

AMENDMENT TO AGREEMENT DATED MAY 14, 1992

This Amendment to Agreement (the "Amendment") is entered into as of the 1st day of December, 2008, by and between the City Utility Commission of the City of Owensboro, Kentucky, also known as Owensboro Municipal Utilities (hereinafter "OMU"), of 2070 Tamarack Road, Owensboro, Kentucky 42301, and West Daviess County Water District of 3400 Bittel Road, Owensboro, Kentucky 42301, a water district organized under the provisions of KRS Chapter 74 by order of the Daviess County Fiscal Court (hereinafter "DISTRICT"):

WITNESSETH


WHEREAS, OMU is authorized by the Statutes of Kentucky and/or by the Ordinances of the City of Owensboro, Kentucky, to own, operate, and maintain a water system within and beyond the City limits of Owensboro; and,

WHEREAS, the DISTRICT is organized under the laws of Kentucky and the orders of the Daviess County Fiscal Court to operate a water district for the purpose of supplying water within said DISTRICT; and,

WHEREAS, OMU and the DISTRICT (hereinafter collectively referred to as "Parties") have agreed upon the terms and conditions under which OMU shall sell and the DISTRICT shall purchase water to be distributed by the DISTRICT to its customers; and,

WHEREAS, OMU and the DISTRICT have previously entered into a Contract dated May 14, 1992 (hereinafter "Agreement"), under which the DISTRICT purchases treated water from OMU; and,

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SECTION 9 (1)

By   
Executive Director

WHEREAS, the Parties wish to amend the term of said Agreement by entering into this Amendment.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, it is covenanted and agreed between the parties hereto as follows:

1. ARTICLE II, Section 2.1 is hereby amended to now read as follows:

"2.1 Term

This Agreement shall continue in full force and effect until May 31, 2038, unless sooner terminated under the terms of this Agreement."

2. All other terms to the Agreement dated May 14, 1992 shall remain in full force and effect, except as expressly modified, replaced or eliminated herein.

3. This Amendment shall become effective upon proper execution by both of the Parties and approval of the Amendment by the City of Owensboro.

IN WITNESS WHEREOF, the Parties hereto, acting under the authority of their respective governing bodies, have caused this Amendment to be duly executed in multiple counterparts, each of which shall constitute an original.

OMU:  
OWENSBORO MUNICIPAL UTILITIES

BY: E. Louis Johnson  
E. Louis Johnson  
Chairman

ATTEST:

L. E. Van Meter  
Leslie "Buzz" VanMeter  
Secretary

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By [Signature]  
Executive Director

DISTRICT:  
WEST DAVIESS COUNTY WATER  
DISTRICT

BY:   
A.M. Mike Thompson  
Chairman

ATTEST:

  
Janet R. Murphy  
Secretary

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By   
Executive Director