

RESOLUTION No. 2017-08

A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN APPROVING A MAINTENANCE AGREEMENT BETWEEN THE CITY OF TWIN OAKS AND THE METROPOLITAN ST. LOUIS SEWER DISTRICT

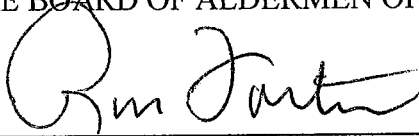
BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby approves, and the Mayor is hereby authorized to enter a Maintenance Agreement Replacement on behalf of the City of Twin Oaks with the Metropolitan St. Louis Sewer District. The replacement Maintenance Agreement shall be in substantially the form of the contract, marked "Exhibit 1" attached hereto and incorporated herein by reference.

Section 2. The Maintenance Agreement Replacement shall take the place of and supersede the Maintenance Agreement dated 6 April 2017.

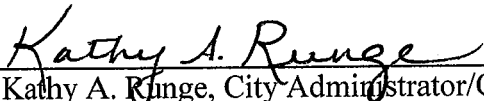
Section 3. This Resolution is adopted and shall be in full force and effect on and after its passage and approval.

THIS RESOLUTION WAS PASSED AND APPROVED THE 2nd DAY OF AUGUST 2017, BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI.



Russ Fortune, Mayor

Attest:



Kathy A. Runge, City Administrator/Clerk

Exhibit 1

Maintenance Agreement (Replacement)

DOCUMENT TYPE: Maintenance Agreement Replacement

DATE OF DOCUMENT:

GRANTOR: City of Twin Oaks
1381 Big Bend Road
Twin Oaks, MO 63021

GRANTEE: Metropolitan St. Louis Sewer District
2350 Market Street
St. Louis, MO 63103

PROPERTY ADDRESS: 1381 Big Bend Road
Twin Oaks, MO 63021

COUNTY LOCATOR#: 24Q310381

CITY OF ST. LOUIS PARCEL#: N/A

CITY/MUNICIPALITY: City of Twin Oaks

LEGAL DESCRIPTION: Lot 1 of the Twin Oaks Center Subdivision, According to the Plat Therefore Recorded in Plat Book 352 Page 889 of the St. Louis County Records in St. Louis County, Missouri.

MAINTENANCE AGREEMENT (REPLACEMENT)

KNOW ALL MEN BY THESE PRESENTS, that the City of Twin Oaks, a Missouri Corporation, for and in consideration of the approval of sewer plans and of the issuance of a sewer permit by The Metropolitan St. Louis Sewer District for storm water management facilities according to plans to be approved by said District for a development known as BIG BEND NE CORNER OF 141 (VILLAGE CENTER SITE IMPROVMENTS – 1381 BIG BEND) (P-00314045-01 in Twin Oaks, Missouri, at Lot 1 of the Twin Oaks Center Subdivision, According to the Plat Therefore Recorded in Plat Book 352 Page 889 of the St. Louis County Records in St. Louis County, Missouri, and other good and valuable considerations, do hereby agree and promise, as follows:

1. To build and construct stormwater management facilities, including Best Management Practices (BMP), basins, drainage facilities, appurtenances and sewer lines, in accordance with the design, plans dated 07/11/17 and report dated 07/11/17 (hereinafter “stormwater management facilities”), submitted to and approved by The Metropolitan St. Louis Sewer District (hereinafter “stormwater management facilities”) on 07/13/2017. The stormwater management facilities are to be perpetually located within the dimensioned and reserved area, as shown hachured on the exhibit “A” as attached hereto and made a part hereof. Certain existing reserved area(s), shown and so labeled on attached exhibit “A”, are hereby eliminated and are no longer required for BMP’s.
2. To maintain and operate the stormwater management facilities in conformity with the approved Stormwater Management Facilities Report.
3. To maintain all pipes and drains in good working order and maintain all walls, dikes, vegetation, filter media, and any other requisite appurtenances and improvements for the retention and management of stormwater in good repair.
4. That in the event the City of Twin Oaks or its successor in title to said property shall fail to maintain the stormwater management facilities, BMP, basins, drainage facilities, appurtenances and sewer lines in accordance with this agreement, The Metropolitan St. Louis Sewer District shall be permitted to enter onto the property and make the repairs and corrections and perform such maintenance as it deems necessary and bill the owners of said property for the services performed.

5. This agreement is irrevocable and shall continue forever unless notified in writing by the Metropolitan St. Louis Sewer District whose consent to modification shall not be unreasonably withheld.
6. This agreement will replace and revoke in its entirety the maintenance agreement recorded under D.B. 22480, PG 2854-2859 pursuant to paragraph 5 of that maintenance agreement.
7. The individual and any organization executing this document represent and warrant that the individual and as applicable the organization are fully authorized to do so.

Execution by Electronic Signature, Telefax or Electronic Transmission. The parties agree that they will be bound by an electronic sound, symbol or process, executed or adopted by the party with the intent to sign the document. This document may be executed by telefax, or by electronic mail as a portable digital format (.pdf) document, either of which shall constitute an original signature for all purposes.

Reproduction of Document. This document may be stored &/or reproduced by each party by electronic format in lieu of an original.

IN WITNESS WHEREFORE, the said City of Twin Oaks has caused these presents to be signed by its _____ and its corporate seal to be affixed this _____ day _____, 20_____.

BY _____
(Signature)

(Print Name and Title)

ATTEST:

(Signature)

(Print Name and Title)

STATE OF MISSOURI)
)
CITY OF ST. LOUIS) SS.
)
COUNTY OF ST. LOUIS)

On this _____ day of _____, 20_____ before me appeared _____ to me personally known, who being by me duly sworn, did say he is _____ of City of Twin Oaks and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation and that said Corporation by authority of its Board of Directors, and said _____ 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 notarial seal, the day and year first above written.

My Commission expires _____

Act performed in the County of St. Louis which adjoins the City of St. Louis.

Notary Public

IN WITNESS WHEREOF, the parties hereto have duly executed these presents to be signed by the Director of Engineering for The Metropolitan St. Louis Sewer District.

THE METROPOLITAN ST. LOUIS SEWER DISTRICT

By _____
Richard Unverferth
Director of Engineering

STATE OF MISSOURI)
) SS.
_____ OF ST. LOUIS)

On this _____ day of _____, 20____, before me personally appeared Richard Unverferth to me personally known, who being by me duly sworn, did say that he is the Director of Engineering, of THE METROPOLITAN ST. LOUIS SEWER DISTRICT and that said instrument was signed and sealed in behalf of said THE METROPOLITAN ST. LOUIS SEWER DISTRICT by authority of its Board of Trustees and said Richard Unverferth acknowledged said instrument to be the free act and deed of said THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 20____.

My Commission expires _____.

Notary Public

