BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Joint Application of Missouri-American Water Company and DCM Land, LLC, for a Variance from the Company's Tariff Provisions Regarding the Extension of Company Mains	))))	**File No. WE-2021-0390**

ORDER DIRECTING NOTICE, SETTING TIME FOR INTERVENTION AND RESPONSES, AND DIRECTING A STAFF RECOMMENDATION

Issue Date: May 11, 2021 Effective Date: May 11, 2021

On May 6, 2021, Missouri-American Water Company (MAWC) and DCM Land, LLC (collectively referred to as the "Joint Applicants") filed an application for a variance from provisions of MAWC's tariffs with regard to the connection time and funding percentage for an extension of MAWC's water main into the Cottleville Trails development. The development is located in St. Charles County, Missouri, in the City of Cottleville. The Joint Applicants request a variance from parts of PSC MO No. 13, 1st Revised Sheet No. R 48, Rule 23A.2. and 3.

The variance requested would require a guarantee that water service connections on a new main will be established within 120 days, and that applicants for a main extension will fund 95% of the extension. Further, the Joint Applicants request a variance that allows for a connection guarantee within five years of MAWC accepting the main and determines it is ready for service, and request the applicant for the main extension fund only 86% of the extension. In addition, the Joint Applicants request a waiver of the Commission's 60-day notice requirement in 20 CSR 4240-4.017(1).

The Commission will direct notice of the application and will set a date for intervention requests and responses to the application. The Commission will also direct the Staff of the Commission to file a recommendation.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send a copy of this order to: Board of Alderman of Cottleville, Missouri; County Commission of St. Charles County, Missouri; and the Board of Directors for Public Water Supply District No. 2 of St. Charles County, Missouri.

2. The Commission's Public Policy and Outreach Department shall make this notice available to the media serving St. Charles County, Missouri, and to members of the General Assembly serving St. Charles County, Missouri.

3. Any person or entity wishing to intervene shall file an application to intervene no later than June 7, 2021.

4. Any objections or responses to the application shall be filed no later than June 14, 2021.

5. Staff shall file a recommendation or a status report stating when it expects to file its recommendation no later than June 14, 2021.

6. This order is effective when issued.

BY THE COMMISSION

Morris L. Woodruff
Secretary

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,
on this 11th day of May, 2021.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Joint Application of Missouri-American Water Company and DCM Land, LLC, for a Variance from the Company's Tariff Provisions Regarding the Extension of Company Mains.	)))))	**File No. WE-2021-_____**

JOINT APPLICATION FOR VARIANCE
AND MOTION FOR WAIVER

COME NOW Missouri-American Water Company ("MAWC" or "Company") and DCM Land, LLC ("DCM Land"), known together herein as "Joint Applicants," and pursuant to 20 CSR 4240-2.060(4) and 20 CSR 4240-4.017(1)(D), state as follows to the Missouri Public Service Commission (the "Commission"):

BACKGROUND INFORMATION

1. The Joint Applicants are filing this *Joint Application for Variance and Motion for Waiver* ("*Joint Application*") seeking a variance from the MAWC's Commission-approved Tariff Sheet, 1st Revised Sheet No. R 48, Rule 23 Extension of Company Mains, A.2. and 3., for good cause, to allow changes to the connection time and funding percentage requirements for new applicants that will connect to an extension of MAWC's water main into the Cottleville Trails development, located in Cottleville, Saint Charles County, Missouri, as legally described in **Appendix B** ("Cottleville Trails") and depicted in **Appendix C**. The Joint Applicants also request a waiver of the notice requirement in Commission Rule 20 CSR 4240-4.017 that requires sixty (60) days' notice prior to the filing of a case.

2. DCM Land is currently developing Cottleville Trails for residential use. 354 single family residences, and 175 apartment units are planned for the initial development ("Phase 1"). 217 additional attached, single family residences are planned for future development ("Phase 2").

20 CSR 4240-2.060 (1)(A) through (M)
GENERAL APPLICATION REQUIREMENTS

3. MAWC is a Missouri corporation, active and in good standing with the Missouri Secretary of State, with its principal office and place of business at 727 Craig Road, St. Louis, Missouri 63141. Pursuant to Commission regulation 20 CSR 4240-2.060(1)(G), MAWC incorporates by reference the certified copies of its articles of incorporation and its certificate of good standing previously filed in File No. WO-2020-0190.

4. MAWC currently provides water service to the public in and around the cities of St. Joseph, Joplin, Brunswick, Mexico, Warrensburg, Parkville, Riverside, Jefferson City, and parts of Cole, St. Charles, Warren, Jefferson, Morgan, Pettis, Benton, Barry, Stone, Greene, Taney, Christian, Clay, Ray, and Platte Counties, and most all of St. Louis County, Missouri. MAWC currently provides water service to approximately 470,000 customers. MAWC provides sewer service to approximately 15,000 customers in Callaway, Jefferson, Pettis, Cole, Morgan, Platte, Taney, Stone, Christian, St. Louis, Clinton, Clay, Ray, and Warren Counties, Missouri. MAWC is a "water corporation," a "sewer corporation" and a "public utility" as those terms are defined in Section 386.020 and is subject to the jurisdiction and supervision of the Commission as provided by law. MAWC has no overdue Commission annual reports or assessment fees. Other than proceedings before this Commission, there is no pending action or final unsatisfied judgment or decision against MAWC from any state or federal agency or court which involves customer service or rates, which action, judgement or decision has occurred within three years of the date of this *Joint Application.*

5. DCM Land is a Missouri limited liability company and listed as active with the Missouri Secretary of State. DCM Land's principal office and place of business is 5731

Westwood, St. Charles, Missouri, 63304. As already described above, DCM Land develops real estate projects in the St. Charles County area.

6. Communications respecting this *Joint Application* should be addressed to the undersigned counsel and:

for **Missouri-American Water Company**:

Derek Linam
Manager Engineering
Missouri-American Water Company
727 Craig Road
Creve Coeur, Missouri 63021
Cellular – 314-486-0508
Derek.linam@amwater.com

for **DCM Land, LLC:**

Jeffrey D. Kolb
Manager
DCM Land, LLC
5731 Westwood
St. Charles, MO 63304
Cellular - (314) 575-5998
jdkolb@kolbgrading.com

7. Verifications in support of this *Joint Application* by authorized individuals for MAWC and DCM Land are attached hereto as **Appendix A**.

VARIANCE FROM TARIFF PROVISIONS

8. Commission Rule 20 CSR 4240-2.060(4) allows applicants to request a variance from tariff provisions. To request a variance, applications must contain the following information:

(A) Specific indication of the statute, rule, or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and,

(C) The name of any public utility affected by the variance or waiver.

See Commission Rule 20 CSR 4240-2.060(4). The Joint Applicants provide the required information in the following paragraphs.

9. The Joint Applicants request a variance from PSC MO No. 13, 1st Revised Sheet No. R 48, Rule 23A.2. and 3., and, specifically as to the tariff language in bold shown below:

> 2. The Company will be responsible for all main extensions where the cost of the extension does not exceed four (4) times the estimated average annual revenue from the new Applicant(s) whose service pipe(s) will immediately be connected directly to the extension and from whom the Company has received application(s) for service upon forms provided by the Company for this purpose. New Applicants shall be those who commit to purchase water service for at least one year, and guarantee to the Company that they will take water service at their premises within **one hundred twenty (120) days** after the date the Company accepts the main and determines it ready for Customer service. Estimates of annual revenue will be made by the Company, and will be based on the experience of the Company from the previous year regarding use of water by other Customers similarly situated.
>
> 3. If the estimated cost of the proposed extension required in order to furnish general water service exceeds four (4) times the Company's estimate of average annual revenue from the new Applicant, the Applicant and Company shall fund the remaining cost (i.e., total cost less four (4) times the estimated average annual revenue from any new Applicant(s)) of the proposed water main extension **at a ratio of 95:5 (i.e., 95% Applicant funded and 5% Company funded) for St. Louis Metro District**, and 86:14 (i.e., 86% Applicant funded and 14% Company funded) for all other districts.

