

CITY OF LIVERMORE

P. O. Box 279 : Phone (502) 278-2
Livermore, Kentucky 42352

PUBLIC SERVICE COMMISSION
OF KENTUCKY

JAN 17 1989

SETTLEMENT AGREEMENT

PURSUANT TO KRS 5:011,
SECTION 9(1)

BY: Sharon S. Hill
PUBLIC SERVICE COMMISSION MANAGER

This Settlement Agreement made and entered into by and between Amber Henton, individually, the City of Livermore and the North McLean County Water District on this _____ day of September, 1986.

WITNESS: THAT WHEREAS the parties hereto are presently involved in litigation concerning the March 6, 1969 water supply contract executed by the parties; and

WHEREAS the parties have reached an agreement to settle all issues arising out of said litigation and desire to reduce the agreement to writing;

NOW THEREFORE, for the mutual considerations and agreements stated herein, the parties do hereby agree as follows:

1. The North McLean County Water District shall dismiss the Appeal it filed with the Court of Appeals of Kentucky of the Judgment dated March 30, 1985 entered in the case of Amber Henton and the City of Livermore v. North McLean County Water District, being Civil Action No. 78-C1-073 of the McLean Circuit Court. Amber Henton and the City of Livermore shall dismiss their Crossappeal of said Judgment filed with the Court of Appeals of Kentucky. As a result of the dismissals, the March 6, 1969 water supply contract executed by the parties as amended by the Judgment dated September 30, 1985 shall remain in full force and effect until a new contract is agreed to by both parties. Pursuant to the provisions of said contract as amended, the current rate to be charged by the City of Livermore to the North McLean County Water District shall be \$1.42 per thousand gallons.
2. The parties stipulate and agree that the North McLean County Water District is indebted to the City of Livermore for the sum of \$23,185.32 for water sold by the city to the District as of August 1, 1986. The City of Livermore and the North McLean County Water District

shall abide by the Agreed Judgment in favor of the City of Livermore against the North McLean County Water District for said sum in Civil Action 85-41- presently pending in the McLean County Circuit Court until a new contract is executed. The North McLean County Water District shall have the right to discharge said indebtedness by paying the City of Livermore the sum of \$13,185.32 upon execution of this agreement with the balance to be repaid in 10 equal monthly installments of \$1,000.00 payable on the first day of each month commencing on October 1, 1986. No interest shall be paid on the unpaid balance of said Judgment. The City of Livermore will not take any action to collect said Judgment as long as the District makes the payments outlined herein.

3. Each party shall be responsible for the payment of their respective court costs and attorney fees and shall not seek reimbursement thereof from the other party.

4. This agreement constitutes the entire understanding of the parties.

Amber Henton
Amber Henton, individually

PUBLIC SERVICE COMMISSION
OF KENTUCKY
REGULATIVE

City of Livermore

JAN 17 1989

BY: *Amber V. Henton*
Amber V. Henton, Mayor

PURSUANT TO KRS 100.011,
SECTION 9(1)

BY: *George L. Hill*
PUBLIC SERVICE COMMISSION MANAGER North McLean County Water District

Jessie Abney
Commissioner

Gene Huber
Commissioner

Nathel Jennings
Commissioner

STATE OF KENTUCKY)
) SCT.
COUNTY OF M^CLEAN)

The foregoing Settlement Agreement was acknowledged before me
on this 12nd day of September, 1986 by Amber Henton, individually,
and by Amber Henton as Mayor for and on behalf of the City of Livermore,
pursuant to resolution of the City Council of the City of Livermore dated
September 11, 1986.

Theresa M. Hopper

Notary Public, State at Large, Kentucky
My Commission Expires 7/9/89
PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

STATE OF KENTUCKY)
)
COUNTY OF M^CLEAN)

JAN 17 1989

PURSUANT TO KRS 192.011,
SECTION 9 (1)
BY: *Sharon R. Miller*
PUBLIC SERVICE COMMISSION MANAGER

The foregoing Settlement Agreement was acknowledged before
me on this 30 day of September, 1986 by Commissioners Lexie
Hudson, Jessie Abney, and Patkel
James for and on behalf of the North McLean County Water
District, pursuant to resolution approving same dated September 30,
1986.

Cynthia M. Algood
Notary Public, State at Large, Kentucky
My Commission Expires July 9 1989