

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of Missouri-American	)		
Water Company for a Certificate of	)		
Convenience and Necessity Authorizing	)		
it to Install, Own, Acquire, Construct,	)	File Nos.	WA-2021-0376
Operate, Control, Manage and Maintain	)		SA-2021-0377
a Water System and Sewer System in	)		
and around the City of Eureka, Missouri.	)		

APPLICATION TO INTERVENE

COMES NOW Jefferson County Public Sewer District (“District”) and, pursuant to 20 C.S.R. 4240-2.075, files its Application to Intervene, and in support thereof states as follows:

1. The District is a reorganized common sewer district and political subdivision of the state of Missouri, organized pursuant to the provisions of Chapter 249 of the Revised Statutes of Missouri and reorganized pursuant to Section 204.608, RSMo. (2016).

2. The District’s boundaries are county wide and encompass all of the county of Jefferson that is not within a municipality or an area designated by the Missouri Department of Natural Resources as a sole regional or watershed disposal or treatment services, said boundary being more particularly described in a resolution of the County Commission of Jefferson County, Missouri, dated June 20, 2000, a copy of which is attached hereto as **Appendix A** (“Decree of Incorporation”), incorporated herein by reference, and made a part hereof for all purposes.

3. On occasions in the past, pursuant to section 249.900 or section 204.602.12, RSMo. (2016), the circuit court of Jefferson County has ordered, adjudged and decreed that the Decree of Incorporation of the District be amended to allow the District to engage in the construction, maintenance and operation of common public water supply within Jefferson County, Missouri. A copy of a list of such judgments is attached hereto as **Appendix B**, incorporated herein by reference, and made a part hereof for all purposes.

4. On September 3, 2019, the city of Eureka and the District entered into an Intergovernmental Territorial Agreement, in which the parties thereto acknowledged the District's existing services and capability to provide water and sewer services within a certain area to be annexed into the city of Eureka, designated the "Annexed Area." Further, the Intergovernmental Agreement acknowledged the District's continued sole and exclusive right and authority to provide water and sewer services within the District's Service Territory as areas are annexed into the city of Eureka in the future, designated "Additional Annexed Areas." A copy of the Intergovernmental Agreement is attached hereto as **Appendix C**, incorporated herein by reference, and made a part hereof for all purposes.

5. The legal name and address of the District is as follows:

Jefferson County Public Sewer District  
Doug Bjornstad, District Manager  
4629 Yeager Rd.  
Hillsboro, MO 63050  
dbjornstad@jeffcopsd.org  
[636-797-9900](tel:636-797-9900)

6. The District's interest in this case is different than the interest of the general public in that it is authorized to provide, has made investments in, and does provide both water and sewer services in Jefferson County in and around the city of Eureka, including portions of the area Missouri American Water Company proposes to serve in its Application for a Certificate of Convenience and Necessity.


7. Correspondence, communications, orders and decisions in this case may be directed to the above referenced District Manager of the District as well as the undersigned legal counsel.

8. The District's position regarding the Application is that it has no objection to the Application provided the service rights sought by the Missouri American Water Company pursuant to the Certificate of Convenience and Necessity do not compromise, conflict with, or

create a competitive service to those service rights held by the District. To the extent such proposed service rights would compromise, conflict with, or create a competitive service, those service rights are not necessary and convenient to the public interest. The District recommends the final Certificate of Convenience and Necessity explicitly exclude those territories where the District has service rights within Jefferson County.

WHEREFORE, for the foregoing reasons, the Jefferson County Public Sewer District respectfully requests the Commission grant its Application to Intervene in this matter.


Respectfully submitted,

By:   
David C. Linton, #32198  
314 Romaine Spring View  
Fenton, MO 63026  
Telephone: 314-341-5769  
Email: [dlinton@mlklaw.com](mailto:dlinton@mlklaw.com)  
Attorney for the Jefferson County Public  
Sewer District

Dated: May 4, 2021

#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Application to Intervene was sent to all parties of record in File No. WA-2021-0376 and SA-2021-0377 via electronic transmission this 4th day of May, 2021.

  
\_\_\_\_\_

AFFIDAVIT OF DOUGLAS BJORNSTAD

STATE OF MISSOURI            )  
  )     SS  
COUNTY OF JEFFERSON        )

I, Douglas Bjornstad, under penalty of perjury, state that I am District Manager of the Jefferson County Public Sewer District, that I am duly authorized to make this affidavit on behalf of the District, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my knowledge, information, and belief.

 Digitally signed by Douglas S. Bjornstad, P.E.  
Date: 2021.05.03 13:47:28-05'00'

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Signature

Date

**COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI**~~June 20, 2000~~

The meeting was called to order at 10:00 a.m. by Presiding Commissioner, Samuel J. Rauls. A roll call was taken and in addition to the Presiding Commissioner Rauls, present were First District Commissioner Charles T. Heisler and Second District Commissioner Ron Casey. The agenda for the meeting is set out below:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Old Business
6. New Business
  - A. Public Hearing in regards to amending the existing Traffic Code for Jefferson County, Missouri
  - B. Resolution and Order 06-20-2000\_ of the County Commission of the County of Jefferson, Missouri to form a Countywide Sewer District Pursuant to Sections 249.430 to 249.668 RSMo; establish boundaries of the Sewer District; and providing for an effective date thereof
  - C. Order 06-20-2000\_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway 21 overlay (Shady Valley to Highway M)
  - D. Order 06-20-2000\_ authorizing the execution of the agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Lemay Ferry Road overlay (Highway M to Seckman Road)
  - E. Order 06-20-2000\_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway 21 overlay (Highway M to Schenk Road)
  - F. Order 06-20-2000\_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway A overlay (Highway A to Railroad Tracks)
  - G. Order 06-20-2000\_ authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Hillsboro Valley Park Road Overlay (Williams Creek Road to County Limits)

**APPENDIX A**

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

- H. Order 06-20-2000\_ authorizing Jefferson County to award the bid for the Meyer Road Bridge replacement No. 4110025 to Goodwin Brothers Construction Company
  - I. Order 06-20-2000\_ authorizing Jefferson County to award the bid for the Lions Den Road Bridge replacement No. 0720022 to Magruder Construction Company, Inc.
  - J. Order 06-20-2000\_ authorizing Jefferson County to award the bid for the Frisco Hill Road Bridge replacement No. 117000112 to Goodwin Brothers Construction Company
  - K. Order 06-20-2000\_ of the County Commission of the County of Jefferson, Missouri, to correct erroneous assessments, or mistakes or defects in descriptions of lands pursuant to Section 137.270 RSMo
  - L. Order 06-20-2000\_ of the County Commission of the County of Jefferson, Missouri, to renew a contract for Sheriff's Department Uniforms
  - M. Order 06-20-2000\_ of the County Commission of the County of Jefferson, Missouri, declaring real property surplus and authorizing the sale thereof
7. Citizens to be heard:
- 2:00 p.m. Public Hearing in regards to amending the existing Traffic Code for Jefferson County, Missouri
8. Recess

