

BILL NO. 2079

ORDINANCE NO. 1861

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH MISSOURI-AMERICAN WATER COMPANY FOR THE CONSTRUCTION AND ACCEPTANCE OF WATER MAINS AND RELATED FACILITIES WITHIN THE RIGHT-OF-WAY FOR EDISON AVENUE .

WHEREAS, THF Chesterfield Development, L.L.C. ("THF"), is making roadway improvements identified as the Edison Avenue project; and

WHEREAS, THF is required to install a new water main along Edison Avenue and after completion this water main will be owned by Missouri-American Water Company; and

WHEREAS, THF intends to dedicate this Edison Avenue project to the City of Chesterfield upon completion; and

WHEREAS, the City of Chesterfield permits Missouri-American Water Company to locate its water mains, hydrants and appurtenant facilities in the right-of-way of Edison Avenue and agrees never to charge any permit fees for such water mains, hydrants and appurtenant facilities being located therein; and

WHEREAS, the City of Chesterfield will reimburse Missouri-American Water Company any and all costs associated with the future relocation of the water main, hydrants and appurtenant facilities installed in the Edison Avenue right-of-way under Missouri-American Water Company Agreement dated 2-15-02, under Multi-Task Order 50006734 for the installation of 1,665 feet of water main. The City of Chesterfield will be responsible for obtaining the necessary easements, which must be acceptable to Missouri-American Water Company. Also, the City will be responsible to pay for any and all costs, including condemnation costs, associated with the acquisition of such easements.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:

Section 1. The City Administrator of the City of Chesterfield, is authorized to enter into this agreement with Missouri-American Water Company, for acceptance by the Company of the water mains and related facilities to be installed by THF as part of the Edison Avenue project.

Section 2. The City of Chesterfield permits Missouri-American Water Company to locate its water mains, hydrants and appurtenant facilities in the right-of-way of Edison Avenue and agrees never to charge any permit fee for such water mains, hydrants and appurtenant facilities being located therein.

Section 3. The City of Chesterfield will reimburse Missouri-American Water Company any and all costs associated with the future relocation of the water main, hydrants and appurtenant facilities installed in the Edison Avenue right-of-way under Missouri-American Water Company Agreement dated 2-15-02, under Multi-Task Order 50006734 for the installation of 1,665 feet of water main. The City of Chesterfield will be responsible for obtaining the necessary easements, which must be acceptable to Missouri-American Water Company. Also, the City will be responsible to pay for any and all costs, including condemnation costs, associated with the acquisition of such easements.

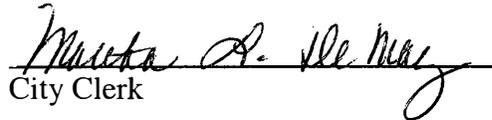
Section 4. In the event the right-of-way of Edison Avenue is ever vacated or abandoned by the City of Chesterfield, the City will be solely obligated to incur any and all costs, including condemnation costs, associated with obtaining easements, which must be acceptable to St. Louis County Water Company d/b/a Missouri-American Water Company, before said right-of-way can be vacated or abandoned.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 15th day of July, 2002.


Mayor

ATTEST:


City Clerk