

THIRD AMENDMENT AND ADDENDUM TO TERRITORIAL AGREEMENT

This Third Amendment and Addendum (“Third Amendment”) made and entered into this 14th day of December, 2020 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 Section 247.010 to 247.220 RSMo. 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, Missouri; 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, said Agreement was amended by written agreement of both parties and approved by the Missouri Public Service Commission (the “First Amendment”); and

Whereas, said Agreement was amended by written agreement of both parties and approved by the Missouri Public Service Commission (the “Second Amendment”); and

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

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

Whereas, the parties hereto mutually desire to amend said Territorial Agreement, as amended by the First Amendment, and Second Amendment (collectively referred to herein as the “Agreement”) in the particulars as hereinafter set forth.

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

1. That the above-referenced Agreement is hereby amended by removing from the District the real property described on Exhibit A attached hereto and incorporated herein by reference.
2. That upon approval of this Third Amendment the District’s service territory shall be as described on Exhibit B attached hereto and incorporated herein by reference.
3. Neither the City nor the District shall be required to take any further action on this Third Amendment until this Third Amendment is approved by the Missouri Public Service Commission.
4. The approval process of this Third Amendment shall be as set forth in paragraph 6 of the Agreement.
5. This Third Amendment shall become effective upon approval by the Missouri Public Service Commission.
6. Upon approval of this Third Amendment the City shall pay the District the sum of \$7,800.00.

7. All provisions of the Agreement, except as expressly modified or amended by this Third Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, this Third Amendment is entered into by the parties as of the date first above written.



PUBLIC WATER SUPPLY DISTRICT
NO. 1 OF FRANKLIN COUNTY,
MISSOURI

By: Joe Feldman
President

SEAL:

Attest: Rebecca Steiner
Clerk

CITY OF UNION, MISSOURI

By: Ralph Hogg
Mayor

SEAL:

Attest: Janice
Clerk



STATE OF MISSOURI)
) SS:
COUNTY OF FRANKLIN)



REBECCA STEINER
My Commission Expires
October 15, 2022
Franklin County
Commission #16188020

On this 30th day of September, 2020, before me appeared Joe Feldmann, to me personally known, who beind by me duly sworn, did say that he is the President of Public Water Supply District No. 1 of Franklin County, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said District, and that said instrument was signed and sealed on behalf of said District, by authority of its Board of Directors, and said Joe Feldmann acknowledged said instrument to be the free act and deed of said District.

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

My term expires: 10-15-2022

Rebecca Steiner

STATE OF MISSOURI)
) SS:
COUNTY OF FRANKLIN)

On this 14th day of December, 2020, before me appeared Rodney J. Tappe, to me personally known, who beind by me duly sworn, did say that he is the Mayor of the City of Union, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said City, and that said instrument was signed and sealed on behalf of said City, by authority of its Board of Aldermen, and said Rodney J. Tappe acknowledged said instrument to be the free act and deed of said City.