In addition to the Commission members, the following individuals were in attendance at today's meeting:

County Counselor, Mike Valenti	Public Works Director, Bill Koehrer
Grant & Contract Administration, Wayne Urban	Administration Director, Dirk Stringer
Public Works, Darrell Revelle	Leader, Peggy Scott
Journal, Clementine Barton	Post Dispatch, Tim Rowden

## COUNTY BUSINESS

Approval of the Agenda for  
June 20, 2000

Presiding Commissioner Samuel J. Rauls makes a motion to approve the agenda for June 20, 2000.

Seconded by First District Commissioner Charles T. Heisler.

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## MINUTE APPROVAL

Approval of the Minutes of  
June 15, 2000

Presiding Commissioner Samuel J. Rauls makes a motion to approve the Minutes of June 20, 2000.

Seconded by Second District Commissioner Ron Casey.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## COUNTY BUSINESS/ORDINANCE

Public hearing in regards to amending the existing  
Traffic Code for Jefferson County, Missouri

Public Works, Darrell Revelle spoke for Paul Dickinson asking that they review Dickinson Road regarding the stop sign that is their now.

## RESOLUTION/ORDERS

Resolution and Order 06-20-2000A of the County Commission of the County of Jefferson, Missouri to form a Countywide Sewer District Pursuant to Sections 249.430 to 249.668 RSMo; establish boundaries of Sewer District; and providing for an effective date thereof

Presiding Commissioner Samuel J. Rauls moved for the enactment of the following Resolution and Order:

**RESOLUTION AND ORDER 6-20-2000A OF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI TO FORM A COUNTYWIDE SEWER DISTRICT PURSUANT TO SECTIONS 249.430 TO 249. 668 RSMO ; ESTABLISH BOUNDARIES OF THE SEWER DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF**

**WHEREAS**, the County Commission of Jefferson County, Missouri, under the authority of Sections 249.430 to 249.668 of the Revised Statutes of Missouri, as amended, has determined that it is in the best interest of the County that the delivery of sanitary sewer service to the unincorporated areas of the County of

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

Jefferson not presently served by sewer districts is of vital importance to the health, safety and welfare of the residents of this county; and

**WHEREAS**, the sewer engineer has made a recommendation with reference to the establishment of proper boundaries of the sewer district.

**NOW THEREFORE**, be it resolved and ordered by the County Commission of the County of Jefferson, Missouri as follows:

- Section 1: It is deemed by this County Commission that the construction of sanitary sewers is necessary for the sanitation, health, safety and welfare of the residents of this county.
- Section 2: It is hereby proclaimed that the countywide sewer district shall be known as the "Jefferson County Public Sewer District."
- Section 3: The description, size and location of the district is generally as follows:  
The Jefferson County Public Sewer District generally encompasses the entire area of Jefferson County, Missouri, except as follows:

A. All incorporated cities located within the boundaries of Jefferson County, unless such city shall petition the County Commission to participate in the District and be accepted by the County Commission. The incorporated cities within the county are:

- 1. Arnold
- 2. Byrnes Mill
- 3. Cedar Hill Lakes
- 4. Crystal City
- 5. DeSoto
- 6. Festus
- 7. Herculaneum
- 8. Hillsboro
- 9. Kimmswick
- 10. Olympian Village
- 11. Parkdale
- 12. Pevely
- 13. Scottsdale;

and,

B. All areas that The Missouri Department of Natural Resources has designated a sole regional or watershed supplier of wastewater disposal or treatment services. The areas with a sole regional or watershed supplier of wastewater disposal or treatment services are:

- 1. Northeast Public Sewer District
  - a. Saline/Sugar Creek Watershed
  - b. Fenton Creek Watershed
  - c. Williams Creek Watershed
  - d. Antire Creek Watershed



# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

- 2. Rock Creek Public Sewer District
  - a. Rock Creek Watershed
- 3. Glaize Creek Sewer District
  - a. Glaize Creek Watershed
- 4. Selma Village Sewer District
- 5. Lake Adele Sewer District
- 6. Valle Lake Sewer District

Section 4: The geographic location of the Jefferson County Public Sewer District lies approximately between 90 degrees 15 minutes to 90 degrees 47 minutes west longitude and 38 degrees 0 minutes to 38 degrees 29 minutes north latitude.

Section 5: This Order shall be in full force and in effect from and after the date of its passage. If any part of this order is invalid for any reason, such invalidity shall not effect the remainder of this order.

Seconded by Second District Commissioner Ron Casey.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000B authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Old Highway 21 overlay (Shady Valley to Highway M)

First District Commissioner Charles T. Heisler makes a motion to move for the adoption of the following Order:

### **ORDER 06-20-2000B AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE OLD HIGHWAY 21 OVERLAY (SHADY VALLEY TO HIGHWAY M)**

**WHEREAS**, the County Commission of Jefferson County has Surface Transportation Program (STP) funds programmed for the improvements stated by this agreement, and

**WHEREAS**, these improvements shall consist of an asphaltic concrete overlay of the existing roadway between Shady Valley and Highway M, and

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

**WHEREAS**, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of two hundred and twenty-four thousand dollars (\$224,000.00)

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Old Highway 21 overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This Order and Resolution shall take effect upon its adoption.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## **ORDERS/CONTRACTS & AGREEMENTS**

Order 06-20-2000C authorizing the execution of the Agreement  
Between the Missouri Highway and Transportation Commission and  
Jefferson County for the Lemay Ferry Road overlay (Highway M to Seckman Road)

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

### **ORDER 06-20-2000C AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE LEMAY FERRY ROAD OVERLAY (HIGHWAY M TO SECKMAN ROAD)**

**WHEREAS**, the County Commission of Jefferson County has Surface Transportation Program (STP) funds programmed for the improvements stated by this agreement, and

**WHEREAS**, these improvements shall consist of an asphaltic concrete overlay of the existing roadway between Highway M and Seckman Road, and

**WHEREAS**, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of one hundred fifty thousand dollars (\$152,000.00)

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Lemay Ferry Road overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference
3. This Order and Resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## **ORDERS/CONTRACTS & AGREEMENTS**

Order 06-20-2000D authorizing the execution of the Agreement  
Between the Missouri Highway and Transportation Commission and  
Jefferson County for the Old Highway 21 overlay (Highway M to Schenk Road)

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

### **ORDER 06-20-00D AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE OLD HIGHWAY 21 OVERLAY (HIGHWAY M TO SCHENK ROAD).**

**WHEREAS**, the County Commission of Jefferson County has Surface Transportation Program(STP) funds programmed for the improvements stated by this agreement, and

**WHEREAS**, these improvements shall consist of an asphaltic concrete overlay of the existing roadway between Highway M and Schenk Road, and

**WHEREAS**, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of two hundred and thirty-two thousand dollars (\$232,000.00).

