

**FIRST AMENDMENT AND ADDENDUM
TO TERRITORIAL AGREEMENT**

This First Amendment and Addendum made and entered into this 1st day of DECEMBER 2004, by and between Public Water Supply District No. 1 of Franklin County, Missouri (hereinafter "District") and the City of Union, Missouri (hereinafter "City").

Whereas, the District is a political corporation of the State of Missouri located in Franklin County, organized and existing under Sections 247.010 to 247.220 MSMo. for the purpose of providing conveniences in the use of water supply; and

Whereas, City is a political subdivision of the State of Missouri organized and existing under the Constitution and laws of the State of Missouri and located in Franklin County; and

Whereas, Section 247.172 RSMo. provides that competition to sell and distribute water, as between and among public water supply districts and municipally owned utilities may be displaced by written territorial agreement upon approval of the Missouri Public Service Commission; and

Whereas, the City and the District entered into such an Agreement in October, 2002; and

Whereas, said Agreement provided in part that said Agreement could be amended by the written agreement of both parties and approved by the Missouri Public Service Commission; and

Whereas, pursuant to said Agreement the **STAFF OR OFFICE OF PUBLIC COUNSEL HAS FORTY-FIVE (45) DAYS TO OPPOSE THE ADDENDUM OR**

Attachment A
to Report and Order

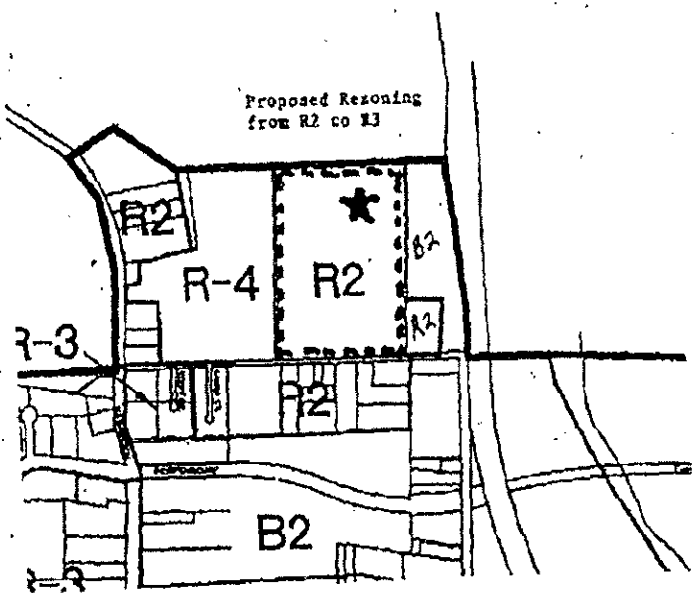
ELSE THE ADDENDUM SHALL BE DEEMED APPROVED BY THE AFORESAID PARTIES; and

Whereas, the parties hereto mutually desire to amend said Territorial Agreement in the particulars as hereinafter set forth.

Now, Therefore, in consideration of the mutual covenants, conditions, obligations, promises, restrictions and agreements herein contained, the District and the City agree as follows:

1. That the above referenced Territorial Agreement is hereby amended by removing from the District the real property as described on Exhibit "A" attached hereto and incorporated by reference herein subject to the following conditions:
 - A. Payment by the City to the District an amount of money equal to \$150.00 per acre of the real property described in Exhibit "A." City shall be under no obligation to pay said amount nor shall any further action on this Amendment be pursued until the owner/developer of said parcel shall have paid to the City an equal amount of money.
 - B. Approval of this Amendment by the Missouri Public Service Commission.
2. The approval process of this Amendment shall be as set forth in paragraph 6 of the original Territorial Agreement.
3. This Amendment shall become effective upon approval by the Missouri Public Service Commission.

