

BILL NO. 1148

RESOLUTION NO. 1148

A RESOLUTION TO HONOR AND CLARIFY THE PREVIOUS HOUSE AND A HALF WATER AGREEMENT BETWEEN THE CITY OF WEST PLAINS AND RICK HOOVER

WHEREAS, the City of West Plains is proposing to install a new water line that will serve the property at 3712 County Road 1710. (EXHIBIT A)

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: That the City of West Plains approves the agreement with Rick Hoover (Exhibit B) that will involve clarifying a previous agreement for the City of West Plains to provide Rick Hoover with "a house and a half" of water for residential use as partial consideration for obtaining utility easements from Rick Hoover.

Section 2: That this Resolution shall be in full force and effect from and after its date of passage and approval.

PASSED AND APPROVED THIS 18TH DAY OF OCTOBER 2021.

CITY OF WEST PLAINS, MISSOURI

BY: Michael Tohliff
MAYOR MICHAEL TOHLIFF

ATTEST:

Allison Skinner
CITY CLERK ALLISON SKINNER

CITY OF WEST PLAINS UTILITY EASEMENT

THIS EASEMENT, made on _____, 2021, by and between **Rick Hoover Properties, LLC**, a Missouri limited liability company, as GRANTOR, and the **City of West Plains**, a municipal corporation in Howell County, Missouri, and its assigns, as GRANTEE (GRANTEE'S mailing address being P.O. Box 710, West Plains, MO 65775, for One Dollar and other valuable consideration, the receipt of which is acknowledged, GRANTOR does by these presents, Grant, Bargain, Convey and Confirm unto GRANTEE a perpetual easement (the Easement), with the right, privilege, and authority to GRANTEE to excavate, place, bury, construct, operate, patrol, inspect, repair, maintain, relocate, and replace on, in, through or under the Easement, all types of utilities including but not limited to water lines, sewer lines, communication lines, electric utility lines and all related facilities. These utilities may include, but are not limited to, pipes, risers, manholes, valves, hydrants, poles, structures, crossarms, guys, anchors, wires, cables, conduits, markers, and other components, devices, or appurtenances. The Easement is on land (the Property) in Howell County, Missouri described as follows:

See Attachment Exhibit A for Legal
Description

UPN: 15310500000803500000, 15310500000902100000,
15310800000001000000

GRANTOR does grant, bargain, convey and confirm to GRANTEE the right of ingress and egress to, from and over the Property and the Easement for doing anything necessary or useful for the operation and maintenance of the utilities placed thereon, and the right to assign or grant partially or wholly to others the rights or license to use all or any part of the Easement for the allowed purposes. GRANTOR covenants that GRANTOR is lawfully seized of an indefeasible estate in fee in the Property; has good right to convey this Easement; and that the Property is free and clear of any encumbrances which will limit or interfere with the rights granted to GRANTEE.

GRANTOR conveys to GRANTEE the right to remove, using any means typically used, including, but not limited to, machinery, cutting, trimming, or chemical means, trees, shrubbery, brush or other vegetation within 20 feet of the centerline of the Easement; and to cut down and remove from time to time all dead, weak, leaning or dangerous trees and other obstructions that are tall enough to strike or endanger the utilities



Rick Hoover
3712 County Road 1710
West Plains, MO 65775
RE: Hoover Agreements

October 14, 2021

The City of West Plains is proposing to install a new water line that will serve the property at 3712 County Road 1710. This new water line will be maintained by the City and new meters will be installed at the House and Old Farmhouse. (Shown on attached map).

Rick Hoover will provide:

- Access to maintain the new water line along with an easement after the line is installed for the as-built location.
- Be responsible for maintenance of the agriculture lines after they have been installed by the City. (Shown in Orange)
- Electric easement from Sunset Terrace to the solar farm. (Perpetual easement)
- Re-sign an electric easement from the well site to solar farm (removing language that specified Hoover family, making it perpetual).

The City will provide:

- Updated Resolution for the Shade agreement with Rick Hoover to say property owner to the west, not just Rick Hoover
- New water line to be maintained by the City. (Shown in Yellow)
 - New meters at the house and old farmhouse. (In Blue)
 - The new meters will be tracked but not charged per this agreement.
 - This is to honor and clarify the previous house and a half agreement between City and Hoover.
 - These meters are strictly for "single-family residential use" as defined by the zoning ordinance for single-family.
 - The City will hire a plumber to reconnect the house and old farmhouse to the new meters.
 - No additional connections will be made or permitted that are not necessary to maintain the plumbing for the sake of this agreement without written approval from the City for the house and a half agreement.
- New water line to be maintained by Rick Hoover referred to as Ag line. (Shown in Orange)
 - Eight (8) additional meters off the new water line for agricultural purposes.
 - These eight (8) meters will provide water at no charge up to 59 million gallons.
 - After the agreed number of gallons is reached then the meters will be charged at the existing CITY rate at that time.
 - Locations to be specified by Rick Hoover on site.
 - The lines to the new meters to be installed by the city.
 - Connections to this Agriculture line are permitted at the expense of Rick Hoover.

After the installation or maintenance of water lines by the City, the City will without delay return the surface of the easement area to the same or comparable condition as existed prior to the installation or maintenance work conducted by the City. All items installed that will not be underground will be installed flush with the ground to allow for mowing.

If all parties understand and agree to this documentation, please sign below.

Thank you,

Agreed to on ____ / ____ / ____

Sam Anselm
City Administrator
(417) 257-0394

Rick Hoover

