

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI



In the matter of the application of
HERCULANEUM SEWER COMPANY for permission,
approval, and a certificate of convenience
and necessity authorizing it to construct,
install, own, operate, control, manage,
and maintain a sewer system for the public
located in an incorporated portion of the
community of Herculaneum, Missouri.

CASE NO. SA-78-240

APPLICATION

Comes now Herculaneum Sewer Company (Applicant), pursuant to Section 393.170, RSMo 1969, and 4 CSR 240-2.060, and states as follows:

1. Applicant is a Missouri corporation duly organized and existing under the laws of the State of Missouri with its principal office and place of business at Post Office Box 173, High Ridge, Missouri 63049. It is a public utility proposing to render sewer service to the public under the jurisdiction of the Commission. A copy of its Certificate of Incorporation and Articles of Incorporation are attached to this application as Exhibit 1.

2. Communications in regard to this application should be addressed to:

Kenneth McClain
Post Office Box 173
High Ridge, Missouri 63049

Dale E. Sporleder, Esq.
Spencer, Fane, Britt & Browne
614 Central Trust Building
Jefferson City, Missouri 65101

3. Applicant requests permission, approval, and a certificate of public convenience and necessity to install, own, acquire, construct, operate, control, manage, and maintain a sewer system for the public in a portion of the incorporated community of Herculaneum, Missouri, as set forth on the map attached to this application as Exhibit 2, and legally described by metes and bounds attached to this application as Exhibit 3.

4. The feasibility study, pro forma balance sheet, and cash flow statement of the Applicant will be submitted to the Commission at the time of the hearing. After certification by the Commission, Applicant will submit its proposed financing to the Commission for its approval.

5. The letter from the community of Herculaneum stating that a franchise is not required is attached to this application and made a part hereof as Exhibit 4.

6. Said sewer system meets all requirements of the Commission and the Department of Natural Resources. A construction permit has been applied for, but cannot be obtained until the filing of this application.

7. There are no other public utilities or governmental bodies being operated or rendering sewer service within the area proposed to be served.


8. The area requested is rapidly being developed into residential homes, all of which will need adequate sewer service. Therefore, a public need exists for adequate sewer service within the area proposed to be served and the public convenience and necessity will be promoted by granting of the authority herein requested.

9. The names and addresses of owners of the land in the proposed service area are:

Fogelson Builders, Inc.
Hillsboro, Missouri 63050

Herculaneum Properties, Inc.
P. O. Box 173
High Ridge, Missouri 63049

WHEREFORE, Applicant requests the Commission to grant it permission, approval, and a certificate of convenience and necessity authorizing it to install, acquire, build, construct, own, operate, control, manage, and maintain a sewer system for the public within the area referred to in Paragraph 3 hereof and for such further orders as the Commission may deem meet and proper.


Dale E. Sporlefer
SPENCER, FANE, BRITT & BROWNE
614 Central Trust Building
Jefferson City, Missouri 65101
(314) 636-8101
Attorney for Applicant

STATE OF MISSOURI }
 } ss.
COUNTY OF COLE }

Comes now Dale E. Sporleder, first being duly sworn upon oath, states that he is attorney for the above-named applicant and is authorized to make this affidavit on its behalf; that the matters and things set forth in the above application are true and correct according to his best knowledge, information, and belief.

Dale E. Sporleder

Subscribed and sworn to before me this 17th day of April, 1978.

Katherine T. Miller
Katherine T. Miller
Notary Public of Cole County, Missouri

My commission expires:

March 8, 1979



State of Missouri... Office of Secretary of State

JAMES C. KIRKPATRICK, Secretary of State

Articles of Incorporation

(To be submitted in duplicate by an attorney)

HONORABLE JAMES C. KIRKPATRICK
SECRETARY OF STATE
STATE OF MISSOURI
JEFFERSON CITY, MO. 65101

The undersigned natural person(s) of the age of eighteen years or more for the purpose of forming a corporation under The General and Business Corporation Law of Missouri adopt the following Articles of Incorporation:

ARTICLE ONE

The name of the corporation is: Herculean Sewer Company

ARTICLE TWO

The address, including street and number, if any, of the corporation's initial registered office in this state is:

P. O. Box 173, High Ridge, Missouri 63049

and the name of its initial agent at such address is: Kenneth McClain

ARTICLE THREE

The aggregate number, class and par value, if any, of shares which the corporation shall have authority to issue shall be:

1,000 shares, \$100.00 per value

The preferences, qualifications, limitations, restrictions, and the special or relative rights, including convertible rights, if any, in respect of the shares of each class are as follows:

None

FILED AND CERTIFICATE OF
INCORPORATION ISSUED

APR 3 1978

James C. Kirkpatrick
Corporation Dept. SECRETARY OF STATE

No.

