

BILL NO. 3018-23

ORDINANCE NO. 2977-23

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PUBLIC IMPROVEMENT AND PRE-ANNEXATION AGREEMENT WITH LAKE OZARKS AMPHITHEATER, LLC

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CAMDENTON, MISSOURI AS FOLLOWS:

Section 1. That the Mayor and City Clerk are hereby authorized to execute a Public Improvement and Pre-Annexation Agreement with Lake Ozarks Amphitheater, LLC. A copy of the Agreement is attached hereto and made a part thereof, identified as Exhibit A.

Section 2. This Ordinance shall be in full force and in effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Read the first time this 5 day of December 2023.

Read the second time and passed and approved this 5 day of December 2023.



John D. McNabb, Mayor

ATTEST:



Renée Kingston, MMC/MPCC
Assistant City Administrator/City Clerk

EXHIBIT A

**PUBLIC IMPROVEMENT AGREEMENT AND
AGREEMENT TO ANNEX PROPERTY**

This Agreement, by and between the City of Camdenton, a fourth-class city organized and existing under the laws of the State of Missouri (the "City"), and Lake Ozarks Amphitheater, LLC, organized and existing under the laws of the State of Missouri (the "Company").

WITNESSETH:

WHEREAS, the Company currently operates an amphitheater upon certain real estate owned by company located in Camden County, Missouri which is not located within the jurisdictional limits of any municipality (the "Company Property"); and

WHEREAS, the Company Property is located adjacent to the municipal city boundary of the City of Camdenton; and

WHEREAS, the Company Property is not served by a public water or sewer system but is instead reliant upon a private well for water and private sewer treatment system and portable restrooms to serve events at the amphitheater; and

WHEREAS, the Company desires that the City provide water and sewer services and other municipal services to Company Property and therefore desires that upon water and sewer services being provided to Company Property, desires that Company Property be annexed into the municipal city limits of the City of Camdenton.

WHEREAS, the parties anticipate that Company Property and the operation of the Amphitheater by Company, upon annexation into the City of Camdenton, will provide significant benefits to both parties, including the payment of sales taxes to the City.

WHEREAS, the Company and City desire that the property described in **Exhibit A** be voluntarily annexed into the City limits of the City of Camdenton.

NOW THEREFORE, the City and the Company do hereby agree as follows:

Section 1. EXTENSION OF SEWER SERVICES TO PROPERTY. Subject to other provisions herein, the City will extend water and sewer services to the Company Property described in **Exhibit A** according to plans and specifications and in the location to be agreed upon by the parties.

Section 2. CREATION OF PLANS. The plans and specifications for water and sewer services to the Company Property, including location of lines and any lift station(s) necessary, shall be created by the City and persons retained by the City, at the expense of City.

Section 3. APPROVAL OF PLANS. Said plans will be provided to the Company prior to commencement of construction of such improvements. The plans may be changed or amended as agreed by the parties prior to commencement of construction. Upon approval of the plans, the Company shall provide written notice of such approval of plans to the City.

Section 4. PAYMENT FOR IMPROVEMENTS. Upon approval of the plans, the Company shall

EXHIBIT A

pay the City the sum of twenty thousand dollars (\$20,000.00) as their contribution toward the cost of construction. Except as may be caused by the Company, said funds shall be refunded to the Company if water and sewer services are not completed in a timely manner. The remainder of the cost of installation of water and sewer improvements shall be borne by the City. Prior to the commencement of construction, in the event that the bid or anticipated cost for improvements is too high or otherwise unacceptable to City or not approved by the City government, City may, at their discretion, terminate this agreement and reimburse the funds paid by Company herein.

Section 5. OWNERSHIP OF IMPROVEMENTS AND EASEMENTS. The water and sewer lines, lift stations and other improvements necessary to provide water and sewer services to Company Property shall be owned by the City. Company shall provide necessary written easements for the location of water and sewer lines. Company shall convey ownership to the City for the location of any necessary sewer lift stations and reasonable areas around such lift stations, according to the plans and actual installation of such improvements. Company agrees to allow reasonable access upon and over the Company Property for installation and maintenance of water and sewer improvements.