10. The Joint Applicants also request a variance from PSC MO No. 13, 1st Revised Sheet No. R 51, Rule 23C.6, and, specifically as to the tariff language in bold shown below:

> 6. Upon completion of the Main Extension, and prior to acceptance of the extension by the Company, the Applicant will provide to the Company a final statement of Applicant's costs to construct such extension. The final statement of costs will be added to the actual costs for Company to provide services as per the Developer Lay Proposal. Upon acceptance of the main extension, the Company will then issue payment to the Applicant of **five percent (5%) (for St. Louis Metro District contracts) and fourteen percent (14%) (for all other district contracts)** of the total, final costs that exceed four (4) times the estimated average annual revenue pursuant to Provision A.2 and 3., above. The Company will adjust its payment based on the shortfall or excess of the difference between the actual

Developer Lay costs and the Developer Lay Proposal payment made by the Applicant pursuant to Provision C.5., above.

11. The Joint Applicants further request the Commission approve that any Main Extension Contract, as referenced in PSC MO No. 13, 1st Revised Sheet No. R 51, Rule 23C.4. to be entered into with DCM Land for Cottleville Trails reflect the variances granted pursuant to this Joint Application.

12. The Joint Applicants request the Commission allow a variance from the definition of new applicants provided in Rule 23A.2, specifically, an increase of the one hundred twenty (120) days currently provided by the tariff. The Joint Applicants request the Commission allow the estimated average annual revenue from new Applicant(s) for Cottleville Trails to be calculated using "…those who commit to purchase water service for at least one year, and guarantee to the Company that they will take water service at their premises within **five (5) years** after the date the Company accepts the main and determines it ready for Customer service."

13. Further, the Joint Applicants request the Commission allow a variance from the 95:5 funding ratio for the St. Louis Metro District provided in Rule 23A.3 and 23 C.6., and allow use of the 86:14 (i.e., 86% Applicant funded and 14% Company funded) ratio, for Cottleville Trails.

14. The Joint Applicants believe good cause exists to allow the requested variances from the one hundred twenty (120) day requirement and 95:5 funding ratio in Rules 23A.2. and 3. and 23 C.6, respectively, for Cottleville Trails, because: (i) Phase 1 will have 519 homes (i.e., 354 single family residences and 175 apartments), and the build-out of a development of such magnitude may not reasonably be expected to occur in 120 days, but is reasonably anticipated to occur over a 5-year period; and, (ii) Phase 2 will have an estimated additional 217 homes, and the

build-out of a development of such magnitude similarly may not reasonably be expected to occur in 120 days, but is reasonably anticipated to occur over a 5-year period.

15. DCM Land further believes that good cause exists to allow the requested variances from the one hundred twenty (120) day requirement and 95:5 funding ratio in Rules 23A.2. and 3. and 23 C.6, respectively, for Cottleville Trails, because Cottleville Trails is located within the jurisdictional boundaries of Public Water Supply District No. 2 – so that, but for the territorial agreement filed between the Public Water Supply District No. 2 and MAWC, pursuant to which such utilities agreed to respective service territories, in Case No. WO-2001-441, which was approved by the Commission on May 15, 2001(the "Territory Agreement"), for which DCM Land and its predecessors in interest received no notice, Cottleville Trails could be served by Public Water Supply District No. 2 and DCM Land would not be required to construct the water system in the development at its cost and contribute it to MAWC without a reasonable opportunity to recover the cost thereof, as will occur if the relief requested herein is not granted. Without the relief requested herein, the combination of the Territory Agreement and MAWC's tariff will have the unconstitutional, and presumably unintended, consequences of creating a taking of DCM Land's property interest without just compensation and require either DCM Land to pay significantly higher development costs, and/or the home buyers in Cottleville Trails subdivision to pay higher costs for their homes, than would result if water service were provided by Public Water District No. 2.

16. Since this is a MAWC-specific tariff, and Cottleville Trails is within MAWC's service territory, as agreed by Public Water Supply District No. 2 in the Territory Agreement, no other public utility will be affected by this variance.