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

My term expires: 10-23-2023

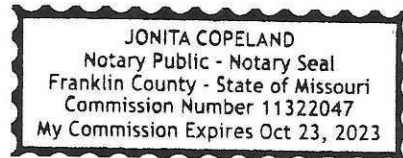
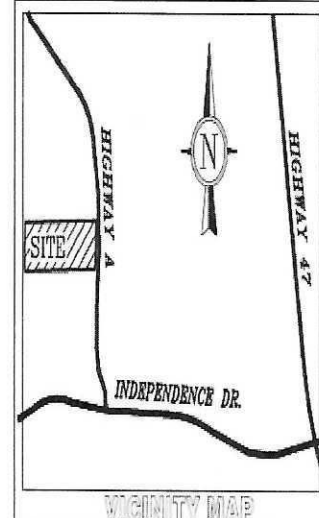
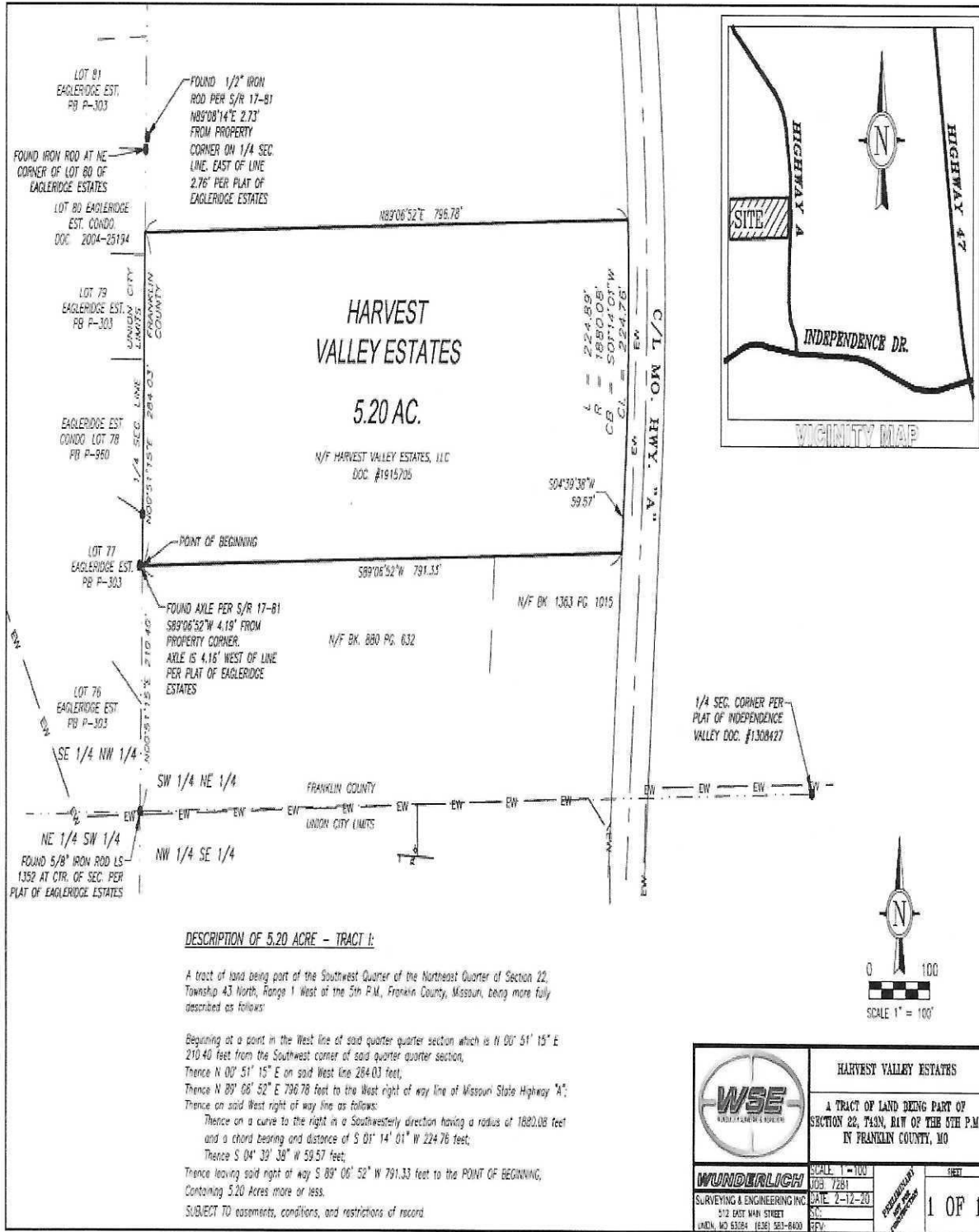


EXHIBIT A



DESCRIPTION OF 5.20 ACRE - TRACT 1:

A tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 22, Township 43 North, Range 1 West of the 5th P.M., Franklin County, Missouri, being more fully described as follows:

Beginning at a point in the West line of said quarter quarter section which is N 00° 51' 15" E 210.40 feet from the Southwest corner of said quarter quarter section,
 Thence N 00° 51' 15" E on said West line 284.03 feet,
 Thence N 89° 06' 52" E 796.78 feet to the West right of way line of Missouri State Highway "A";
 Thence on said West right of way line as follows:
 Thence on a curve to the right in a Southwesterly direction having a radius of 1820.08 feet and a chord bearing and distance of S 01° 14' 01" W 224.76 feet;
 Thence S 04° 39' 38" W 59.57 feet;
 Thence leaving said right of way S 89° 06' 52" W 791.33 feet to the POINT OF BEGINNING,
 Containing 5.20 Acres more or less.
 SUBJECT TO easements, conditions, and restrictions of record




 WSE <small>WISCONSIN SURVEYING & ENGINEERING</small>	HARVEST VALLEY ESTATES	
	A TRACT OF LAND BEING PART OF SECTION 22, T43N, R1W OF THE 5TH P.M. IN FRANKLIN COUNTY, MO	
WUNDERLICH SURVEYING & ENGINEERING INC. <small>512 EAST MAIN STREET LINCOLN, MO 65004 (417) 563-8400</small>	SCALE: 1" = 100'	SHEET
	DATE: 2-12-20	1 OF 1

EXHIBIT B

THE FOLLOWING DESCRIBED REAL ESTATE SITUATE IN THE COUNTY OF FRANKLIN, STATE OF MISSOURI, TO WIT:

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 TO THE WEST QUARTER CORNER THEREOF; THENCE EASTWARDLY ALONG THE EAST-WEST CENTERLINE OF SECTIONS 31 TO THE WEST QUARTER CORNER 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 THE EAGLERIDGE 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.

ALSO EXCEPTING THEREFROM, PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP FORTY-THREE (43), 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 QUARTER. QUARTER 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.

ALSO EXCEPTING THEREFROM A PORTION OF SECTIONS 21 AND 22, TOWNSHIP 43 NORTH, RANGE 1 WEST OF THE FIFTH PRINCIPAL MERIDIAN, FRANKLIN COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON QUARTER CORNER OF SECTIONS 21 AND 22, TOWNSHIP 43 NORTH, RANGE 1 WEST OF THE FIFTH PRINCIPAL MERIDIAN, FRANKLIN COUNTY, MISSOURI; THENCE SOUTH ALONG THE EAST LINE OF SECTION 21 TO THE NORTHERN RIGHT OF WAY LINE OF THE V&S RAILWAY, LLC (FORMERLY SOUTHERN PACIFIC RAILROAD); THENCE SOUTHWEST ALONG SAID NORTHERN RIGHT OF WAY LINE TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21; THENCE WEST ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21 TO THE NORTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21 TO THE NORTH LINE OF THE PLAT OF PENNSYLVANIA ESTATES AS RECORDED IN PLAT BOOK O, PAGE 995 OF THE FRANKLIN COUNTY, MISSOURI, RECORDER OF DEEDS OFFICE; THENCE EAST ALONG SAID NORTH LINE AND THE NORTH LINE OF PENNSYLVANIA ESTATES

PLAT 3 AS RECORDED IN PLAT BOOK P, PAGE 695 OF SAID RECORDER OF DEEDS OFFICE, TO THE NORTHEAST CORNER OF SAID PENNSYLVANIA ESTATES PLAT 3; THENCE SOUTH ALONG THE EAST LINE OF SAID PENNSYLVANIA ESTATES PLAT 3 TO THE NORTH LINE OF THE KASSBAUM-VEMMER PLAT 2 AS RECORDED AS DOCUMENT # 1000589 OF SAID RECORDER OF DEEDS OFFICE; THENCE EAST ALONG THE NORTH LINE OF SAID KASSBAUM-VEMMER PLAT 2, AND THE NORTH LINE OF KASSBAUM-VEMMER PLAT 1 AS RECORDED IN PLAT BOOK P, PAGE 774 OF SAID RECORDER OF DEEDS OFFICE, TO THE WEST LINE OF THAT PARCEL CONVEYED TO THE UNION DEVELOPMENT CORPORATION BY DEED RECORDED IN BOOK 621, PAGE 137 OF SAID RECORDER OF DEEDS OFFICE; THENCE NORTHWEST ALONG THE WEST LINE OF SAID UNION DEVELOPMENT CORPORATION PARCEL TO THE SOUTH LINE OF THE PLAT OF NORTH LOOP INDUSTRIAL PARK PLAT 3 REVISED AS RECORDED IN PLAT BOOK P, PAGE 1091 OF SAID RECORDER OF DEEDS OFFICE; THENCE WEST, NORTH, AND EAST ALONG THE SOUTH, WEST, AND NORTH LINES OF SAID PLAT OF NORTH LOOP INDUSTRIAL PARK PLAT 3 REVISED TO THE NORTHEAST CORNER OF SAID PLAT, SAID POINT BEING ON THE EAST LINE OF SECTION 21; THENCE SOUTH ALONG THE EAST LINE OF SECTION 21 TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 NORTH, RANGE 1 WEST; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE SOUTHEAST CORNER THEREOF; THENCE WEST ALONG THE EAST-WEST CENTERLINE OF SECTION 22 TO THE POINT OF BEGINNING;

