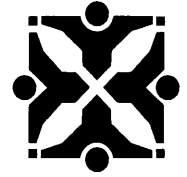


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 169-15

Department Source: Water & Light

To: City Council

From: City Manager & Staff

Council Meeting Date: 6/15/2015

Re: Havens Rd. and Wilderness Way Area Customer Transfer Agreement with Consolidated Public Water Supply District No. 1

Documents Included With This Agenda Item

Council memo, Exhibits to Resolution/Ordinance, Transfer Agreement, Quit-Claim Deed, Bill of Sale
Supporting documentation includes: Maps

Executive Summary

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute the Havens Road and Wilderness Way Area Customer Transfer Agreement with Consolidated Public Water Supply District No. 1 (CPWSD #1). As in the included map, the City water service area includes part of the Havens Rd. and Wilderness Way Area. CPWSD #1 is currently purchasing water from the City to serve 2 CPWSD#1 customers and has requested to transfer these customers to City water service in accordance with provisions of paragraph 9 of the 1998 Territorial agreement.

Discussion

The City water service area includes part of the Havens Road and Wilderness Way Area as defined in the 1998 Territorial Agreement with CPWSD #1. CPWSD #1 is currently purchasing water from the City to serve 2 customers within their service territory and has requested to transfer these customers to City water service in accordance with provisions of paragraph 9 of the 1998 Territorial agreement. As part of the agreement the residential water meters will be replaced with city owned meters, all CPWSD #1 owned water mains, fire hydrants and other appurtenances will be transferred to the City for perpetual maintenance and upkeep, and all existing easements of record granted to CPWSD #1 will be quit claim deeded to the City of Columbia.

Fiscal Impact

Short-Term Impact: Meter transfers

Long-Term Impact: Future maintenance

Vision, Strategic & Comprehensive Plan Impact

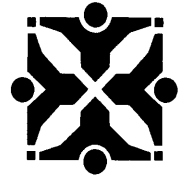
Vision Impact: Not Applicable

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Infrastructure

City of Columbia

701 East Broadway, Columbia, Missouri 65201



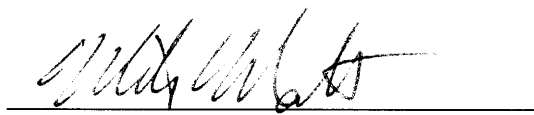
Suggested Council Action

That Council authorize the City Manager to execute the Havens Rd. and Wilderness Way Area Customer Transfer Agreement with Consolidated Public Water Supply District No. 1

Legislative History

None


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 169-15

AN ORDINANCE

authorizing the Havens Drive and Wilderness Way Area customer transfer agreement with Consolidated Public Water Supply District No. 1 of Boone County, Missouri; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute the Havens Drive and Wilderness Way Area customer transfer agreement with Consolidated Public Water Supply District No. 1 of Boone County, Missouri. The form and content of the agreement shall be substantially in the same form as set forth in "Attachment A" attached hereto.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

HAVENS DRIVE & WILDERNESS WAY AREA CUSTOMER TRANSFER AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2015, between the CITY OF COLUMBIA, MISSOURI ("City") and CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 1 of Boone County, Missouri ("District").

WHEREAS, City and District entered into a Territorial Agreement on August 6, 1998 which was approved by the Missouri Public Service Commission on January 26, 1999; and

WHEREAS, under the Territorial Agreement, the water service area of the City includes the Wilderness Way and Havens Drive area which is located north of Brown School Road and west of Clearview Road; and

WHEREAS, the District currently provides water service to the customers located on Wilderness Way and Havens Drive area who are listed on Exhibit "A" attached hereto; and

WHEREAS, the aforesaid customers of the District are served with water through water lines shown on Exhibit "B" attached hereto; and

WHEREAS, the parties desire to agree pursuant to the provisions of paragraph 9 of the Territorial Agreement to transfer the customers listed on Exhibit "A" attached hereto from the District to the City.