MOTION FOR WAIVER FROM 20 CSR 4240-4.017(1)

17. Commission Rule 20 CSR 4240-4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." A notice was not filed 60 days prior to the filing of this *Joint Application*. As such, and to the extent required, MAWC seeks a waiver of the 60-day notice requirement, so as to not further delay the development of Cottleville Trails.

18. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, the Joint Applicants declare (as verified below) that they have had no communication with the Office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record; and that failure to waive the 60 day requirement could result in a delay of the development of Cottleville Trails. Accordingly, for good cause shown, the Joint Applicants move for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this *Joint Application* at this time.

WHEREFORE, having shown good cause for the requested variance, the Joint Applicants request the Commission: (1) approve this *Joint Application* and the request for variance from the specific tariff provisions as described herein; (2) waive the 60-day notice requirement of 20 CSR 4240-4.017(1), and allow this *Joint Application* to serve as notice of the case filing; and (3) grant any other relief deemed appropriate by the Commission under the circumstances.

Respectfully submitted,

//S// Dean L. Cooper
Dean L. Cooper, Mo. Bar #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
dcooper@brydonlaw.com

Timothy W. Luft, Mo. Bar #40506
Corporate Counsel
MISSOURI-AMERICAN WATER COMPANY
727 Craig Road
St. Louis, MO 63141
(314) 996-2279 telephone
(314) 997-2451 facsimile
timothy.luft@amwater.com

ATTORNEYS FOR MISSOURI-AMERICAN WATER COMPANY

/s/Sue A. Schultz
Sue A. Schultz, #37219
Anthony J. Soukenik #34097
600 Washington Ave., 15th Fl.
St. Louis, MO 63101
Telephone: (314) 231-3332
Facsimile: (314) 241-7604
sschultz@sandbergphoenix.com
asoukenik@sandbergphoenix.com

ATTORNEYS FOR DCM LAND, LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 6th day of May 2021, to:

General Counsel's Office
staffcounselservice@psc.mo.gov

Office of the Public Counsel
opcservice@opc.mo.gov

//S// Dean L. Cooper

VERIFICATION

State of Missouri)
) ss
County of St. Louis)

I, Timothy W. Luft, under penalty of perjury, and pursuant to Section 509.030, RSMo, state that I am Vice-Resident – Legal of Missouri-American Water Company, that I am duly authorized to make this affidavit on behalf of MAWC, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my knowledge and belief. Additionally, no representative of MAWC, has had any communication with the office of the Missouri Public Service Commission, as defined in Commission Rule 20 CSR 4240-4.015(10), within the immediately preceding 150 days regarding the subject matter of this Application.

Timothy W. Luft

Appendix A

VERIFICATION

State of Missouri)
) ss
County of ST. CHARLES)

I, Jeffrey D. Kolb, under penalty of perjury, and pursuant to Section 509.030, RSMo, state that I am a Manager of DCM Land, LLC, that I am duly authorized to make this affidavit on behalf of DCM Land, LLC, that I have knowledge of the matters stated herein, and that said matters are true and correct to the best of my knowledge and belief. Additionally, no representative of DCM Land, LLC, has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.

Jeffrey D. Kolb

Appendix A

Water Service Phase 1 Parcel

LAND DESCRIPTION
288.524 ACRES
APRIL 22, 2020
BAX PROJECT NO. 18-17470
JLH

A tract of land being part of Fractional Section 15 and part of U.S. Surveys 57 and 304, Township 46 North, Range 3 East of the Fifth Principal Meridian, City of Cottleville, St. Charles County, Missouri and being more particularly described as follows:

Commencing at the intersection of the West line of Lot B of "SLSG Mid Rivers Boundary Adjustment", a subdivision according to the plat thereof recorded in Plat Book 48, Page 68 of the St. Charles County Records with the North line of property conveyed to The Cottleville Drainage District according to the deed thereof recorded in Book 5147 Page 691 of said Records; thence along the said North line of The Cottleville Drainage District property, South 70 degrees 04 minutes 47 seconds West 683.46 feet; thence leaving the said North line of The Cottleville Drainage District property, South 19 degrees 55 minutes 13 seconds East 100.00 feet to a point, said point being the Northwest corner of property conveyed to COMPP, LP by deed recorded in Book 5563 Page 939 of said Records and the Actual Point of Beginning of the tract of land herein described; thence along the West line of said COMPP, LP property, said line also being the Southeast line of Fractional Section 15, South 43 degrees 11 minutes 46 seconds West 666.60 feet to a point on the South line of said COMPP, LP property, said point also being on the centerline of Original Booneslick Road, unknown width; thence along the said South line of the COMPP, LP property and the centerline of Original Booneslick Road, North 84 degrees 25 minutes 27 seconds East 2950.11 feet to a point; thence leaving the said centerline, South 76 degrees 22 minutes 00 seconds East 29.66 feet to a point in the centerline of Old Dardenne Creek as located during May, 2012 and described in Book 830 Page 650 of said Records; thence along the said centerline of Old Dardenne Creek, the following courses and distances; South 08 degrees 28 minutes 02 seconds West 288.41 feet; South 16 degrees 18 minutes 00 seconds East 35.64 feet; South 14 degrees 12 minutes 03 seconds West 102.30 feet; South 00 degrees 52 minutes 01 seconds West 116.16 feet; South 06 degrees 57 minutes 59 seconds East 76.56 feet; South 18 degrees 42 minutes 04 seconds West 180.17 feet; South 34 degrees 54 minutes 06 seconds West 96.36 feet; South 59 degrees 31 minutes 06 seconds West 106.92 feet; South 41 degrees 51 minutes 06 seconds West 95.70 feet; and South 14 degrees 41 minutes 03 seconds West 145.19 feet to a point on the Northwest line of property conveyed to Dennis Spellmann as Parcel 2 by deed recorded in Book 4769 Page 1455 of said Records, said point also being on the Southeast line of U.S. Survey 304; thence along the said Northwest line of the Spellmann property, South 42 degrees 18 minutes 06 seconds West 1294.78 feet to a point in the said centerline of Old Dardenne Creek; thence along the said centerline of Old Dardenne Creek, the following courses and distances; South 71 degrees 31 minutes 52 seconds West 91.71 feet; South 60 degrees 36 minutes 55 seconds West 177.00 feet; South 72 degrees 16 minutes 27 seconds West 86.23 feet; and South 80 degrees 58 minutes 55 seconds West 96.64 feet