00199579

EXHIBIT 1
Page 1

STATE of MISSOURI

JAMES C. KIRKPATRICK, Secretary of State

Corporation Division

Certificate of Incorporation

WHEREAS, duplicate originals of Articles of Incorporation of
HERCULANEUM SEWER COMPANY.....

have been received and filed in the office of the Secretary of State, which Articles, in all respects, comply with the requirements of The General and Business Corporation Law:

NOW, THEREFORE, I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, by virtue of the authority vested in me by law, do hereby certify and declare
HERCULANEUM SEWER COMPANY.....

a body corporate, duly organized this day and that it is entitled to all rights and privileges granted corporations organized under The General and Business Corporation Law; that the address of its initial Registered Office in Missouri is

High Ridge 63049

that its period of existence is perpetual; and that the

amount of its Authorized Shares is
1,000 @ \$100.00 par

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the GREAT SEAL of the State of Missouri, at the City of Jefferson, this 3rd day of April, 1978.

James C. Kirkpatrick
Secretary of State

RECEIVED OF: HERCULANEUM SEWER COMPANY.....

Eighty-eight and no/00-----Dollars, \$ 88.00.....

For Credit of General Revenue Fund, on Account of Incorporation Tax and Fee.

00199579

No.

CORP No 13

Dorothy Miller
Deputy Collector of Revenue

ARTICLE EIGHT

The corporation is formed for the following purposes:

To construct, acquire, maintain and operate a public water and sewer system.

To control and engage in construction business of any kind.

To operate a merchantile business.

To deal in real and personal property and to engage in a general investment business dealing in all types of securities and property.

RECORDED
APR 2 1978
INFORMATION BEARING
FILED WITH COMMISSIONER OF

IN WITNESS WHEREOF, these Articles of Incorporation have been signed this April 15 day of April, 1978

x James T. Meach
x Harold L. Hughes
x Renald V. Vardulakis
x Harold L. Hughes
x Arthur Sutton
x John D. [illegible]



State of Missouri... Office of Secretary of State

JAMES C. KIRKPATRICK, Secretary of State

Articles of Incorporation

(To be submitted in duplicate by an attorney)

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1,000 shares, \$100.00 par value

The preferences, qualifications, limitations, restrictions, and the special or relative rights, including convertible rights, if any, in respect of the shares of each class are as follows:

None

FILED AND CERTIFICATE OF
INCORPORATION ISSUED

APR 3 1978

[Signature]
Corporate Sec. SECRETARY OF STATE

ARTICLE FOUR

The extent, if any, to which the preemptive right of a shareholder to acquire additional shares is limited or denied.

None.

ARTICLE FIVE

The name and place of residence of each incorporator is as follows:

Name

Street

City

Kenneth McClain

P. O. Box 173

Norville McClain
Kenneth Vonderahe
Gerald L. Hughes
Arthur Sitton
Jeremiah Nixon

P. O. Box 173
P. O. Box P.
P. O. Box 296
660 Office Parkway
P. O. Box 277

High Ridge 63049
High Ridge 63049
Fenton 63026
High Ridge 63049
Creve Coeur 63141
Hillsboro 63050

ARTICLE SIX

(Designate which and complete the applicable paragraph)

☐ The number of directors to constitute the first board of directors is _____. Thereafter the number of directors shall be fixed by, or in the manner provided in the bylaws. Any changes in the number will be reported to the Secretary of State within thirty calendar days of such change.

six

or

☐ The number of directors to constitute the board of directors is _____. (The number of directors to constitute the board of directors must be stated herein if there are to be less than three directors. The persons to constitute the first board of directors may, but need not, be named).

ARTICLE SEVEN

The duration of the corporation is _____

perpetual.



STATE of MISSOURI

JAMES C. KIRKPATRICK, Secretary of State

Corporation Division

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NOW, THEREFORE, I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, by virtue of the authority vested in me by law, do hereby certify and declare

HERCULANEUM SEWER COMPANY

a body corporate, duly organized this day and that it is entitled to all rights and privileges granted corporations organized under The General and Business Corporation Law; that the address of its initial Registered Office in Missouri is

High Ridge 63049

that its period of existence is perpetual; and that the

amount of its Authorized Shares is

1,000 @ \$100.00 par

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the GREAT SEAL of the State of Missouri, at the City
of Jefferson, this 3rd day of April, 1978.

James C. Kirkpatrick
Secretary of State

RECEIVED OF: HERCULANEUM SEWER COMPANY

Eighty-eight and no/100 Dollars, \$ 88.00

For Credit of General Revenue Fund, on Account of Incorporation Tax and Fee.

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No.

Dorothy Miller
Deputy Collector of Revenue

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To operate a merchantile business.

To deal in real and personal property and to engage in a general investment business dealing in all types of securities and property.

RECORDED
APR 15 1978

RECORDED
APR 15 1978

IN WITNESS WHEREOF, these Articles of Incorporation have been signed this April 15 day

of April, 1978

x [Signature]
x [Signature]
x [Signature]
x [Signature]
x [Signature]
x [Signature]

STATE OF Missouri

COUNTY OF Jefferson

SS.