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Old Highway 21 Overlay.

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This order and resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000E authorizing the execution of the Agreement between The Missouri Highway and Transportation Commission and Jefferson County for the Old Highway A overlay (Highway A to Railroad Tracks)

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

### **ORDER 06-20-00E AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE OLD HIGHWAY A OVERLAY (HIGHWAY A TO RAILROAD TRACKS)**

**WHEREAS**, the County Commission of Jefferson County has Surface Transportation Program(STP) funds programmed for the improvements stated by this agreement, and

**WHEREAS**, these improvements shall consist of an asphaltic concrete overlay of the existing roadway on Old Highway A between Highway A and the railroad tracks, and

**WHEREAS**, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of two hundred and forty-four thousand dollars (\$244,000.00).

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Old Highway A Overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This order and resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler.

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## ORDERS/CONTRACTS & AGREEMENTS

Order 06-20-2000F authorizing the execution of the Agreement between the Missouri Highway and Transportation Commission and Jefferson County for the Hillsboro Valley Park Road overlay (Williams Creek Road to County Limits)

First District Commissioner Charles T. Heisler makes a motion to move for the adoption of the following Order:

### **ORDER 06-20-00F AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION AND JEFFERSON COUNTY FOR THE HILLSBORO VALLEY PARK ROAD OVERLAY (WILLIAMS CREEK ROAD TO COUNTY LIMITS)**

**WHEREAS**, the County Commission of Jefferson County has Surface Transportation Program(STP) funds programmed for the improvements stated by this agreement, and

**WHEREAS**, these improvements shall consist of an asphaltic concrete overlay of the existing roadway on Hillsboro Valley Park Road between Williams Creek Road and the County limits, and

**WHEREAS**, the County finds that it is now necessary and in the best interest of the County to enter into a contract with the Missouri Highway and Transportation Commission for these improvements which include federal reimbursement for construction activities up to a maximum of three hundred and forty-four thousand dollars (\$344,000.00).

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall execute the agreement with the Missouri Highway and Transportation Commission for the Hillsboro Valley Park Road Overlay.
2. The County Commission is authorized to execute the agreement on behalf of Jefferson County, a copy of said agreement being attached hereto and incorporated by reference.
3. This order and resolution shall take effect upon its adoption.

Seconded by Presiding Commissioner Samuel J. Rauls

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## ORDERS/BIDS AWARDED

Order 06-20-2000G authorizing Jefferson County to Award the Bid for the Meyer Road Bridge Replacement No. 4110025 to Goodwin Brothers Construction Company

Second District Commissioner Ron Casey makes a motion to move for the adoption of the following Order:

### ORDER 6-20-2000G AUTHORIZING JEFFERSON COUNTY TO AWARD THE BID FOR THE MEYER ROAD BRIDGE REPLACEMENT NO. 4110025 TO GOODWIN BROTHERS CONSTRUCTION COMPANY

**WHEREAS**, the County Commission of Jefferson County requested bids for the Highway Division of Jefferson County Public Works Department for the Meyer Road Bridge Replacement, and

**WHEREAS**, the low bidder was Goodwin Brothers Construction Company, and

**WHEREAS**, the County Commission finds that it is in the best interest of the County to award the bid to Goodwin Brothers Construction Company for the amount of \$308,292.93 conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall award the bid for the Meyer Road Bridge Replacement to Goodwin Brothers Construction Company, conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.
2. This order and resolution shall take effect upon its adoption.

Seconded by First District Commissioner Charles T. Heisler

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.



# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

## ORDERS/BIDS AWARDED

Order 06-20-2000H authorizing Jefferson County to Award the Bid for the Lions Den Road Bridge Replacement No. 0720022 to Magruder Construction Company, Inc.

First District Commissioner Charles T. Heisler makes a motion to move for the adoption of the following Order:

### **ORDER 6-20-2000H AUTHORIZING JEFFERSON COUNTY TO AWARD THE BID FOR THE LIONS DEN ROAD BRIDGE REPLACEMENT NO. 0720022 TO MAGRUDER CONSTRUCTION COMPANY, INC.**

**WHEREAS**, the County Commission of Jefferson County requested bids for the Highway Division of Jefferson County Public Works Department for the Lions Den Bridge Road Replacement, and

**WHEREAS**, the low bidder was Magruder Construction Company, Inc., and

**WHEREAS**, the County Commission finds that it is in the best interest of the County to award the bid to Magruder Construction Company, Inc. for the amount of \$589,729.94 conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall award the bid for the Lions Den Road Bridge Replacement to Magruder Construction Company, Inc., conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.
2. This order and resolution shall take effect upon its adoption.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## ORDERS/BIDS AWARDED

Order 06-20-2000I authorizing Jefferson County to Award the Bid for the Frisco Hill Road Bridge Replacement No. 117000112 to Goodwin Brothers Construction Company

Presiding Commissioner Samuel J. Rauls makes a motion to move for the adoption of the following Order:

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

**ORDER 6-20-2000I AUTHORIZING JEFFERSON COUNTY TO AWARD THE BID FOR THE FRISCO HILL ROAD BRIDGE REPLACEMENT NO. 117000112 TO GOODWIN BROTHERS CONSTRUCTION COMPANY**

**WHEREAS**, the County Commission of Jefferson County requested bids for the Highway Division of Jefferson County Public Works Department for the Frisco Hill Road Bridge Replacement, and

**WHEREAS**, the low bidder was Goodwin Brothers Construction Company, and

**WHEREAS**, the County Commission finds that it is in the best interest of the County to award the bid to Goodwin Brothers Construction Company for the amount of \$524,299.01 conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.

**NOW THEREFORE**, be it resolved and ordered by the County Commission of Jefferson County as follows:

1. Jefferson County shall award the bid for the Frisco Hill Road Bridge Replacement to Goodwin Brothers Construction Company, conditional on the concurrence of the Missouri Department of Transportation and the Federal Highway Administration.
2. This order and resolution shall take effect upon its adoption.

Seconded by Second District Commissioner Ron Casey.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

**ORDERS/TAXES**

Order 06-20-2000J of the County Commission of the County of Jefferson, Missouri, to correct Erroneous Assessments, or Mistakes or Defects in descriptions of Lands pursuant to Section 137.270 RSMo

Presiding Commissioner Samuel J. Rauls makes a motion to move for the adoption of the following Order:

**ORDER 06-20-2000J OF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI, TO CORRECT ERRONEOUS ASSESSMENTS, OR MISTAKES OR DEFECTS IN DESCRIPTIONS OF LANDS PURSUANT TO SECTION 137.270 RSMO**

**WHEREAS**, Section 137.270 RSMo provides that the County Commission may hear and determine allegations of erroneous assessments, or mistakes or defects in descriptions of land, at any term of the Commission before the taxes are paid, upon application of any person who, by affidavit, shows good cause for not having attended the County Board of Equalization for the purpose of correcting the errors or defects or mistakes; and



# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

**WHEREAS**, the Assessor and the Collector of Revenue have submitted to the County Commission a list of erroneous assessments, defects or mistakes as set out below; and

**WHEREAS**, the County Commission finds that it is in the best interest of the County and the persons so effected to correct errors, defects or mistakes.

**NOW THEREFORE**, be it ordered by the County Commission of the County of Jefferson, Missouri, as follows:

Section 1. The corrections of errors, defects or mistakes as set out herein be made to the tax book:

### 1997 VALUATION CORRECTIONS

Map Parcel #	Owner	Change Description	Assessed Value Before /	After
11-7.0-26.0-1-002-009.	Whitener Jeanette M & Kloepper	Parcel 010. Combined here	800	1400
11-7.0-26.0-1-002-010.	Whitener Billie D & Jeanette	Deleted and combined with Parcel 009.	800	-0-

### 1999 VALUATION CORRECTIONS

Map Parcel #	Owner	Change Description	Assessed Value Before /	After
03-5.0-22.0---001-020.02	Jacoby Richard C	Parcel 20.03 No Longer Combined here due to land sale	32200	30000
03-5.0-22.0---001-020.03	Jacoby Richard C	Added parcel for land sale	-0-	4800

Section 2. This Order shall be in full force and effect immediately upon its passage by the County Commission. If any part of this Order is valid for any reason, such invalidity shall not effect the remainder of this Order.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

### ORDERS/CONTRACTS & AGREEMENTS/SHERIFF'S DEPARTMENT

Order 06-20-2000K of the County Commission of the County of Jefferson, Missouri to renew a contract for Sheriff's Department Uniforms

First District Commissioner Charles T. Heisler introduced and moved for the enactment of the following Order:

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

## ORDER 6-20-2000K OF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI, TO RENEW A CONTRACT FOR SHERIFF'S DEPARTMENT UNIFORMS

WHEREAS, the Jefferson County Sheriff's Department recommended the renewal for an additional six month term of the law enforcement uniform contract at the same terms, conditions, and price as previously bid by Leon Uniform Company, Inc.; and

WHEREAS, the original bid specifications and contract provided for an additional renewal of the contract and the County Commission finds it is in the best interests of the County to renew the agreement.

NOW, THEREFORE, be it ordered by the County Commission as follows:

- Section 1. The County authorizes the renewal for an additional six month term the contract for law enforcement uniforms to Leon Uniform Company, Inc., for the estimated amount of Eight Thousand Seven Hundred Thirty One Dollars (\$8,731.00).
- Section 2. The County Commission authorizes the execution of contracts or purchase orders with Leon Uniform Company, Inc. Copies of said contracts or purchase orders are incorporated by this reference as if fully set out herein. Copies are on file in the County Clerk's office.
- Section 3. This order shall be in full force and effect immediately upon passage by the County Commission. If any part of this order is invalid for any reason, such invalidity shall not affect the remainder of this order.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

### ORDERS

Order 06-20-2000L of the County Commission of the County of Jefferson, Missouri, declaring real property surplus and authorizing the Sale thereof

First District Commissioner Charles T. Heisler introduced and moved for the enactment of the following Order:

## ORDER 06-20-2000LOF THE COUNTY COMMISSION OF THE COUNTY OF JEFFERSON, MISSOURI, DECLARING REAL PROPERTY SURPLUS AND AUTHORIZING THE SALE THEREOF

WHEREAS, the County of Jefferson, Missouri, (hereafter, the "County") is the owner of real property located near the intersection of Missouri Highway W and Twin Rivers Road described as follows:

# COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI

June 20, 2000 cont'd

Parcel of property identified as, all of the Lots Ninety-nine (99), One Hundred (100), One Hundred Eighty Six (186), One Hundred Eighty Seven (187), One Hundred Eighty Eight (188), and One Eighty Nine (189) of the Eureka Club Sites Subdivision Number Two (2), as shown by plat on file in the Recorder's Office of Jefferson County, Missouri in plat book 4 page 27, Tax identification number 03-4.0-18.0-003-008. Subject to covenants, conditions, restrictions, easements, etc., of record if any.

**NOW, THEREFORE,** be it ordered by the County Commission as follows:

- Section 1. The County declares the real property described above, as surplus property and authorizes the property to be offered for sale to the highest and best bidder subject to the terms and conditions of the Invitation for Bid and Notice to Bidders which are incorporated by this reference as if fully set out herein.
- Section 2. The County Commission directs the County Purchasing Agent, by public sale, to dispose of the property described above on behalf of the County.
- Section 3. This order shall be in full force and effect immediately upon passage by the County Commission. If any part of this order is invalid for any reason, such invalidity shall not affect the remainder of this order.

Seconded by Presiding Commissioner Samuel J. Rauls.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

## COUNTY BUSINESS

Vote to recess until 2:00 p.m.

For a public hearing regarding Traffic Ordinance

Presiding Commissioner Samuel J. Rauls makes a motion to recess until 2:00 p.m. at which time a public hearing for Traffic Ordinance will take place.

Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

**COUNTY COMMISSION RECORD — JEFFERSON COUNTY, MISSOURI**

June 20, 2000 cont'd

**Commission recessed**

**Commission reconvened – 2:00 p.m.**

**COUNTY BUSINESS**

Public hearing in regards to amending the existing Traffic Code for Jefferson County, Missouri

Public Works, Darrell Revelle said that they did review Dickinson Road, and the following changes will be made. Establish two Stop Signs on Engledow Rd. at the intersection of Dickinson Rd. Establish one Stop Sign on Dickinson (spur) at the intersection of Engledow Rd. Establish one Yield Sign on Dickinson (Spur) at the intersection of Dickinson Rd.

Presiding Commissioner Samuel J. Rauls declared the public hearing for the Traffic Code closed at 2:10 p.m.

**COUNTY BUSINESS**

Vote to recess until June 22, 2000

Presiding Commissioner Samuel J. Rauls makes a motion to recess until Thursday June 22, 2000 at 10:00 a.m.

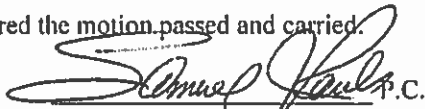
Seconded by First District Commissioner Charles T. Heisler.

The members of the Commission voted as follows:

Presiding Commissioner Samuel J. Rauls	YES
First District Commissioner Charles T. Heisler	YES
Second District Commissioner Ron Casey	YES

Thereupon, the Presiding Commissioner declared the motion passed and carried.

**Commission recessed**

 P.C.

 Comm.

 Comm.

Jefferson County Public Sewer District  
 Judgements Amending Decree of Incorporation (Water Service)

Cause No.	Judgement Date	Subdivision/Area	Legal Description
O7JE-CC00377	May 2, 2007	Mirasol Subdivision	
18JE-CC00541	October 4, 2018	Windswept Farms	
18JE-CC00846	February 7, 2019	Summerset	Township 39 North, Range 4 East, Sections 15, 16, 21, & 22.
19JE-CC00857	January 22, 2020	Eureka Intergovernmental Agreement	Township 43N, Range 3E, Sections 12 & 13; Township 43N, Range 4E, Sections 17 & such portion of Section 18 as is west of the Big River; Survey 1897; and Survey 1948

**APPENDIX B**

**INTERGOVERNMENTAL  
TERRITORIAL AGREEMENT**

THIS AGREEMENT is made and entered into this 3RD day of SEPTEMBER, 2019 (“Effective Date”), by and between the CITY OF EUREKA, MISSOURI, a City of the 4th class organized and existing under the laws of the State of Missouri with its principal offices located at 100 City Hall Drive, Eureka, MO 63025 (“City”) and the JEFFERSON COUNTY PUBLIC SEWER DISTRICT, a reorganized common sewer district, existing and operating pursuant to Section 204.600 et seq., RSMo. (2016), with its principal office located at 4629 Yeager Road, Hillsboro, MO 63050 (“District”) (referred to jointly as “Parties”).

WHEREAS, the District is a reorganized common sewer district, with authority to provide sewer and water services around the City; and

WHEREAS, the District’s service territory is shown on the map attached hereto as Exhibit “A” and incorporated herein by reference (“District’s Service Area”); and

WHEREAS, the City provides water and sewer services within its existing city limits; and

WHEREAS, certain property owners located in the District’s Service Area have petitioned the City to voluntarily annex the properties described on the attached Exhibit “B”, which is incorporated herein by reference, into the City (“Annexed Area”); and

WHEREAS, the City anticipates annexing the Annexed Area into the City; and

WHEREAS, the City has no water or sewer facilities in or near the Annexed Area and does not intend to extend the City’s existing water or sewer services to or construct new water or sewer facilities in the Annexed Area, but rather seeks to have the District provide or continue to provide water and sewer service to those properties located in the Annexed Area; and

WHEREAS, the Parties desire to promote the orderly development of sewer and water services within the Annexed Area, to avoid unnecessary duplication of sewer and water services, and to most effectively avail themselves of prior investment and planning for serving the public.

NOW, THEREFORE, the Parties, in consideration of the mutual covenants and agreements herein contained, the adequacy and sufficiency of which are hereby acknowledged, agree as follows:

1. Annexed Area. Property owners located within the District’s Service Territory have petitioned the City to voluntarily annex their respective properties located in the Annexed Area, as shown on the attached Exhibit “B”, into the City. Except as otherwise provided herein, this Agreement shall have no effect whatsoever upon the services by the Parties in any other area.

2. District to Provide Service in Annexed Area. The District is either currently serving or has facilities available to serve the properties located in the Annexed Area with water and sewer services. The Parties hereto acknowledge and agree that the District shall have the sole and

exclusive right, authority and obligation to provide water and sewer services to those properties located within the Annexed Area.

3. Additional Annexed Areas. In addition to the Annexed Area, the City acknowledges that the District has the right, authority, and obligation to provide water and sewer services within the District's Service Territory. To the extent that the City annexes, either voluntarily or involuntarily, any additional territory within the District's Service Territory ("Additional Annexed Areas"), in addition to the Annexed Area, the City and the District agree that this Agreement shall apply to said Additional Annexed Areas and that the District shall have the sole and exclusive right, authority and obligation to provide water and sewer services within said Additional Annexed Areas. The City shall not provide water or sewer service within the District's Service Territory, including the Annexed Area or any Additional Annexed Areas, unless and until mutually agreed to in writing by the Parties.

4. Regulatory Approvals. The Parties agree that there are no necessary prior regulatory approvals of this Agreement by the Missouri Public Service Commission or otherwise ("governmental authority"). The Parties shall cooperate and take all reasonable actions to implement and administer this Agreement without any other approval. In the event any governmental authority claims jurisdiction over this Agreement and the Parties agree thereto or such jurisdiction is sustained by a court of the state of Missouri or if the law is changed to grant such governmental authority jurisdiction over this Agreement, the Parties shall cooperate and take all reasonable actions to obtain any necessary regulatory approvals. The Parties shall pay their own costs in implementing and administering this Agreement, except for joint costs, which shall be borne by the Parties in equal proportion.

5. Indirect Provision of Service. The intent of this Agreement is to designate an exclusive provider of water and sewer services for the Annexed Area and any Additional Annexed Areas. Neither Party shall furnish, make available, assist in providing, render or extend water or sewer service to a structure directly or indirectly which that Party would not be permitted to serve directly pursuant to this Agreement, except by written mutual agreement.

6. Term. The initial term of this Agreement shall be twenty (20) years from and after the Effective Date ("Initial Term"). Thereafter, this Agreement shall be automatically renewed for successive ten (10) year periods ("Renewal Terms") commencing on the specified anniversary of the Effective Date ("Renewal Date") unless either Party shall notify the other Party in writing of its intent to terminate this Agreement at least one (1) year in advance of any such Renewal Date.

7. General Terms.

- a. No failure to act or enforce the terms of this Agreement by either Party shall be deemed a waiver of any right granted in this Agreement.
- b. No provision of this Agreement may be modified or repealed except by a signed written agreement of both Parties.
- c. This Agreement shall inure to the benefit and be binding on the Parties, their respective successors and assigns.

- d. This Agreement shall not be construed to prevent either Party from obtaining easements or rights of way through or in any part of the other Party's Service Territory which is necessary or desirable for the performance of the Party's responsibility to provide water or sewer service pursuant to this Agreement or otherwise.
- e. Subsequent platting, replatting, subdivision, resubdivision, or renaming of any parcel or subdivision covered by this Agreement shall not affect the respective rights of the Parties established by this Agreement.
- f. This Agreement and the interpretation thereof shall be controlled by the law of the state of Missouri. Jurisdiction shall be found in the Circuit Court of the County of Jefferson.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of this 3<sup>RD</sup> day of SEPTEMBER, 2019.

JEFFERSON COUNTY PUBLIC  
SEWER DISTRICT

CITY OF EUREKA

By: *Ernest Clyde Pratt*

By: *Jim Ylinen*

Title: *Chairman*

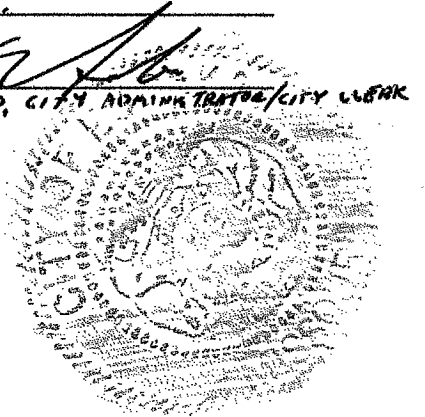
Title: *MAYOR*

Attest: *Raymond A. Bynum Jr.*  
*District Manager*

Attest: *Craig G. Sabo*  
*CRAIG G. SABO, CITY ADMINISTRATOR/CITY CLERK*

(Seal)

(Seal)







BILL NO. 2613

ORDINANCE NO. 2501

**AN ORDINANCE AUTHORIZING THE ANNEXATION OF CERTAIN PROPERTY INTO THE EUREKA CITY LIMITS**

WHEREAS, the City received a verified petition from Hwy. W Land Company, LLC, John W. Howald, Trustee and Ann C. Sommer, Trustee requesting that property they own which is located in unincorporated Jefferson County be annexed into the Eureka City limits; and

WHEREAS, such property is contiguous to the existing corporate limits of the City of Eureka and is eligible to be annexed into the City under the Revised Statutes of Missouri; and

WHEREAS, the property owners and the City of Eureka believe it is their respective best interest for the subject property to be located within the corporate limits of the City of Eureka.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

Property mostly known as 5151 State Route 109, of which a legal description is attached hereto and incorporated herein as if fully set forth, is hereby declared to be annexed by the City of Eureka, Missouri.

SECTION 2:

The City Clerk shall send a certified copy of this ordinance to all necessary parties, and do all other things necessary to finalize and complete the subject annexation.

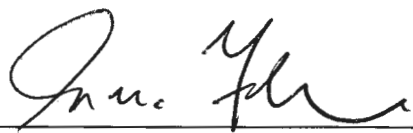
SECTION 3:

All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION 4:

This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2019.

  
Sean M. Flower, Mayor

ATTEST:

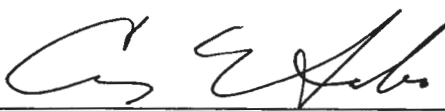
  
Craig E. Sabo, City Clerk

EXHIBIT A

PETITION FOR VOLUNTARY ANNEXATION  
TO THE CITY OF EUREKA, MISSOURI

The HWY. W Land Company, L.L.C., John W. Howald, Trustee and Ann C. Sommer, Trustee, hereinafter referred to as the Petitioners, are the property owners of the real property described herein, and for our voluntary petition to the Board of Aldermen of the City of Eureka, Missouri, state and allege as follows:

1. That the Petitioners are the owner of all fee interests of record in the parcels of real estate in Jefferson County, Missouri commonly known as 5151 State Route 109, Eureka, MO 63025, consisting of 150 acres, more or less, and more particularly described as follows, to wit:

**Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a set iron pin in the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, said iron pin being located North 17 degrees 15 minutes West 1123.83 feet distant from a found iron pin which marks the southwest corner of Lot 1 of Kopp Subdivision, recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the northeastern boundary line of said Howald tract recorded in Book 40 at page 491, North 17 degrees 15 minutes West 2448.68 feet to a set cotton picker spindle on the south bank of the Meramec River at the water's edge, from which point a found iron pin bears South 17 degrees 15 minutes East 112 feet distant; thence with the south bank of said Meramec River along the water's edge, upstream, as physically located in October of 2016, North 79 degrees 47 minutes 05 seconds West 891.00 feet to a set cotton picker spindle, from which point a set iron pin bears South 1 degree 17 minutes 34 seconds East 87.21 feet distant; thence departing from the south bank of the Meramec River and running with the western boundary line of said fractional Section 12, as evidenced by found monumentation and fences of long standing, South 1 degree 17 minutes 34 seconds East 1330.47 feet to a set iron pin in the fork of a double hickory tree which marks the point of intersection of the west line of said Section 12 with the northeastern boundary line of U.S. Survey No. 1897; thence with the**

**northeastern boundary line of said U.S. Survey No. 1897, as evidenced by found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 2177.32 feet to a set iron pin; thence departing from said U.S. Survey line and running North 33 degrees 46 minutes 10 seconds East 861.25 feet to the place of beginning. Said tract containing 65.17 acres according to survey prepared by William T. Hurtgen, Registered Land Surveyor.**