to a point on the West line of the aforementioned Spellmann property; thence along the said West line of the Spellmann property, South 25 degrees 10 minutes 31 seconds East 59.51 feet to a point on the Northwest line of said Spellmann property; thence along the said Northwest line of the Spellmann property and continuing along the Northwest lines of the following properties; conveyed to Gregory M. Kruse by deed recorded in Book 1993 Page 25, Charles A. and Catherine F. Davis by deed recorded in Book 2860 Page 1507, James D. and Charon E. Hullihen by deed recorded in Book 2793 Page 310, Robert W. Donovan by deed recorded in Book 849 Page 127 and James F. and Charlotte Mielziner by deed recorded in Book 1360 Page 1333, all of said Records, South 64 degrees 49 minutes 30 seconds West 1328.66 feet to a point on the East line of property conveyed to Rodriguez Family Trust by deed recorded in Book 6422 Page 1058 of said Records, said point also being on the East line of U.S. Survey 57; thence along the said East line of the Rodriguez Family Trust property and the East line of U.S. Survey 57, North 26 degrees 04 minutes 55 seconds West 298.83 feet to a point on the North Bank of Old Dardenne Creek; thence along the said North Bank, the following courses and distances, South 68 degrees 15 minutes 30 seconds West 207.70 feet; South 29 degrees 13 minutes 17 seconds West 207.63 feet; South 05 degrees 01 minutes 43 seconds West 193.75 feet; South 33 degrees 08 minutes 31 seconds West 137.29 feet; South 54 degrees 09 minutes 14 seconds West 99.38 feet; South 57 degrees 00 minutes 21 seconds West 74.14 feet; South 57 degrees 12 minutes 45 seconds West 269.00 feet; South 78 degrees 42 minutes 48 seconds West 363.94 feet; and South 67 degrees 18 minutes 53 seconds West 3.53 feet to a point on the Northeast right-of-way line of Missouri State Route 364, variable width, as established by the deed recorded in Book 5939 Page 1837 and County Court Case Numbers 1211-CC01033 and 1311-CC00031, and being 161.96 feet perpendicularly distant Northeast of centerline station 10+661.037m; thence along the said Northwest Right-of-way line of Missouri State Route 364, the following courses and distances, North 36 degrees 53 minutes 19 seconds West 181.76 feet; North 36 degrees 53 minutes 14 seconds West 20.71 feet; North 47 degrees 25 minutes 35 seconds West 332.41 feet; North 43 degrees 05 minutes 50 seconds West 331.30 feet; North 43 degrees 30 minutes 16 seconds West 496.08 feet; North 43 degrees 30 minutes 18 seconds West 496.08 feet; North 45 degrees 07 minutes 49 seconds West 986.91 feet; North 36 degrees 33 minutes 10 seconds West 233.00 feet; North 42 degrees 43 minutes 46 seconds West 108.69 feet; North 71 degrees 43 minutes 34 seconds East 73.60 feet; and North 44 degrees 42 minutes 17 seconds West 121.98 feet to a point on the South line of property conveyed to The Cottleville Drainage District according to the deed thereof recorded in Book 5147 Page 691 of said Records, said point also being 252.54 feet perpendicularly distant Northeast of centerline station 9+669.927m; thence along the South line of the The Cottleville Drainage District property, the following courses and distances, North 72 degrees 37 minutes 40 seconds East 307.72 feet; North 72 degrees 26 minutes 53 seconds East 1397.41 feet; North 70 degrees 14 minutes 06 seconds East 400.45 feet; North 70 degrees 52 minutes 11 seconds East 1864.82 feet to the Point of Beginning, containing 288.524 acres.

