

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE SEWER SERVICES AND EXCLUSIVE TERRITORIAL AGREEMENT WITH THE TANEY COUNTY REGIONAL SEWER DISTRICT, THE TANEY COUNTY COMMISSION AND THE CITY OF BRANSON.

WHEREAS, in October of 2006, Sewer Services and Exclusive Territorial Agreement was completed with the Taney County Regional Sewer District, the Taney County Commission and the City of Branson; and

WHEREAS, the City of Branson committed to allow any structure in existence on October 3, 2006, that was shown to be served by the original Burns and McDonnell design, as amended by Archer and approved by the District and the Taney County Commission to be entitled to connect to the Bee Creek collection system and should not be subject to City capacity fees (connection fees) if said structure was connected to the Bee Creek Sewer collection system within (6 months) after the commencement of operation of that sewer collection line; and

WHEREAS, due to unforeseen circumstances with the weather conditions of early 2008 and for good and valuable consideration the parties agree to amend the period of time for connection without capacity fees (connection fee) from six (6) months to nine (9) months after the commencement of operation of that sewer collection line.

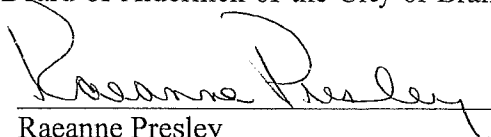
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: The Mayor is authorized to execute an amendment to the Sewer Services and Exclusive Territorial Agreement with the Taney County Regional Sewer District, the Taney County Commission and the City of Branson in substantially the form attached as Exhibit "A".

Section 2: This ordinance shall be in full force and effect from and after its passage and approval.

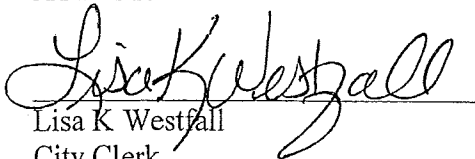
Read this first time on 12th day of May, 2008.

Read this second time, passed, and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this 27th day of May, 2008.



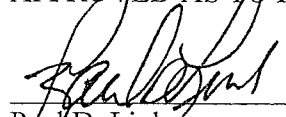
Raeanne Presley
Mayor

ATTEST:



Lisa K. Westfall
City Clerk

APPROVED AS TO FORM:



Paul D. Link
City Attorney

ADDENDUM TO THE AMENDED SEWER SERVICES AND
EXCLUSIVE TERRITORIAL AGREEMENT

Pursuant to Paragraph 15 of the Amended Sewer Services and Exclusive Territorial Agreement dated the 23rd day of October, 2006 by and between the Taney County Commission, the Taney County Regional Sewer District and the City of Branson, the parties to that agreement wish to enter into this addendum to that agreement.

Due to weather conditions during early 2008, the parties wish to amend by this addendum that portion of Paragraph eight (8) of the original Amended Agreement of October 23, 2006 that states as follows:

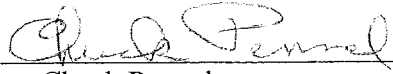
Any structure in existence on October 3, 2006 that was shown to be served by the original Burns and McDonnell design, as amended by Archer and approved by the District, shall be entitled to connect to the Bee Creek collection system and shall not be subject to City capacity fees (connection fee) if said structure is connected to the Bee Creek sewer collection system no later than six (6) months after the commencement of operation of that sewer collection line. Property owners of existing structures that were to be served by the aforementioned design who fail to connect their structure to the system within the allotted six (6) months shall be responsible to pay the capacity (connection) fee provided for in the City of Branson Municipal Code, as amended from time to time.

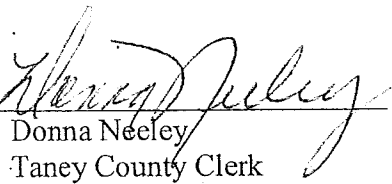
Due to the weather conditions of early 2008 and for good and valuable consideration the parties agree to amend the period of time for connection without capacity fee (connection fee) from six (6) months to an extended nine (9) months and it is agreed that the relevant portion of Paragraph eight (8) shall now read as follows:

*Any structure in existence on October 3, 2006 that was shown to be served by the original Burns and McDonnell design, as amended by Archer and approved by the District, shall be entitled to connect to the Bee Creek collection system and shall not be subject to City capacity fees (connection fee) if said structure is connected to the Bee Creek sewer collection system no later than **nine (9) months** after the commencement of operation of that sewer collection line. Property owners of existing structures that were to be served by the aforementioned design who fail to connect their structure to the system within the allotted **nine (9) months** shall be responsible to pay the capacity (connection) fee provided for in the City of Branson Municipal Code, as amended from time to time.*

IN WITNESS WHEREOF, the parties have caused this Addendum to the Amended Sewer Services And Exclusive Territorial Agreement to be signed by their duly authorized representatives, the day and year set forth below.

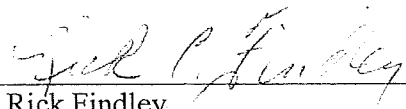
TANEY COUNTY COMMISSION

BY: 
Chuck Pennel
Presiding Commissioner

Attest: 
Donna Neeley
Taney County Clerk

CERTIFICATION OF TANEY COUNTY ACCOUNTING OFFICER

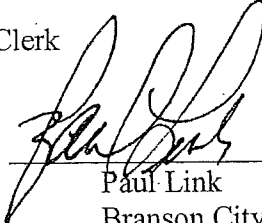
The undersigned, as Budget Officer and Accounting Officer for the County of Taney, State of Missouri, hereby certifies, pursuant to Section 50.660 RSMo, that there is a balance otherwise unencumbered in the county treasury to the credit of the appropriation to which the financial obligation imposed upon the county by this Agreement is to be charged, and there is a cash balance otherwise unencumbered in the county treasury to the credit of the fund from which payment is to be made, when taken together with expected revenues from the sewer sales tax, each sufficient to meet the obligation, if any, incurred by this Addendum to the Amended Sewer Services and Exclusive Territorial Agreement with the City of Branson, Missouri and the Taney County Regional Sewer District.

BY: 
Rick Findley
Taney County Auditor

CITY OF BRANSON, MISSOURI

By: _____
Rae Anne Presley
Mayor, City of Branson, Missouri

Attest: _____
Lisa Westfall
Branson City Clerk

Approved as to form:  _____
Paul Link
Branson City Attorney

TANEY COUNTY REGIONAL SEWER DISTRICT

By: _____
William Cummings
Chairman, Board of Trustees

Attest: _____
Susie Braden
Secretary, Board of Trustees

STATE OF MISSOURI)
) ss.
COUNTY OF TANEY)

On this ____ day of April, in the year 2008, before me
_____, a Notary Public in and for said state, personally
appeared, _____, Chairman of the Board of the Taney
County Regional Sewer District, known to me to be the person who executed the within
Addendum to the Amended Sewer Services and Exclusive Territorial Agreement and
acknowledged to me that he executed the same by the authority of the said Board for the
purposes therein stated.

Notary Public

My Commission Expires: