

**DRAFT**

**Memorandum of Understanding**

Between

The City of Adairsville

OWR, L.L.C.

and

Gordon County, Georgia

This Memorandum of Understanding (MOU) effective June , 2018 sets forth the agreement between the City of Adairsville, OWR, L.L.C. and Gordon County, Georgia to make available sanitary sewer service to property located on Highway 41 South in Gordon County, Georgia.

**Background**

OWR, L.L.C. has purchased property on Highway 41 South located in the Land Lots 174 and 175 of the 15<sup>th</sup> District and 3<sup>rd</sup> section of Gordon County, Georgia. This property includes, but, is not necessarily limited to those parcels described as 31.7 acres according to a survey recorded in Gordon County Plat Book 55 at page 73 and 25 acres according to a survey recorded in Gordon County Plat Book 53 at page 14. The property does not currently have access to sanitary sewer. At the request of OWR, LLC, the City of Adairsville has determined that it can make available access to the City's sewer collection system outlined in the submitted Preliminary engineering schematic design. Subsequent engineering will determine the actual courses, location, meets and bounds of the actual sewer easement and infrastructure.

Before approaching Adairsville, OWR, L.L.C. and Gordon County requested the City of Calhoun to extend sewer service to the property with all costs paid by OWR or Gordon County without the requirement of annexation. Calhoun declined to provide the requested service.

**Purpose**

This MOU is being established to make all parties aware of their respective obligations and responsibilities before a "notice to proceed" is issued on the project.

The City of Adairsville will make available access to The City's sewer collection system to OWR, LLC and its successors and assigns as their interests may appear according to its established rates and terms.

Gordon County consents to allow the City of Adairsville to extend its sewer service into the unincorporated area of Gordon County, Georgia for this project only and so long as the City of Adairsville does not seek to annex Gordon County property into the municipal limits of Adairsville.

**Funding**

This MOU is not a commitment of funds by the City of Adairsville but is instead an agreement by which OWR L.L.C. acknowledges the requirement of repayment in full of funds used by the City of Adairsville for completion of the project.

Gordon County has a legitimate public interest in this project as the extension of sewer service to this area is expected to increase economic development and jobs. A local company has invested in the 31.7 acre tract described above and is expected to create 80 jobs with a new multi-million dollar facility. Gordon County and/or Adairsville will seek economic development grant money to fund all or part of this project. Gordon County has agreed to contribute no more than \$220,000.00 to this extension of sewer service, if necessary to complete the project.

Upon project completion and final inspection, OWR, L.L.C. agrees to remit payment in full for project cost remaining after application of any grant proceeds within 30 days upon being invoiced by the City of Adairsville.

The City of Adairsville agrees to credit OWR and Gordon County pro rata according to their contributions with an amount equivalent to the sewer tap fees collected for any new service that is connected as a result of this construction project for a period of five (5) years.

**Duration**

This MOU shall become effective upon signature by the authorized officials for the parties and will remain in effect for five years following the construction completion date.

By signing below both the City of Adairsville and OWR, L.L.C. and Gordon County acknowledge their respective responsibilities in order to fulfill the intent of this MOU.

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Pamela Madison, City Manager  
City of Adairsville, Georgia

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Roger E. Ralston, Managing Member  
OWR, L.L.C.

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Becky Hood, Chairperson  
Gordon County Board of Commissioners