**AND ALSO: Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a found iron pin in the northern right-of-way line of State Highway "FF", said iron pin being the southwest corner of Lot 1 of Kopp Subdivision, being a subdivision recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the western boundary line of said Lot 1 and a continuation of the same thereof, said line also being the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, North 17 degrees 15 minutes West 1123.83 feet to a set iron pin; thence departing from said boundary line and running South 33 degrees 46 minutes 10 seconds West 861.25 feet to a set iron pin in the northeastern boundary line of U.S. Survey No. 1897; thence with said boundary line, based on found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 343.59 feet to a set iron pin in the northern right-of-way line of said State Highway "FF"; thence with said right-of-way line, Eastwardly and to the right with a curve having a radius of 349.62 feet for an arc distance of 133.56 feet to a found right-of-way post; thence South 83 degrees 22 minutes 20 seconds East 104.00 feet to a set iron pin; thence South 82 degrees 06 minutes 30 seconds East 80.75 feet to a set iron pin; thence South 82 degrees 01 minute 22 seconds East 326.68 feet to the place of beginning. Said tract containing 10.52 acres according to survey prepared by William T. Hurtgen, Registered Land Surveyor.**

**AND ALSO: All of Lot 1A of Howald Corner, being a boundary line adjustment of Lot 1 of Kopp Subdivision and part of Section 12 Township 43 North, Range 3 East, located in Fractional Section 12, Township 43 North, Range 3 East, Jefferson County, Missouri recorded as Document No. 2019D-000084 on June 14, 2019.**

**AND ALSO: Part of the lands conveyed to Robert J. Smerker and Charles E. Smerker, d/b/a Eureka Materials Company, by deed recorded in Book 0392, Page 803 of the Jefferson County Land Records. Said parcel being located in part of Fractional Section 12, Township 43 North, Range 3 East, Jefferson**

County, Missouri, described as follows: Beginning at a set iron pin at the point of intersection of the Southern boundary line of Joseph W. Willman Subdivision on Meramec River, being a Subdivision recorded in Plat Book 4, Page 30 of the aforesaid records, with the Western right-of-way line of State Highway "W"; proceed thence with said right-of-way line, South 17 degrees 30 minutes 39 seconds West 295.84 feet to a set 1/2 inch pin; thence South 41 degrees 44 minutes 19 seconds West 109.66 feet to a set 1/2 inch pin; thence South 17 degrees 30 minutes 39 seconds West 1534.87 feet to a found right-of-way post; thence South 6 degrees 12 minutes 03 seconds West 152.97 feet to a found right-of-way post; thence South 17 degrees 30 minutes 39 seconds West 700.00 feet to a set 5/8 pin; thence South 58 degrees 09 minutes 40 seconds West 179.37 feet to a set 1/2 inch pin; thence North 82 degrees 01 minute 43 seconds West 22.79 feet to a point from which a found 1/2 inch pin bears North 17 degrees 15 minutes West 27.72 feet distant; thence departing from said right-of-way line and running with the Western boundary line of the above mentioned Eureka Materials Company tract recorded in Book 0392, Page 803, North 17 degrees 15 minutes West 3460.51 feet to a found 5/8 inch pin; thence departing from said boundary line and running with the Southern boundary lines of the above mentioned Joseph W. Willman Subdivision on Meramec River, South 77 degrees 04 minutes 37 seconds East 562.20 feet to a set 1/2 inch pin; thence South 75 degrees 04 minutes 37 seconds East 550.00 feet to a set 1/2 inch pin; thence South 75 degrees 49 minutes 37 seconds East 500.00 feet to a set 1/2 inch pin; thence South 73 degrees 34 minutes 37 seconds East 350.00 feet to a set 1/2 inch pin; thence south 63 degrees 04 minutes 37 seconds East 170.01 feet to the place of beginning. LESS AND EXCEPTING THEREFROM, Lot 1 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 172, Page 21B and Lot 2 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 256, Page 28.

2. That the said real estate is not now a part of an incorporated municipality.
3. That the said real estate is contiguous to the existing corporate limits of the City of Eureka, Missouri.
4. That on behalf of the Company and our respective Trusts, we request that the said real estate be annexed into, and be included within the corporate limits of the City of Eureka, Missouri, as authorized by the provisions of Section 71.012 of the Revised Statutes of Missouri.

Dated this 5<sup>th</sup> day of August, 2019.

HWY. W LAND COMPANY L.L.C.

By: William S Kopp  
Managing Member

JOHN W. HOWALD REVOCABLE  
LIVING TRUST DATED 12/30/1992

ANN C. SOMMER REVOCABLE  
LIVING TRUST DATED 05/04/2005

By: John W. Howald  
JOHN W. HOWALD, Trustee

By: Ann C. Sommer  
ANN C. SOMMER, Trustee

**ACKNOWLEDGEMENT AND VERIFICATION**

STATE OF MISSOURI     )  
  )  
COUNTY OF ST. LOUIS )

On this 5<sup>th</sup> day of August, 2019, before me personally appeared William Kopp, John W. Howald + Ann C. Sommer being of lawful age and after being duly sworn, to me known to be the person described in and who being by me duly sworn did state that he/she/ is the authorized Managing Member of the Company and that he/she has signed the document by authority of the Company, and said Managing Member subscribed, affirmed and acknowledged said instrument to be the free act and deed of said Company, and further verified to me under oath to me that affiant has read the foregoing Petition for Voluntary Annexation and that the facts set forth therein are true and correct, according to the affiant's best knowledge and belief.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and the year first above written.

Rebecca M. Ridenhour  
Notary Public

My Commission Expires:

REBECCA M. RIDENHOUR  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: April 23, 2022  
Commission Number: 14890268



STATE OF MISSOURI     )  
  )  
COUNTY OF ST. LOUIS    )

On this 5<sup>th</sup> day of August, 2019, before me personally appeared JOHN W. HOWALD, Trustee, being of lawful age and after being duly sworn, to me known to be the person described in and who being by me duly sworn did state that he is the authorized Trustee and that he has signed the document by authority of the Trustee and said Trustee subscribed, affirmed and acknowledged said instrument to be the free act and deed of said Trustee, and further verified to me under oath to me that affiant has read the foregoing Petition for Voluntary Annexation and that the facts set forth therein are true and correct, according to the affiant's best knowledge and belief.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and the year first above written.

REBECCA M. RIDENHOUR  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: April 23, 2022  
Commission Number: 14890268

Rebecca M. Ridenhour  
Notary Public

My Commission Expires:

STATE OF MISSOURI     )  
  )  
COUNTY OF ST. LOUIS    )

On this 5<sup>th</sup> day of August, 2019, before me personally appeared ANN C. SOMMER, Trustee, being of lawful age and after being duly sworn, to me known to be the person described in and who being by me duly sworn did state that she is the authorized Trustee and that she has signed the document by authority of the Trustee and said Trustee subscribed, affirmed and acknowledged said instrument to be the free act and deed of said Trustee, and further verified to me under oath to me that affiant has read the foregoing Petition for Voluntary Annexation and that the facts set forth therein are true and correct, according to the affiant's best knowledge and belief.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and the year first above written.

