Fee for a single EDU for Residential customers multiplied by the School Corporation's EDU consumption as described below. The Debt Service Component of the School Corporation's monthly user fee shall be the District's tariffed monthly user fee for Outside District Boundary customers, minus the

Operation and Maintenance Component, multiplied by the School Corporation's EDU consumption as defined below. The School Corporation's EDU consumption shall be based on actual flow figures determined through the School Corporation's water meter, and shall be adjusted annually based on the twelve (12) month average flow recorded by the School Corporation's water meter with one (1) EDU being equal to 310 gallons of water per day for a single family dwelling unit.

By way of example only, the Debt Service Portion of the School Corporation's water and sewer bills shall be calculated as follows:

Sewer:	School Corporation EDUs x	Debt Service portion of monthly Sewer user fee	=	Debt Service component of monthly Sewer user fee payment
Water:	School Corporation EDUs x	Debt Service portion of monthly Water user fee	=	Debt Service component of monthly Water user fee payment

Based on a School Corporation EDU factor of 13, which may change annually based on actual consumption, the debt service component of the School Corporation bill would be:

Sewer:	13 x \$64.13 ⁽¹⁾	=	\$ 833.69
Water:	13 x \$145.69 ⁽²⁾	=	<u>1,893.97</u>
	Monthly Total		\$2,727.66
	Times 12 months		<u>x 12</u>
	Annual Total		<u>\$32,731.92</u>

(1) Sewer user fee of \$76.13 - \$12.00 Operation & Maintenance component = \$64.13.

(2) Water user fee of \$157.69 - \$12.00 Operation & Maintenance component = \$145.69.

On an annual basis, the District will perform a true-up calculation for the Debt Service Component of the School Corporation's Monthly User Fee. The true-up calculation will be based on the total actual User Fees paid by the School Corporation for the Debt Service Component during the previous twelve month period compared to the Outside District customers' EDU count multiplied by the District's average single family residential tax bill for the year. If the true-up calculation results in a difference between the actual payments made by the School Corporation and the EDU residential tax bill calculation, the School Corporation will either (i) receive a credit from the District equal to the amount the School Corporation's actual payments exceed the EDU residential tax bill calculation; or (ii) pay the District, within 30 days of receipt of invoice, the amount by which the School Corporation's actual payments are less than the EDU residential tax bill calculation.

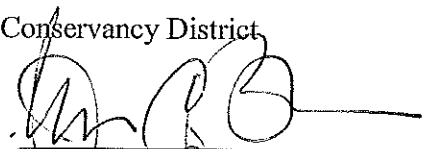
3. Scope of Amendment. Except as expressly provided for herein, all terms and conditions of the Original Agreement shall remain in full force and effect and shall apply to this Amendment.

4. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. A facsimile or electronically scanned signature shall be deemed an original for all purposes.

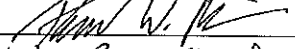
ALL OF WHICH HAVING BEEN AGREED TO by and between these parties on the date first set forth above.

District:

Damon Run Conservancy District

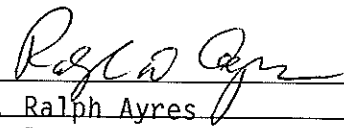
By: 
Printed: JOHN C. BARCO
Title: CHAIR PERSON

ATTEST:

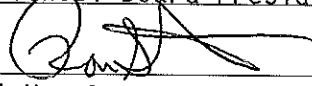
By: 
Printed: RICHARD W. HARDIN
Title: SECRETARY

School Corporation:

Duneland School Corporation

By: 
Printed: Mr. Ralph Ayres
Title: School Board President

ATTEST:

By: 
Printed: Mr. Ron Stone
Title: School Board Secretary