

WASTEWATER AGREEMENT

City of Petersburg - County of Prince George

THIS AGREEMENT, Made and entered into in duplicate this 14th day of August, 1984, by and between the City of Petersburg, a municipal corporation of the Commonwealth of Virginia (hereinafter referred to as "City"), and the County of Prince George, a municipal corporation of the Commonwealth of Virginia (hereinafter referred to as "County");

R E C I T A L S

WHEREAS, the City and the County entered into an agreement dated May 22, 1974, whereby the City agreed to accept conveyance of and treat certain wastewater discharges from sources within the County; and

WHEREAS, the City and the County desire to amend the said agreement to permit the County to introduce wastewater into the City's sewerage system at an additional connection point, hereinafter referred to as the Flank Road Connection Point, to serve the Ft. Hayes Development containing 7-1/4 acres, more or less, lying in the County of Prince George; and

WHEREAS, except as amended by this agreement, the new Flank Road Connection Point shall be governed according to the terms and conditions of the aforesaid agreement between the parties hereto dated May 22, 1974, as if set forth verbatim herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the City and the County do hereby mutually agree to the amendment of the aforesaid wastewater agreement dated May 22, 1974, and the parties hereto do mutually covenant and agree as follows:

SECTION 1 - ADDITIONAL CONNECTION POINT

City agrees to permit County to introduce wastewater into City's sewerage system at the Flank Road Connection Point for service of the Ft. Hayes Development, this being a connection point in addition to those previously permitted.

SECTION 2 - QUANTITY LIMITATIONS AND MEASURE

The City's obligation to convey, accept, store, treat and

discharge wastewater from the Flank Road Connection Point is subject to the following quantity limitations:

Average Daily Wastewater Flow	0.017 MGD
Peak Sewage Flow Rate	0.043 MGD

If the wastewater introduced by the County reaches or exceeds 80% of the above limitations for Average Daily Wastewater Flow for the Flank Road Connection, the County shall request an amendment to this agreement authorizing an increase in the applicable limitation, and the City and the County shall promptly enter into negotiations for this purpose; provided, however, the City shall not be obligated to increase any of the above limitations.

The wastewater flow shall be based upon the actual quantity of water metered by the County.

SECTION 3 - SERVICE FEES

The County shall pay the City service fees, such fees as are established for out of city customers by relevant sections of Chapter 27 of the 1982 Code of the City of Petersburg, as amended, and as may be amended from time to time in the future. Quantity measurements shall be accomplished in accordance with water usage as mentioned in Paragraph 2 above.

SECTION 4 - PHASING

Provisions of services as prescribed by this agreement for the Ft. Hayes Development is predicated upon development of that project both within the City and the County. Accordingly, these services are conditioned upon development of that project in compliance with the phasing as submitted to the City for prior written approval, such approval which shall not be unreasonably denied.

SECTION 5 - LIMITATION OF AGREEMENT

Nothing contained herein shall be construed to impose on the County of Prince George any conditions, restrictions or requirements outside the area of the Ft. Hayes Development lying within the County of Prince George.

IN WITNESS WHEREOF, the City has caused this agreement to be signed in its corporate name by its City Manager, and its seal to be affixed and attested by the Clerk of Council, pursuant to the

resolution duly adopted by the City Council; and the County has caused this agreement to be signed by the Chairman of the Board of Supervisors, as duly authorized, and its seal to be affixed and attested by its Clerk, as of the date first above written.

CITY OF PETERSBURG

By *Rebecca M. Berry*
City Manager

ATTEST:

Barbara A. Moore
Clerk of Council

PRINCE GEORGE COUNTY

By *Samuel L. Bland*
Chairman, Board of Supervisors

ATTEST:

James L. Smith
Clerk