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 43 NORTH, RANGE 1 WEST OF THE FIFTH PRINCIPAL MERIDIAN, FRANKLIN COUNTY, MISSOURI, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY OF THE V&S RAILWAY, LLC (FORMERLY SOUTHERN PACIFIC RAILROAD) INCLUDING, BUT NOT LIMITED TO THE PLATS OF WOODLAND OAKS PLAT 1 AS RECORDED IN PLAT BOOK M, 410 OF THE FRANKLIN COUNTY, MISSOURI, RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 1 REVISION 1 AS RECORDED IN PLAT BOOK M, 460 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 1 REVISION 2 AS RECORDED IN PLAT BOOK M, 461 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM PLAT 1 AMENDED AS RECORDED IN PLAT BOOK N, 20 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM PLAT 1 SECOND AMENDMENT AS RECORDED IN PLAT BOOK N, 335 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM

PLAT 2 AMENDED AS RECORDED IN PLAT BOOK M, 707 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM PLAT 3 AMENDED AS RECORDED IN PLAT BOOK M, 680 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM PLAT 4 AMENDED AS RECORDED IN PLAT BOOK M, 757 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM PLAT 5 AMENDED AS RECORDED IN PLAT BOOK M, 864 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM PLAT 6 AMENDED AS RECORDED IN PLAT BOOK M, 902 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM PLAT 7 AMENDED AS RECORDED IN PLAT BOOK M, 903 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 8 AS RECORDED IN PLAT BOOK P, 284 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 9 AS RECORDED IN PLAT BOOK P, 388 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 10 AS RECORDED IN PLAT BOOK P, 389 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 11 AS RECORDED IN PLAT BOOK O, 939 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 11 RESUBDIVISION AS RECORDED IN PLAT BOOK P, 665 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 11 RESUBDIVISION OF LOT 41 AS RECORDED IN PLAT BOOK P, 1141 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS CONDOMINIUM LOT 56 PLAT 11, ALSO KNOWN AS WOODLAND OAKS PLAT 12, AS RECORDED IN BOOK 2011, PAGE 1112520 OF SAID RECORDER OF DEEDS OFFICE, WOODLAND OAKS PLAT 13 AS RECORDED AS DOCUMENT # 1614296 OF SAID RECORDER OF DEEDS OFFICE, AND WOODLAND OAKS PLAT 14 AS RECORDED AS DOCUMENT # 1614297 OF SAID RECORDER OF DEEDS OFFICE.

ALSO EXCEPTING THEREFROM THE FOLLOWING REAL PROPERTY:

DESCRIPTION OF 5.20 ACRE – TRACT 1:

A tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 22, Township 43 North, Range 1 West of the 5th P.M., Franklin County, Missouri, being more fully described as follows:

*Beginning at a point in the West line of said quarter quarter section which is N 00° 51' 15" E 210.40 feet from the Southwest corner of said quarter quarter section;
Thence N 00° 51' 15" E on said West line 284.03 feet;
Thence N 89° 06' 52" E 796.78 feet to the West right of way line of Missouri State Highway "A";
Thence on said West right of way line as follows:
 Thence on a curve to the right in a Southwesterly direction having a radius of 1880.08 feet and a chord bearing and distance of S 01° 14' 01" W 224.76 feet;
 Thence S 04° 39' 39" W 59.57 feet;
Thence leaving said right of way S 89° 06' 52" W 791.33 feet to the POINT OF BEGINNING;
Containing 5.20 Acres more or less.*

SUBJECT TO easements, conditions, and restrictions of record