Section 6. ANNEXATION. Upon completion of the improvements, the Company agrees to request the property described in **Exhibit A** be voluntarily annexed into the City limits of the City of Camden. Company agrees to complete and provide any necessary petition for annexation and any additional documents to request such annexation. It is anticipated by the parties that improvements for water and sewer be completed by September 1, 2024 and in such case, the request for annexation by Company shall be made on or before said date. It is anticipated that the annexation shall be completed by November 1, 2024. Sales tax revenues would commence to the City on November 1, 2024. Failure to complete the improvements by the anticipated date shall not be a breach of this agreement. In any event, after September 1, 2024, the Company shall complete the annexation request within 30 days after completion of the improvements.

Section 7. OPERATION OF IMPROVEMENTS. City shall be responsible for the operation of any lift station(s) for sewer services and maintenance of sewer and water lines installed by them. Company shall be responsible for all water and sewer improvements on Company Property which are not installed by City pursuant to this agreement.

Section 8. DEFAULT. In the event Company fails to allow necessary access upon Company Property for installation of improvements or complete the request for annexation and complete the annexation process, they shall be responsible for reimbursement to City for all costs of development of plans and costs of installation of improvements incurred by City.

Section 9. INDEMNIFICATION. The City agrees to indemnify and hold Company harmless from and against all negligence of the City or its contractors for injury or damage received or sustained by any person or entity in connection with or on account of the performance of work pursuant to this agreement.

Section 10. NO WAIVER. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed to constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both the City and the Company; nor will the waiver of any defect under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The failure of a party to exercise

EXHIBIT A

any right under this Agreement will not constitute the approval of any wrongful act by the other party.

Section 11. AMENDMENT OR MODIFICATION. The parties to this Agreement may amend or modify this Agreement only by written instrument duly executed by the parties hereto.

Section 12. THIRD PARTY RIGHTS. No person or entity who or which is not a party to this Agreement will have any right of action under this Agreement.

Section 13. SEVERABILITY. If any portion, term, or provision of this Agreement is held by a court to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.

Section 14. ASSIGNMENT. Neither party may assign its rights or obligations under this Agreement without the written consent of the other party. Notwithstanding the foregoing, this Agreement may be assigned by the Company to an entity succeeding to all or substantially all of the business of the Company or an entity controlled by the Company or under common control with the Company.

Section 15. NOTICE. Any notices required or permitted by this Agreement will be deemed effective when personally delivered in writing, or when sent via telefax, or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, and return receipt requested and addressed as follows:

Section 16. Future Ordinances. Company Property and The Amphitheater will not be subject to any existing or future ordinances which would limit The Amphitheater's ability to conduct its normal business, including, but not necessarily limited to, sound or noise ordinances, ordinances restricting the use of fireworks or pyrotechnics, etc.

Company: Lake Ozarks Amphitheater, LLC
c/o Bill Carle
987 Lookout Mountain Road
Golden, CO 80401

City: City of Camdenton
437 West US Highway 54
Camdenton, MO 65020

Either party may change its contact information upon written notice to the other party.

Section 16. IMMUNITY. Nothing contained in this Agreement constitutes a waiver of the City's sovereign immunity under any applicable state law.

Section 17. JURISDICTION AND VENUE. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement shall be deemed to be proper only if such action is commenced in the Circuit Court of Camden County, Missouri. Each party expressly waives its right to bring such action in or to remove such action to any other court whether state or

EXHIBIT A

federal. This Agreement shall be construed in accordance with and governed by the laws of the State of Missouri.

LAKE OZARKS AMPHITHEATER, LLC

Bill Carle
987 Lookout Mountain Road
Golden, CO 80401

Robert Mein
5973 South Owens Court,
Littleton, CO 80127

Jeff Fortier, Josh, Hunt (both at)
C/o Mammoth Live
912 Tennessee St.,
Lawrence, KS 66044

ATTEST:
A Municipal Corporation


Renée Kingston, MMC/MPCC
Assistant City Administrator/City Clerk
(SEAL)

City of Camdenton

By: 
John D. McNabb, Mayor

Exhibit A – legal description of the Site to be attached.

WD 0737-0126



DONNIE SVELLING
CAMDEN COUNTY
RECORDER OF DEEDS

2013 MAY -9 P 3:41 P

PSS. 7 : 42

DEPUTY D.W.

