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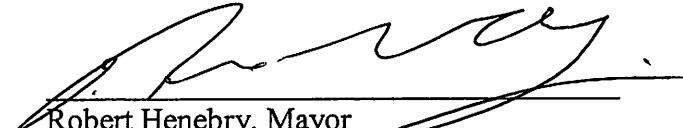
RESOLUTION 2016001
LEGAL SERVICE AGREEMENT

A RESOLUTION AUTHORIZING AND RATIFYING THE EMPLOYMENT OF AN ATTORNEY TO ASSIST IN NEGOTIATING AND CLOSING A LOAN FOR THE FINANCING, CONSTRUCTION, PURCHASING AND OPERATION OF A SEWER SYSTEM, AND SUCH OTHER LEGAL WORK AS MAY BE NEEDED IN CONJUNCTION WITH SAME.

BE IT RESOLVED BY THE BOARD OF HAWK POINT, MISSOURI, AS FOLLOWS:


1. The legal service agreement, a copy of which is annexed and which was heretofore entered into by and between Cynthia Davenport hereinafter referred to as Attorney, and the Board of Aldermen, to furnish advice, consultation, and assistance in the negotiation and closing of a loan for the financing, construction, purchasing, and operation of a sewer system for Hawk Point, and such other legal work as may be needed in connection with same, is hereby adopted in its entirety as a legal service agreement between Attorney and the City of Hawk Point, Missouri, and the City hereby assumes all obligations set out in said written legal service agreement. The compensation to be paid such attorney is at the rate of \$150.00 per hour, plus out-of-pocket expenses and remuneration at the rate of \$.55 per mile for the use of his automobile, not to exceed \$50,000.00.
2. The Mayor is hereby authorized and directed to execute the legal service agreement on behalf of the City.

PASSED by the Board of Aldermen this 2nd day of May, 2016.



Robert Henebry, Mayor

ATTEST:



Samantha Shelton, City Clerk

LEGAL SERVICE AGREEMENT

This Agreement is made this _____ day of _____, 20____, between City of Hawk Point, hereinafter called Owner and Cynthia Davenport, attorney-at-law, of Davenport Law, LLC, hereinafter called Attorney.

Whereas, Owner is intending to finance, construct, purchase and operate a public sewer system, and Attorney agrees to perform all legal services necessary to the financing, construction, purchasing and operation of a public sewer system, such services to include, but not to be restricted to the following:

1. Preparation for and furnishing advice and assistance to Owner in connection with (a) the notice for and conducting the meetings of the governing body; (b) the preparation of all minutes of these meetings; (c) the preparation and enactment of such resolutions or ordinances as may be necessary in connection with the authorization, financing, construction and operation of a public sewer system; (d) the preparation of such affidavits, publication notices, ballots, reports, certifications and other instruments and advice as may be needed in conducting such bond elections as may be necessary; (e) the execution of documents for obtaining a loan made or insured by the United States of America, acting through the United States Department of Agriculture, Rural Development; (f) entering into construction contracts; (g) adoption of resolutions or ordinances containing rules, regulations and rate schedules; (h) such other corporate action as may be necessary in connection with the financing, construction and operation of a sewer system.
2. Review of construction contract, bid-letting procedures, surety and contractual bonds in connection therewith.
3. Preparation or review of all contracts and intergovernmental agreements related to the project.
4. Examination of real estate titles and preparation of right-of-way easements necessary to provide continuous right of way for the sewer system. Obtaining of necessary permits from County, Townships, State, Utility Companies and others with respect to the sewer pipeline crossings or roads, easements, use of ditches for pipeline, etc.
5. Examination of real estate titles and preparation or review of deeds, easements, or other instruments, for sites for source of sewer supply, pumping stations, sewer storage, treatment plants, lagoons and other facilities necessary to the sewer system and recording of the same. Preparation of abstracts of title by an abstract company will be paid for by the owner.



6. Cooperation with the engineer employed by Owner in connection with preparation of easements and other necessary title documents, construction contracts, intergovernmental agreements, health permit, crossing permits and other instruments.
7. Institution and completion of annexation proceedings, when necessary.
8. Assemble and prepare dockets or transcripts of the instruments and proceedings showing the actions taken for financing the sewer system, and obtaining the property and rights of way.
9. Preparation of opinions of counsel as required by Owner or the USDA, Rural Development.
10. When applicable, secure assistance of and cooperation with recognized bond counsel in the preparation of the documents necessary for the financing aspects of the system.

Owner agrees to pay the attorney for professional services at the rate of \$150.00 per hour. Total legal fees under this agreement, including out-of-pocket costs, shall not exceed \$50,000.00 The above hourly rate will not include out-of-pocket costs . Said fees to be payable, upon receipt of itemized statement, in the following manner, and at the following times: Billing every 30 days, due within 60 days. Bills unpaid after 60 days will result in finance charge in the amount of 9% per annum.

This Agreement supersedes and cancels any other contracts or informal arrangements which have been made between Attorney and Owner prior to the execution of this instrument.



Attorney

ATTEST.



Clerk

Owner:



Mayor