Appendix B

Water Service Phase 2 Parcel

LAND DESCRIPTION
46.332 ACRES
APRIL 27, 2020
BAX PROJECT NO. 18-17470
JLH

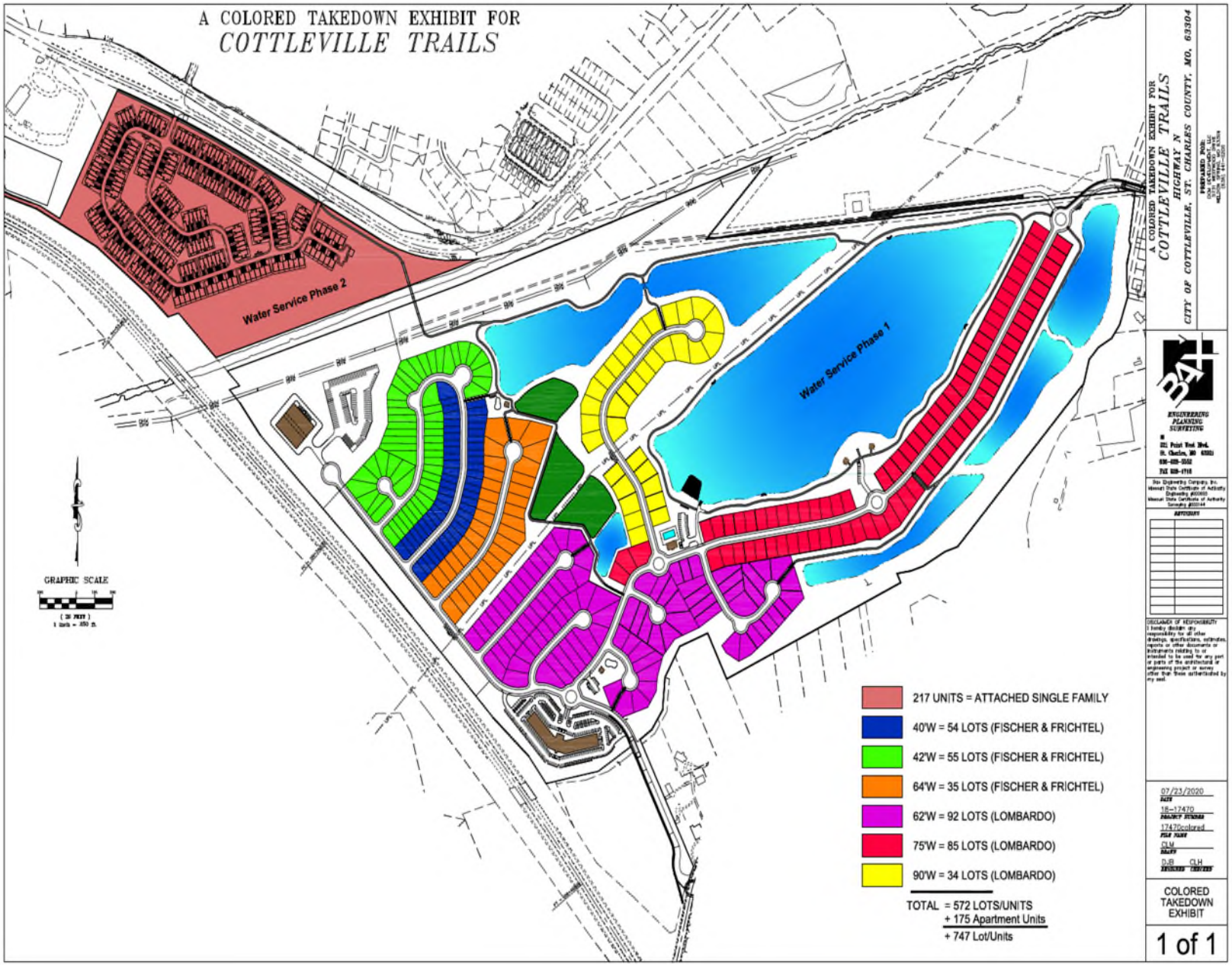
A tract of land being part of Fractional Section 15 and part of U.S. Survey 293, Township 46 North, Range 3 East of the Fifth Principal Meridian, City of Cottleville, St. Charles County, Missouri and being more particularly described as follows:

Beginning at the Southeast corner of Common Ground A of "Legacy at Patriots Ridge", a subdivision according to the plat thereof recorded in Plat Book 49, Pages 301-302 of the St. Charles County Records, said point being on the Northeast right-of-way line of Missouri State Route 364 and being 139.87 feet perpendicularly distant Northeast of centerline station 9+119.583m; thence leaving the said Northeast right-of-way line of Missouri State Route 364 and along the East line of said Common Ground A of "Legacy at Patriots Ridge", North 05 degrees 26 minutes 00 seconds West 26.36 feet to a point on the Southwest line of property conveyed to Presbyterian Church of St. Charles County by deed recorded in Book 3804 Page 1443 of said Records; thence along the said South line of the Presbyterian Church of St. Charles County property, the following courses and distances, South 67 degrees 31 minutes 43 seconds East 62.74 feet; South 72 degrees 27 minutes 16 seconds East 141.52 feet; South 72 degrees 27 minutes 16 seconds East 66.25 feet; South 61 degrees 20 minutes 11 seconds East 156.09 feet to a point on the East line of said Presbyterian Church of St. Charles County property; thence along the East line of said Presbyterian Church of St. Charles County property and continuing along the East line of property conveyed to Grace Presbyterian Church by deed recorded in Book 4451 Page 835, North 27 degrees 53 minutes 37 seconds East 859.42 feet to a point on the South right-of-way line of Missouri State Route N, variable width, as shown on plans obtained from the Missouri Department of Transportation Job Number J6S1988/1952, also as described in Book 5505 Page 282 of said Records, said point being 60.00 feet perpendicularly distant South of Missouri State Route N centerline station 271+53.49; thence along the said South right-of-way line of Missouri State Route N, the following courses and distances; along a curve to the right whose chord bears South 65 degrees 50 minutes 08 seconds East 1031.66 feet and whose radius point bears South 20 degrees 26 minutes 22 seconds West 7940.02 feet from the last mentioned point, an arc distance of 1032.38 feet; South 62 degrees 06 minutes 39 seconds East 982.81 feet; along a curve to the left whose chord bears South 75 degrees 19 minutes 33 seconds East 484.65 feet and whose radius point bears North 27 degrees 53 minutes 22 seconds East 1060.00 feet from the last mentioned point, an arc distance of 488.97 feet; North 89 degrees 08 minutes 42 seconds East 169.09 feet; and North 79 degrees 29 minutes 20 seconds East 51.76 feet, to a point being 65.31 feet perpendicularly distant South of centerline station 298+45.40, said point also being on the North line of property conveyed to The Cottleville Drainage District by deed recorded in Book 5147 Page 691 of said Records; thence along the said North line of The Cottleville Drainage District property, the following courses and distances, South