ST6. 55592

WARRANTY DEED

THIS INDENTURE, made on the 2 day of May, A.D., 2013,
BY AND BETWEEN:

ODDOCO, LLC,

of the County of Camden, State of Missouri, hereinafter
referred to as "Grantor" and

LAKE OZARKS AMPHITHEATER, LLC,

of the County of Jefferson, State of Colorado, hereinafter
referred to as "Grantee." The mailing address of said first named grantee is:

97 Lookatme Road
Golden CO 80401

WITNESSETH: That the said Grantor, in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, to it paid by said Grantee (receipt of which is hereby acknowledged), does by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said Grantee, its successors and assigns, the following described lots, tracts and parcels of land lying, being and situate in the County of Camden and State of MISSOURI, to-wit:

TRACT I:

That part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West, Camden County, Missouri, described as follows: From the Northwest corner of said Northeast Quarter of the Southeast Quarter, run South along the West line of said Northeast Quarter of the Southeast Quarter of Section 15, 1117.6 feet to the centerline of State Highway No. 5; thence along the centerline of Highway, South 82°31' East 915 feet to the Southeast corner of property decided to Robert L. VanHook and Bonnie Jean VanHook, husband and wife, in Book 368, Page 344, Camden County Records for the BEGINNING POINT; thence North along the East line of said VanHook tract and parallel to the West line of said Northeast Quarter of the Southeast

Quarter 450 feet; thence South 82°31' East (deed South 82°25'36" East) 333 feet, more or less, to the West line of property conveyed to Steven W. Templeman and Carolyn S. Templeman, husband and wife, by Deed recorded March 20, 1992, in Book 362, Page 895, Camden County Records (formerly owned by A.C. Morrison); thence along the West line of said Templeman property South 18°40' West 153.5 feet, more or less, to the Northwest corner of a tract formerly owned by Mable Leffert, now owned by Steven W. Templeman and Carolyn S. Templeman; thence South along said Templeman property line 322.5 feet, more or less, to the centerline of State Highway No. 5; thence North 82°31' West 290 feet, more or less, to the BEGINNING POINT. EXCEPTING THEREFROM that part of the above described land lying within the right of way of Missouri State Highway No. 5.

TRACT II:

All that part of the Northwest Quarter of the Southwest Quarter of Section 14, and that part of the Northeast Quarter of the Southeast Quarter of Section 15, all in Township 38 North, Range 17 West, Camden County, Missouri, described as follows: From the Northwest corner of the Northwest Quarter of the Southwest Quarter, run South 0°26' East along the West line of the Northwest Quarter of the Southwest Quarter 550.0 feet for the PLACE OF BEGINNING; thence East 441.5 feet to the centerline of a road; thence along centerline of road South 2°45' West 196.0 feet; thence South 7°45' West 201.1 feet; thence South 39°15' West 125.0 feet; thence leaving the road North 61°51' West 451.5 feet; thence North 18°40' East 229.7 feet to a point on the West line of the Northwest Quarter of the Southwest Quarter; thence along said West line North 0°26' West 59.4 feet to the PLACE OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS: Commencing at the Northwest corner of the Southwest Quarter, Section 14, Township 38 North, Range 17 West, Camden County, Missouri; thence South along the West line of said Northwest Quarter 550 feet to a point; thence East 140.5 feet for the PLACE OF BEGINNING; thence continuing East 301 feet to the center of a road; thence along the center of the road South 2°45' West 101.3 feet; thence leaving the centerline of the road North 71°21' West 325 feet, more or less, to the PLACE OF BEGINNING.

ALSO EXCEPTING: That part of the Northwest Quarter of the Southwest Quarter of Section 14, and that part of the Northeast Quarter of the Southeast Quarter of Section 15, all in Township 38 North, Range 17 West, Camden County, Missouri, described as follows: From the West Quarter corner of said Section 14, run along the West line of the Northwest Quarter of the Southwest Quarter, South 0°26' East (Deed South) 609.4 feet; thence leaving the West line, South 18°40' West 110.4 feet for the POINT OF BEGINNING; thence continue South 18°40' West 119.3 feet to the Southwesterly right of way line of a roadway 20.0 feet wide; thence along the right of way line, South 61°51' East 451.50 feet to and intersecting the centerline of a county road 60.0 feet wide; thence along

the road centerline, North 39°15' East 120.4 feet; thence leaving the road centerline, North 61°51' West 494.17 feet to the PLACE OF BEGINNING.

FURTHER EXCEPTING THEREFROM all that part of the above described land lying within road right of way.