REBECCA M. RIDENHOUR  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis County  
My Commission Expires: April 23, 2022  
Commission Number: 14890268

Rebecca M. Ridenhour  
Notary Public

My Commission Expires:

## EXHIBIT "B"

5151 State Route 109, Eureka MO 63025

### **PARCEL 1:**

Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a set iron pin in the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, said iron pin being located North 17 degrees 15 minutes West 1123.83 feet distant from a found iron pin which marks the southwest corner of Lot 1 of Kopp Subdivision, recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the northeastern boundary line of said Howald tract recorded in Book 40 at page 491, North 17 degrees 15 minutes West 2448.68 feet to a set cotton picker spindle on the south bank of the Meramec River at the water's edge, from which point a found iron pin bears South 17 degrees 15 minutes East 112 feet distant; thence with the south bank of said Meramec River along the water's edge, upstream, as physically located in October of 2016, North 79 degrees 47 minutes 05 seconds West 891.00 feet to a set cotton picker spindle, from which point a set iron pin bears South 1 degree 17 minutes 34 seconds East 87.21 feet distant; thence departing from the south bank of the Meramec River and running with the western boundary line of said fractional Section 12, as evidenced by found monumentation and fences of long standing, South 1 degree 17 minutes 34 seconds East 1330.47 feet to a set iron pin in the fork of a double hickory tree which marks the point of intersection of the west line of said Section 12 with the northeastern boundary line of U.S. Survey No. 1897; thence with the northeastern boundary line of said U.S. Survey No. 1897, as evidenced by found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 2177.32 feet to a set iron pin; thence departing from said U.S. Survey line and running North 33 degrees 46 minutes 10 seconds East 861.25 feet to the place of beginning. Said tract containing 65.17 acres according to survey prepared by William T. Hurtgen, Registered Land Surveyor.

### **PARCEL 2:**

Part of fractional Section 12, Township 43 North, Range 3 East, in Jefferson County, Missouri, described as follows: Beginning at a found iron pin in the northern right-of-way line of State Highway "FF", said iron pin being the southwest corner of Lot 1 of Kopp Subdivision, being a subdivision recorded in Plat Book 172 at page 21B of the Jefferson County land records; proceed thence with the western boundary line of said Lot 1 and a continuation of the same thereof, said line also being the northeastern boundary line of a tract of land conveyed to John Howald by deed dated February 23, 1894 recorded in Book 40 at page 491 of the Jefferson County land records, North 17 degrees 15 minutes West 1123.83 feet to a set iron pin; thence departing from said boundary line and running South 33 degrees 46 minutes 10 seconds West 861.25 feet to a set iron pin in the northeastern boundary line of U.S. Survey No. 1897; thence with said boundary line, based on found monumentation and fences of long standing, South 30 degrees 10 minutes 14 seconds East 343.59 feet to a set iron pin in the northern right-of-way line of said State Highway "FF"; thence with said right-of-way line, Eastwardly and to the right with a curve having a radius of 349.62 feet for an arc distance of 133.56 feet to a found right-of-way post; thence South 83 degrees 22 minutes 20 seconds East 104.00 feet to a set iron pin; thence South 82 degrees 06 minutes 30 seconds East 80.75 feet to a set iron pin; thence South 82 degrees 01 minute 22 seconds East 326.68 feet to the place of beginning, according to survey prepared by Jeffco Surveying in Hillsboro, Missouri, November 10, 2016.

### **PARCEL 3:**

All of Lot 1A of Howald Corner, being a boundary line adjustment of Lot 1 of Kopp Subdivision and part of Section 12 Township 43 North, Range 3 East, located in Fractional Section 12, Township 43 North, Range 3 East, Jefferson County, Missouri recorded as Document No. 2019D-000084 on June 14, 2019.



**PARCEL 4:**

Part of the lands conveyed to Robert J. Smerker and Charles E. Smerker, d/b/a Eureka Materials Company, by deed recorded in Book 0392, Page 803 of the Jefferson County Land Records. Said parcel being located in part of Fractional Section 12, Township 43 North, Range 3 East, Jefferson County, Missouri, described as follows: Beginning at a set iron pin at the point of intersection of the Southern boundary line of Joseph W. Willman Subdivision on Meramec River, being a Subdivision recorded in Plat Book 4, Page 30 of the aforesaid records, with the Western right-of-way line of State Highway "W"; proceed thence with said right-of-way line, South 17 degrees 30 minutes 39 seconds West 295.84 feet to a set 1/2 inch pin; thence South 41 degrees 44 minutes 19 seconds West 109.66 feet to a set 1/2 inch pin; thence South 17 degrees 30 minutes 39 seconds West 1534.87 feet to a found right-of-way post; thence South 6 degrees 12 minutes 03 seconds West 152.97 feet to a found right-of-way post; thence South 17 degrees 30 minutes 39 seconds West 700.00 feet to a set 5/8 pin; thence South 58 degrees 09 minutes 40 seconds West 179.37 feet to a set 1/2 inch pin; thence North 82 degrees 01 minute 43 seconds West 22.79 feet to a point from which a found 1/2 inch pin bears North 17 degrees 15 minutes West 27.72 feet distant; thence departing from said right-of-way line and running with the Western boundary line of the above mentioned Eureka Materials Company tract recorded in Book 0392, Page 803, North 17 degrees 15 minutes West 3460.51 feet to a found 5/8 inch pin; thence departing from said boundary line and running with the Southern boundary lines of the above mentioned Joseph W. Willman Subdivision on Meramec River, South 77 degrees 04 minutes 37 seconds East 562.20 feet to a set 1/2 inch pin; thence South 75 degrees 04 minutes 37 seconds East 550.00 feet to a set 1/2 inch pin; thence South 75 degrees 49 minutes 37 seconds East 500.00 feet to a set 1/2 inch pin; thence South 73 degrees 34 minutes 37 seconds East 350.00 feet to a set 1/2 inch pin; thence south 63 degrees 04 minutes 37 seconds East 170.01 feet to the place of beginning.

LESS AND EXCEPTING THEREFROM, Lot 1 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 172, Page 21B and Lot 2 of KOPP SUBDIVISION, a Subdivision in Jefferson County, Missouri, as per plat thereof recorded in Plat Book 256, Page 28.