I, DONALD E. DERICKSON

a notary public,

do hereby certify that on the 15 day of APRIL, 1978, personally appeared
before me, Kenneth Vonderahe, Jeremiah Nixon (and Gerald L. Hughes, Arthur Sitten)
who being by me first duly sworn, (severally) declared that he is (they are) the person(s) who signed the foregoing docu-
ment as incorporator(s), and that the statements therein contained are true.

Donald E. Derickson

Notary Public

DONALD E. DERICKSON

My commission expires AUGUST 17, 1981

FILED AND CERTIFICATE OF
INCORPORATION ISSUED

APR 8 1978

James G. [Signature]

Corporation Dept. SECRETARY OF STATE

DESCRIPTION OF AREA PROPOSED
TO BE INCLUDED WITHIN THE
BOUNDARIES OF HERCULANEUM
PROPERTIES, INC. SANITARY SEWER
SERVICE DISTRICT

Two Hundred Nine and Six-Tenths (209.60) Acres of Land situated in Sections 30 and 31 of Township 41 North, Range 6 East of the Fifth Principal Meridian, Jefferson County, Missouri, more particularly described as follows:

To wit:

Beginning at the Northwest Corner of the Southwest Quarter of Section 30, Township 41 North, Range 6 East;

Thence in an Eastwardly direction along the North line of said Southwest Quarter of said Section 30 and assuming said North line of said Quarter Section to have a bearing of South 89 degrees 43 minutes and 30 seconds East, a distance of 599.0 feet to a point on the Westerly Right-of-Way line of Interstate Highway I-55;

Thence South 78 degrees, 31 minutes and 21 seconds East, a distance of 841.44 feet to a point on the Easterly Right-of-Way line of Interstate Highway I-55, said point on said Easterly Right-of-Way line of Interstate Highway I-55 being a common point with the Southerly Right-of-Way line of the access roadway presently known as Herculaneum Spur;

Thence South 89 degrees and 31 minutes East along the Southerly Right-of-Way line of the access roadway presently known as Herculaneum Spur for a distance of 882.80 feet;

Thence continuing along the Southerly Right-of-Way line of said Herculaneum Spur South 72 degrees and 39 minutes East, a distance of 208.85 feet;

Thence continuing along the Southerly Right-of-Way line of said access roadway presently known as Herculaneum Spur, North 89 degrees and 58 minutes East, a distance of 27.99 feet to a point on the Westerly Right-of-Way line of the Public Roadway presently known as Scenic Drive;

Thence South 1 degree and 32 minutes East along the Westerly Right-of-Way of the Public Roadway presently known as Scenic Drive for a distance of 90.68 feet;

Thence North 88 degrees and 28 minutes East along the Right-of-Way line of said Scenic Drive, a distance of 14.38 feet;

Thence continuing along the Westerly Right-of-Way line of said Public Roadway presently known as Scenic Drive along the following described course:

South 0 degrees and 21 minutes West for a distance of 405.52 feet

Thence South 2 degrees and 27 minutes West for a distance of 411.78 feet

Thence South 6 degrees and 36 minutes West, for a distance of 169.00 feet

Thence South 14 degrees and 25 minutes West for a distance of 178.86 feet

Thence South 15 degrees and 56 minutes West for a distance of 975.75 feet

Thence South 11 degrees and 57 minutes West for a distance of 243.65 feet

Thence South 6 degrees and 24 minutes West for a distance of 1343.91 feet

Thence departing from said Westerly Right-of-Way line of said Public Roadway presently known as Scenic Drive, North 83 degrees and 20 minutes West along the Northerly line of Lot 1 of Bonacker Acres Subdivision Two, a distance of 150.0 feet;

Thence South 0 degrees and 56 minutes West along the Westerly line of said Lot 1 of said Bonacker Acres Subdivision Two, a distance of 154.00 feet to a point on the Northerly line of U. S. Survey No. 1986;

Thence North 82 degrees and 30 minutes West, along the Northerly line of U. S. Survey 1986, a distance of 1932.34 feet to a point of intersection of said Northerly line of said U. S. Survey 1986 with the West line of Section 31, Township 41 North, Range 6 East;

Thence North 1 degree and 01 minute East, along the West lines of Section 30 and Section 31, Township 41 North, Range 6 East, a common line with the Range Line between Range 5 East and Range 6 East, a distance of 3885.43 feet to the Northwest corner of the Southwest Quarter of said Section 30, Township 41 North, Range 6 East, the point of beginning of the 209.60 acres of land herein described.

April 10, 1978

Mr. R. Michael Jenkins, Secretary
Missouri Public Service Commission
Jefferson City, Missouri 65101

Dear Mr. Jenkins:

Please be advised that the City of Herculaneum has no requirement of a franchise for a company to install, acquire, build, construct, own, operate, control, manage, and maintain a sewer system within its corporate limits.


W. H. Burlage
Mayor

Attest:


Secretary