NOW, THEREFORE, the parties agree as follows:

1. That the water customers of the District listed on Exhibit "A" attached hereto shall be allowed to receive water service from the City.
2. That as soon as the City has water service available to serve the water customers listed on Exhibit "A" attached hereto the parties shall perform as follows:
 - a) District shall execute and deliver to City the original copy of the Quit Claim Deed attached hereto as Exhibit "C."
 - b) District shall execute and deliver to City the original copy of the Bill of Sale attached hereto Exhibit "D."
3. That as soon as the documents referred to in paragraph 2 above have been executed and delivered the City shall connect its water service to the water service facilities of the customers listed on Exhibit "A" attached hereto and the District shall discontinue serving said customers.
4. This Agreement shall be binding upon the undersigned and our successors and assigns.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
MIKE MATTHES, City Manager

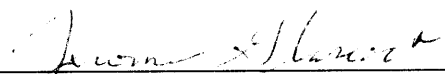
ATTEST:

SHEELA AMIN, City Clerk

APPROVED AS TO FORM:

NANCY THOMPSON, City Counselor

CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT
NO. 1 OF BOONE COUNTY, MISSOURI

BY:  _____
JEROME GLASCOCK, President

ATTEST:



JANET SEARS, Clerk

Exhibit "A"

Havens Rd. & Wilderness Way Customer Information

Gary Wright
5650 Wilderness Way
Columbia, MO 65202

Fred Carter
5620 Wilderness Way
Columbia, MO 65202

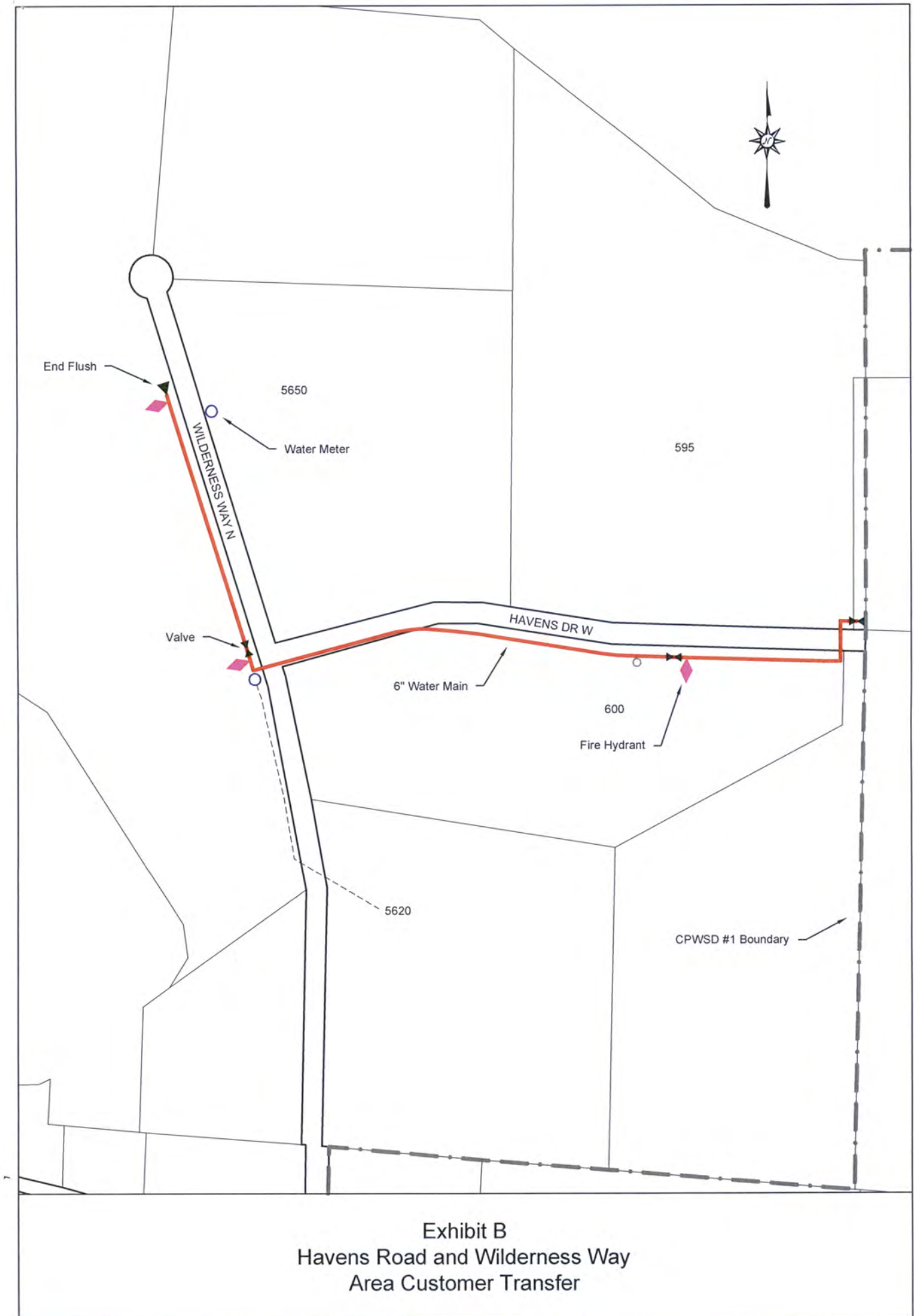


Exhibit B
Havens Road and Wilderness Way
Area Customer Transfer

EXHIBIT "C"