Exhibit A



LEGAL DESCRIPTION:
 PART OF THE SOUTHEAST QR. OF THE NORTHEAST QR. OF SECTION TWENTY-TWO (22), TOWNSHIP FORTY-THREE (43) NORTH, RANGE ONE (1) WEST OF THE 5TH P.M., MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POST IN THE NORTH LINE OF A 30 FOOT ROAD, 30 FEET NORTH AND SOUTH 88 DEGREES 30 MINUTES WEST 390 FEET FROM THE SOUTHEAST CORNER OF SAID QR. QR SECTION, RUN THENCE NORTH 0 DEGREES 15 MINUTES EAST 1117 FEET TO AN IRON PIPE, THENCE SOUTH 88 DEGREES 30 MINUTES WEST 730 FEET TO A STAKE, THENCE SOUTH 0 DEGREES 15 MINUTES WEST 1117 FEET TO AN IRON STAKE IN THE NORTH LINE OF SAID 30 FOOT ROAD, THENCE ALONG SAID ROAD NORTH 88 DEGREES 30 MINUTES EAST 760 FEET TO THE POINT OF BEGINNING, ACCORDING TO SURVEY BY E. F. KAPPELMANN, REGISTERED LAND SURVEYOR, AND RECORDED IN SURVEYOR'S RECORD 14, AT PAGE 118.

CUSTOMER STATEMENT OF CONSENT
ADDENDUM TO WATER TERRITORIAL AGREEMENT
MISSOURI PUBLIC SERVICE COMMISSION
CASE NO. WO-2005-0127

I, Jacob Salenuis and _____ (Name),
Estera Salenuic, husband and wife
1700 North Bend Road (Address), Union, Missouri, 63084
(Zip Code), telephone number (636) 583-4617 hereby notify the Missouri Public
Service Commission and any other interested party that:

- 1) I am duly authorized to execute this document and cause it to be filed at the
Missouri Public Service Commission;
- 2) I am aware that the Missouri Public Service Commission in Case No. WO-
2003-0186 issued a *Report and Order* on March 6, 2003 approving the water
service territorial agreement filed by the City of Union, Missouri and Public
Water Supply District No. 1 of Franklin County, Missouri;
- 3) Under the provisions of said water service territorial agreement, Public Water
Supply District No. 1 of Franklin County, Missouri is exclusively authorized
to provide water service to the my property located at the address listed above;
- 4) Notwithstanding said water service territorial agreement, I have requested that
said water service be provided by the City of Union, Missouri and that I
recognize that said service represents an exception to the territorial boundaries
approved by the Missouri Public Service Commission in Case No. WO-2003-
0186;
- 5) It is my understanding that both the City of Union, Missouri and Public Water
Supply District No. 1 of Franklin County, Missouri have consented to my

CUSTOMER STATEMENT OF CONSENT
ADDENDUM TO WATER TERRITORIAL AGREEMENT
MISSOURI PUBLIC SERVICE COMMISSION
CASE NO. WO-2005-0127

I, Earl Banze General (Name),
Contracting, Inc
1336 Jungs Station Rd (Address), St Charles, Missouri, 63303
(Zip Code), telephone number (636) 926-0804 hereby notify the Missouri Public
Service Commission and any other interested party that:

- 1) I am duly authorized to execute this document and cause it to be filed at the Missouri Public Service Commission;
- 2) I am aware that the Missouri Public Service Commission in Case No. WO-2003-0186 issued a *Report and Order* on March 6, 2003 approving the water service territorial agreement filed by the City of Union, Missouri and Public Water Supply District No. 1 of Franklin County, Missouri;
- 3) Under the provisions of said water service territorial agreement, Public Water Supply District No. 1 of Franklin County, Missouri is exclusively authorized to provide water service to the my property located at the address listed above;
- 4) Notwithstanding said water service territorial agreement, I have requested that said water service be provided by the City of Union, Missouri and that I recognize that said service represents an exception to the territorial boundaries approved by the Missouri Public Service Commission in Case No. WO-2003-0186;
- 5) It is my understanding that both the City of Union, Missouri and Public Water Supply District No. 1 of Franklin County, Missouri have consented to my

CUSTOMER STATEMENT OF CONSENT
ADDENDUM TO WATER TERRITORIAL AGREEMENT
MISSOURI PUBLIC SERVICE COMMISSION
CASE NO. WO-2005-0127

I, Olive Construction, Inc (Name),
PO Box 29 (Address), Union, Missouri, 63084
(Zip Code), telephone number (636) 584-8244 hereby notify the Missouri Public
Service Commission and any other interested party that:

- 1) I am duly authorized to execute this document and cause it to be filed at the
Missouri Public Service Commission;
- 2) I am aware that the Missouri Public Service Commission in Case No. WO-
2003-0186 issued a *Report and Order* on March 6, 2003 approving the water
service territorial agreement filed by the City of Union, Missouri and Public
Water Supply District No. 1 of Franklin County, Missouri;
- 3) Under the provisions of said water service territorial agreement, Public Water
Supply District No. 1 of Franklin County, Missouri is exclusively authorized
to provide water service to the my property located at the address listed above;
- 4) Notwithstanding said water service territorial agreement, I have requested that
said water service be provided by the City of Union, Missouri and that I
recognize that said service represents an exception to the territorial boundaries
approved by the Missouri Public Service Commission in Case No. WO-2003-
0186;
- 5) It is my understanding that both the City of Union, Missouri and Public Water
Supply District No. 1 of Franklin County, Missouri have consented to my

CUSTOMER STATEMENT OF CONSENT
ADDENDUM TO WATER TERRITORIAL AGREEMENT
MISSOURI PUBLIC SERVICE COMMISSION
CASE NO. WO-2005-0127

I, Progressive Home (Name),

Development, LLC

405 Hwy 50 West, Ste 500(Address), Union, Missouri, 63084

(Zip Code), telephone number (636) 583-1100 hereby notify the Missouri Public Service Commission and any other interested party that:

- 1) I am duly authorized to execute this document and cause it to be filed at the Missouri Public Service Commission;
- 2) I am aware that the Missouri Public Service Commission in Case No. WO-2003-0186 issued a *Report and Order* on March 6, 2003 approving the water service territorial agreement filed by the City of Union, Missouri and Public Water Supply District No. 1 of Franklin County, Missouri;
- 3) Under the provisions of said water service territorial agreement, Public Water Supply District No. 1 of Franklin County, Missouri is exclusively authorized to provide water service to the my property located at the address listed above;
- 4) Notwithstanding said water service territorial agreement, I have requested that said water service be provided by the City of Union, Missouri and that I recognize that said service represents an exception to the territorial boundaries approved by the Missouri Public Service Commission in Case No. WO-2003-0186;
- 5) It is my understanding that both the City of Union, Missouri and Public Water Supply District No. 1 of Franklin County, Missouri have consented to my

City of Union/Public Water Supply District No. 1 of
Franklin County, Missouri

Attachments A, B and C to *Addendum to Water Service
Territorial Agreement*

EXHIBIT A

Beginning at the northwest corner of Section 27, Township 44 North, Range 1 West; thence eastwardly along the north line of said Section 27 to the north quarter corner thereof; thence southwardly along the north-south centerline of Section 27 to the north quarter corner of Section 34; thence eastwardly along the north line of Section 34 to its intersection with the centerline of Missouri State Highway 47; thence southwardly along said centerline to its intersection with the east-west centerline of Section 23, Township 43 North, Range 1 West; thence westwardly along the east-west centerline of Sections 23 and 22 to the east quarter corner of Section 21; thence southwardly along the east line of Section 21 to the southeast corner thereof; thence westwardly along the south line of Sections 21, 20, and 19, Township 43 North, Range 1 West and the south line of Section 24, Township 43 North, Range 2 West to the southwest corner thereof; thence northwardly along the west line of Sections 24 and 13 to the northwest corner thereof; thence eastwardly along the north line of said Section 13 to the northeast corner thereof; thence northwardly along the west line of Sections 7 and 6, Township 43 North, Range 1 West and Section 31, Township 44 North, Range 1 West to the west quarter corner thereof; thence eastwardly along the east-west centerline of Section 31 to the west quarter corner of Section 32; thence northwardly along the west line of Section 32, 29, and 20 to the west quarter corner thereof; thence eastwardly along the east-west centerline of Section 20 and 21 to the center of Section 21; thence southwardly along the north-south centerline of Section 21 to the north quarter corner of Section 28; thence eastwardly along the north line of Section 28 to the point of beginning. Excepting therefrom, all of Union Mobile Manor in Section 22, Township 43 North, Range 1 West and recorded in Book K Page 65 of the Franklin County Recorder of Deeds office. Also excepting therefrom, all of Eagleledge Estates in Section 22, Township 43 North, Range 1 West and recorded in Book P Pages 303, 304 and 305 of the Franklin County Recorder of Deeds office.

