

COPY

ORDINANCE NUMBER 2017- 07

AN ORDINANCE OF THE PULASKI COUNTY SEWER DISTRICT NUMBER 1 AUTHORIZING THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE DISTRICT, ON BEHALF OF THE DISTRICT, TO ENTER INTO AN AGREEMENT WITH THE CITY OF WAYNESVILLE, MISSOURI, HIGHWAY H UTILITIES, INC., FOUR J LAND AND CATTLE COMPANY, AND JAMES JERRY LAUGHLIN, JR., FOR THE ACQUISITION BY THE DISTRICT OF THE NORTHERN HEIGHTS AND THE HIGH POINT WASTEWATER SYSTEMS; AUTHORIZING THE CHAIRMAN AND OTHER DISTRICT OFFICIALS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND TO TAKE ALL ACTION NECESSARY, TO COMPLETE AND PERFORM SAID AGREEMENT; AND FIXING AN EFFECTIVE DATE.

WHEREAS, Highway H Utilities, Inc. ("Highway H"), has developed, and operates as a regulated water and sewer corporation, facilities in an area of Pulaski County, Missouri, to include water and wastewater systems known as the "Northern Heights Water & Wastewater System" and the "High Point Water & Wastewater System," some parts of which are situated on real property owned by Highway H, some parts of which are situated on real property owned by Four J Land and Cattle Company ("Four J"), and some parts of which are situated on real property owned by James Jerry Laughlin, Jr. ("Laughlin"); and

WHEREAS, the Pulaski County Sewer District Number 1 ("District") is a body corporate politic, organized and existing under the constitution and the laws of the State of Missouri with all the requisite power necessary to enter into a transaction to acquire the wastewater systems serving the Northern Heights and High Point subdivisions; and

WHEREAS, the District is a political subdivision and a Chapter 204 RSMo statutory sewer district organized and existing under the constitution and the laws of the State of Missouri with all the requisite power necessary to enter into a transaction to acquire the wastewater systems serving the Northern Heights and High Point subdivisions; and

WHEREAS, Highway H, Four J and Laughlin desire to sell all the assets, property and real estate connected with the Northern Heights and High Point water and wastewater systems; and

WHEREAS, the City desires to purchase all of the assets, property and real estate connected with the Northern Heights and High Point water systems; and

WHEREAS, the District desires to purchase all of the assets, property and real estate connected with the Northern Heights and High Point wastewater systems; and

WHEREAS, the parties have reached an understanding with respect to the sale by Highway H, Four J and Laughlin, and the purchase by the City and the District, of all of the Northern Heights and High Point water and wastewater systems, respectively; and

WHEREAS, the Board of Trustees of the District has determined that the terms and conditions of a proposed Agreement by and between the District, the City of Waynesville, Missouri, Highway H Utilities, Inc., Four J Land and Cattle Company, and James Jerry Laughlin, Jr., providing for the purchase by the District of the Northern Heights and High Point wastewater systems, serve the interests of the District.

Appendix D

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE PULASKI COUNTY SEWER DISTRICT NUMBER 1 AS FOLLOWS:

Section 1. The Board of Trustees hereby approves, in form and content, an Agreement for the purchase by the Pulaski County Sewer District Number 1 of the wastewater systems serving the Northern Heights and High Point subdivision, by and between said District, the City of Waynesville, Missouri, Highway H Utilities, Inc., Four J Land and Cattle Company, and James Jerry Laughlin, Jr., to be executed by said parties. A true and accurate copy of said Agreement is attached hereto and incorporated herein by reference.

Section 2. The Board of Trustees does hereby authorize the Chairman of the Pulaski County Sewer District Number 1 to sign and execute said Agreement on behalf of the Pulaski County Sewer District Number 1, and does hereby otherwise authorize the Chairman and other District officials to take any and all necessary steps or measures to fully implement said Agreement.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, but the authority to be conferred hereby shall be effective only upon the passage of a duly enacted Ordinance of the City of Waynesville, Missouri, approving and authorizing the execution of said Agreement.

First and Second Reading

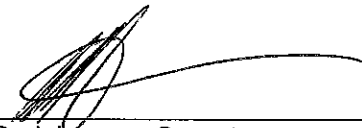
ROLL CALL VOTE:	AYE	NAY	ABSENT
GARY PORTER, Chairman	✓	_____	_____
CARL JENSEN, Trustee	✓	_____	_____
DANIEL WOGAN, Trustee	✓	_____	_____
TOM MILLS, Trustee	✓	_____	_____
LARRY HELMS, Trustee	✓	_____	_____

READ TWO TIMES, PASSED AND APPROVED THIS 19 DAY OF September 2017.



Gary Porter, Chairman

ATTEST:



Carl Jensen, Secretary