QUIT-CLAIM DEED (By a Corporation)

THIS INDENTURE, made this ____ day of _____, 2015, by and between

CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 1 OF BOONE COUNTY, MISSOURI,
a public corporation

a corporation of the State of Missouri, Party of the First Part, Grantor, and

CITY OF COLUMBIA, MISSOURI, a municipal corporation

Party of the Second Part, of Boone County, State of Missouri, Grantee. Grantee's mailing address is:
P.O. BOX 6015 COLUMBIA, MO 65205.

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of One Dollar and other valuable consideration paid by the said Party of the Second Part, the receipt of which is hereby acknowledged, and by virtue and in pursuance of a resolution of the Board of Directors of said Party of the First Part, a corporation, does by these presents Remise, Release and forever Quit-Claim unto the said Party of the Second Part, its successors and assigns, the following described Real Estate, situated in the County of Boone and State of Missouri, to-wit:

- a) All of Grantors right, title and interest in and to the Water Line Easement recorded in Book 1271, Page 117, Deed Records of Boone County, Missouri, being located in Section 23, Township 49 North, Range 13 West, Boone County, Missouri.
- b) All of Grantors right, title and interest in and to the Water Line Easement recorded in Book 1867, Page 505, Deed Records of Boone County, Missouri, being located in Section 23, Township 49 North, Range 13 West, Boone County, Missouri.

TO HAVE AND TO HOLD THE SAME with all the rights, immunities, privileges and appurtenances thereunto belonging unto the said Party of the Second Part and its successors and assigns, forever; so

that neither the said Party of the First Part, or its successors, nor any other person or persons for it or in its name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said Party of the First Part has caused these presents to be executed by its President, attested by its Secretary, and its corporate seal hereto affixed, the day and year first above written.

CONSOLIDATED PUBLIC WATER SUPPLY
DISTRICT NO. 1 OF BOONE COUNTY,
MISSOURI

BY: _____
Jerome Glascock, President

ATTEST:

Janet Sears, Clerk

STATE OF MISSOURI)
) SS.
COUNTY OF BOONE)

On this _____ day of _____, 2015, before me appeared Jerome Glascock, to me personally known, who, being by me duly sworn, did say that she is the President of CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 1 OF BOONE COUNTY, MISSOURI, a corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said President acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Columbia, Missouri, the day and year first above written.

Notary Public

My commission expires:

EXHIBIT "D"

BILL OF SALE

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 1 OF BOONE COUNTY, MISSOURI, hereinafter called "SELLER," for a valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby remise, release and forever quit-claim to the CITY OF COLUMBIA, MISSOURI, a municipal corporation, hereinafter called "BUYER," all of SELLER's right, title and interest in and to the following described property, to wit:

All waterlines, water valves and other water service appliances, facilities and accessories (except and excluding water meters which SELLER shall retain) at the locations shown on Exhibit "1" attached hereto.

Dated this ____ day of _____, 2015

CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 1 OF
BOONE COUNTY, MISSOURI, a public corporation

BY: _____
JEROME GLASCOCK, President

ATTEST:

JANET SEARS, Clerk

STATE OF MISSOURI)
) SS
COUNTY OF BOONE)

On this _____ day of _____, 2015, before me appeared Jerome Glascock, to me personally known, who, being by me duly sworn did say that he is the President of Consolidated Public Water Supply District No. 1 of Boone County, Missouri, a public water supply district of the State of Missouri and a public benefit corporation under the laws of the State of Missouri ("the District"), and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and said President acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto affixed my hand and notarial seal at my office in Columbia, Missouri on the day and year hereinabove first written.