70 degrees 14 minutes 06 seconds West 159.18 feet; South 72 degrees 26 minutes 53 seconds West 1395.32 feet; and South 72 degrees 37 minutes 40 seconds West 359.25 feet to a point on the aforesaid Northeast right-of-way line of Missouri State Route 364, said point being 255.41 feet perpendicularly distant Northeast of centerline station 9+635.628m; thence along the said Northeast Right-of-way line of Missouri State Route 364, the following courses and distances, North 44 degrees 42 minutes 17 seconds West 365.94 feet; South 73 degrees 25 minutes 56 seconds West 75.02 feet; North 46 degrees 56 minutes 51 seconds West 194.78 feet; North 51 degrees 37 minutes 24 seconds West 449.36 feet; North 61 degrees 47 minutes 23 seconds West 470.08 feet; North 71 degrees 36 minutes 06 seconds West 222.93 feet; and North 68 degrees 52 minutes 48 seconds West 19.93 feet to the Point of Beginning, containing 46.332 acres.

Appendix B

A COLORED TAKEDOWN EXHIBIT FOR
COTTLEVILLE TRAILS



A COLORED TAKEDOWN EXHIBIT FOR
COTTLEVILLE TRAILS
HIGHWAY N
CITY OF COTTLEVILLE, ST. CHARLES COUNTY, MO, 63304

PREPARED FOR:

ENGINEERING
PLANNING
SURVEYING

DISCLAIMER OF RESPONSIBILITY

07/23/2020
DATE

18-17470
PROJECT NUMBER

17470colored
FILE NAME

CLW
DRAWN

DJB CLH
REVISED CHECKED

COLORED TAKEDOWN EXHIBIT

1 of 1

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 11th day of May, 2021.

Morris L. Woodruff
Secretary

Digitally signed by MOPSC
DN: CN=MOPSC, O=MOPSC, OU=[illegible], E=kim.happy@psc.mo.gov, C=US
Reason: I attest to the accuracy and integrity of this document
Location: Cole County, Missouri
Date: 2021.05.11 12:44:16-05'00'
Foxit PhantomPDF Version: 10.1.1

MISSOURI PUBLIC SERVICE COMMISSION

May 11, 2021

File/Case No. WE-2021-0390

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounselservice@psc.mo.gov

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

County of St. Charles, Missouri
County Commission Clerk
201 North Second Street, Room 541
c/o County Registrar
St. Charles, MO 63301
Registrar@sccmo.org

DCM Land, LLC
Sue A Schultz
600 Washington Ave. 15th Floor
St. Louis, MO 63101
sschultz@sandbergphoenix.com

DCM Land, LLC
Anthony J Soukenik
600 Washington Ave., 15th Floor
St. Louis, MO 63101
asoukenik@sandbergphoenix.com

Missouri Public Service Commission
Casi Aslin
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
casi.aslin@psc.mo.gov

Missouri-American Water Company
Dean L Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

Missouri-American Water Company
Timothy W Luft
727 Craig Road
St. Louis, MO 63141
Timothy.Luft@amwater.com

Public Water Supply District No. 2 of St. Charles County
Board of Directors
100 Water Dr.
O Fallon, MO 63366

City of Cottleville
Board of Alderman
5490 Fifth Street
Cottleville, MO 63304

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.