EXHIBIT B

PART OF THE SOUTHEAST QR. OF THE NORTHEAST QR. OF SECTION TWENTY-TWO (22), TOWNSHIP FORTY-THREE (43) NORTH, RANGE ONE (1) WEST OF THE 5TH P.M., MORE FULLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POST IN THE NORTH LINE OF A 30 FOOT ROAD, 30 FEET NORTH AND SOUTH 88 DEGREES 30 MINUTES WEST 390 FEET FROM THE SOUTHEAST CORNER OF SAID QR. QR. SECTION, RUN THENCE NORTH 0 DEGREES 15 MINUTES EAST 1117 FEET TO AN IRON PIPE, THENCE SOUTH 88 DEGREES 30 MINUTES WEST 780 FEET TO A STAKE, THENCE SOUTH 0 DEGREES 15 MINUTES WEST 1117 FEET TO AN IRON STAKE IN THE NORTH LINE OF SAID 30 FOOT ROAD, THENCE ALONG SAID ROAD NORTH 88 DEGREES 30 MINUTES EAST 780 FEET TO THE POINT OF BEGINNING, ACCORDING TO SURVEY BY E. F. KAPPELMANN, REGISTERED LAND SURVEYOR, AND RECORDED IN SURVEYOR'S RECORD 14, AT PAGE 118.

EXHIBIT C

Beginning at the northwest corner of Section 27, Township 44 North, Range 1 West, thence eastwardly along the north line of said Section 27 to the north quarter corner thereof; thence southwardly along the north-south centerline of Section 27 to the north quarter corner of Section 34; thence eastwardly along the north line of Section 34 to its intersection with the centerline of Missouri State Highway 47; thence southwardly along said centerline to its intersection with the east-west centerline of Section 23, Township 43 North, Range 1 West; thence westwardly along the east-west centerline of Sections 23 and 22 to the east quarter corner of Section 21; thence southwardly along the east line of Section 21 to the southeast corner thereof; thence westwardly along the south line of Sections 21, 20, and 19, Township 43 North, Range 1 West and the south line of Section 24, Township 43 North, Range 2 West to the southwest corner thereof; thence northwardly along the west line of Sections 24 and 13 to the northwest corner thereof; thence eastwardly along the north line of said Section 13 to the northeast corner thereof; thence northwardly along the west line of Sections 7 and 6, Township 43 North, Range 1 West and Section 31, Township 44 North, Range 1 West to the west quarter corner thereof; thence eastwardly along the east-west centerline of Section 31 to the west quarter corner of Section 32; thence northwardly along the west line of Section 32, 29, and 20 to the west quarter corner thereof; thence eastwardly along the east-west centerline of Section 20 and 21 to the center of Section 21, thence southwardly along the north-south centerline of Section 21 to the north quarter corner of Section 28; thence eastwardly along the north line of Section 28 to the point of beginning. Excepting therefrom, all of Union Mobile Manor in Section 22, Township 43 North, Range 1 West and recorded in Book K Page 65 of the Franklin County Recorder of Deeds office. Also excepting therefrom, all of Eagledge Estates in Section 22, Township 43 North, Range 1 West and recorded in Book P Pages 303, 304, and 305 of the Franklin County Recorder of Deeds office.

And Excepting therefrom, PART OF THE SOUTHEAST QR. OF THE NORTHEAST QR. OF SECTION TWENTY-TWO (22), TOWNSHIP FORTY-THREE (43) NORTH, RANGE ONE (1) WEST OF THE 5TH P.M., MORE FULLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POST IN THE NORTH LINE OF A 30 FOOT ROAD, 30 FEET NORTH AND SOUTH 88 DEGREES 30 MINUTES WEST 390 FEET FROM THE SOUTHEAST CORNER OF SAID QR. QR. SECTION, RUN THENCE NORTH 0 DEGREES 15 MINUTES EAST 1117 FEET TO AN IRON PIPE, THENCE SOUTH 88 DEGREES 30 MINUTES WEST 780 FEET TO A STAKE, THENCE SOUTH 0 DEGREES 15 MINUTES WEST 1117 FEET TO AN IRON STAKE IN THE NORTH LINE OF SAID 30 FOOT ROAD, THENCE ALONG SAID ROAD NORTH 88 DEGREES 30 MINUTES EAST 780 FEET TO THE POINT OF BEGINNING, ACCORDING TO SURVEY BY E. F. KAPPELMANN, REGISTERED LAND SURVEYOR, AND RECORDED IN SURVEYOR'S RECORD 14, AT PAGE 118.