My commission expires: _____

Notary Public

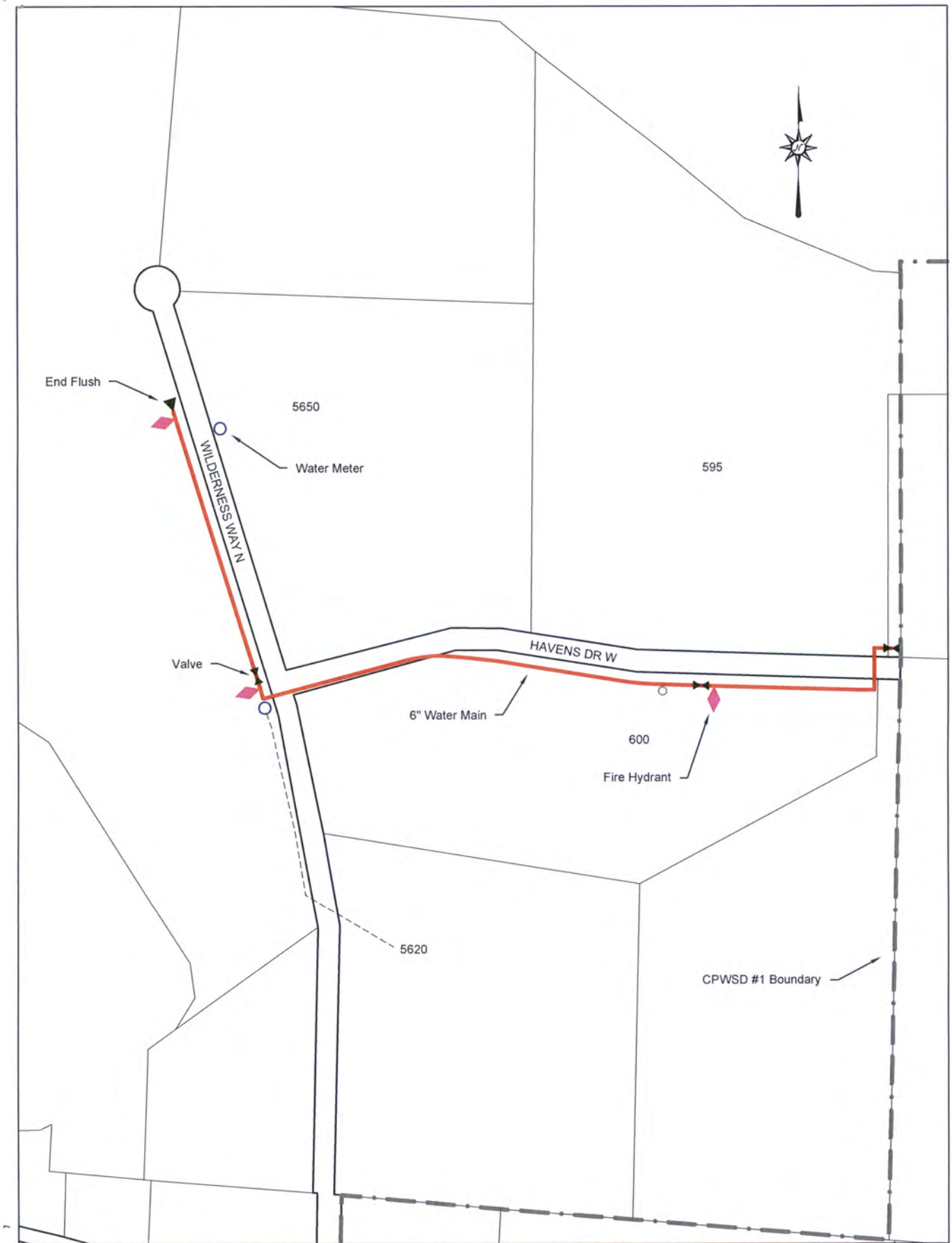
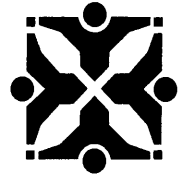


Exhibit 1
Havens Road and Wilderness Way
Area Customer Transfer

City of Columbia

701 East Broadway, Columbia, Missouri 65201



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps



Legend

- Water Territory
- Pressurized Main
 - Pressurized Main Unknown
 - Pressurized Main <4"
 - Pressurized Main 4"-5"
 - Pressurized Main 6"
 - Pressurized Main 8"-10"
 - Pressurized Main 12"-16"
 - Pressurized Main >16"
- Fire Hydrants