TRACT IV:

ALSO: That part of the Northwest Quarter of the Southwest Quarter of Section 14, and that part of the Northeast Quarter of the Southeast Quarter of Section 15, all in Township 38 North, Range 17 West, Camden County, Missouri, described as follows: From the West Quarter corner of said Section 14, run along the West line of the Northwest Quarter of the Southwest Quarter, South 00°26' East 609.4 feet; thence leaving the West line South 18°40' West 110.4 feet for the POINT OF BEGINNING; thence continue South 18°40' West 119.3 feet to the Southwesterly right of way line of a roadway 20.0 feet wide; thence along the right of way line South 61°51' East 195.93 feet; thence leaving the right of way line North 39°15' East 120.4 feet; thence North 61°51' West 238.6 feet to the PLACE OF BEGINNING. Subject to road right of way.

ALSO GRANTING AN EASEMENT for the location, maintenance and construction of water pipes and conduits from the above described real estate to a certain well located on real estate Northeast of the above described property, together with the right to connect to and take water from said well.

ALSO GRANTING AN EASEMENT for a road and right of way of ingress and egress over and across the following described real estate, to wit: From the West Quarter corner of Section 14, Township 38 North, Range 17 West, run along the West line of the Northwest Quarter of the Southwest Quarter, South 00°26' East 609.4 feet; thence leaving the West line South 18°40' West 229.7 feet to the Southwesterly right of way line of a roadway 20 feet wide; thence along the right of way line South 61°51' East 295.93 feet for the PLACE OF BEGINNING; thence continue South 61°51' East 125.0 feet; thence leaving the right of way line North 39°15' East 20.4 feet, thence North 61°51' West 125 feet; thence South 39°15' West 20.4 feet to the PLACE OF BEGINNING.

TRACT V:

All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West, Camden County, Missouri, described as follows: Beginning at a point on the centerline of U.S. Missouri Highway No. 5, which is 915.0 feet East of the West line of said Northeast Quarter of the Southeast Quarter; thence North 450 feet; thence South 82°31' East 333 feet, more or less, to the West line of the A.C. Morrison property; thence along the West line of the A.C. Morrison property South 18°40' West 153.5 feet, more or less, to the Northwest corner of a tract formerly owned by Mable Leffert and now owned by A.C. Morrison; thence South along Morrison property line 322.5 feet,

more or less, to the centerline of said Highway No. 5; thence North $82^{\circ}31'$ West approximately 290 feet to the POINT OF BEGINNING.

ALSO: All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West, Camden County, Missouri, lying North of the centerline of Missouri State Highway No. 5, and described as follows:

Beginning at the Northwest corner of said Northeast Quarter of the Southeast Quarter; thence South along the West line of said Northeast Quarter of the Southeast Quarter 1117.6 feet to the centerline of said Missouri State Highway No. 5 at station POT 975 + 27.5; thence along the centerline of said Highway No. 5, South $82^{\circ}31'$ East 745.0 feet to station POT 482 + 72.5 feet; thence North parallel to the West line of said Northeast Quarter of the Southeast Quarter 1214.6 feet to the North line of said Northeast Quarter of the Southeast Quarter; thence along said North line 738.7 feet to the POINT OF BEGINNING.

ALSO: All of the Southeast Quarter of the Northeast Quarter of Section 15, Township 38 North, Range 17 West, Camden County, Missouri, lying on the South and West side of Old State Highway No. 5, now Lake Road 5-89, EXCEPTING THEREFROM that portion deeded to F.H. Satterfield and Willie Satterfield according to the Warranty Deed recorded in Book 66, Page 432, of the Camden County, Missouri records. ALSO EXCEPTING THEREFROM: A tract of land situated in the Southwest Quarter of the Northwest Quarter of section 14 and the Southeast Quarter of the Northeast Quarter of Section 15. All in Township 38 North, Range 17 West of the 5th Principle Meridian, Camden County, Missouri. More particularly described as follows: Beginning at an existing stone at the Southeast corner of said Southeast Quarter of the Northeast Quarter of Section 15; thence North $89^{\circ}23'04''$ West along the South line of said Southeast Quarter of the Northeast Quarter, a distance of 206.43 feet to an iron pin set; thence North $00^{\circ}05'53''$ West 1090.80 feet to an iron pin set on the South right-of-way line of Lake Road 5-89; thence the following 10 Easterly and Southerly courses along said right-of-way line South $59^{\circ}20'11''$ East 686.85 feet to an iron pin set; thence South $32^{\circ}44'41''$ West 10.13 feet to an existing iron pin at Station 3-34.86; thence South $57^{\circ}17'10''$ East 92.58 feet to an iron pin set at Station 4-27.40; thence South $54^{\circ}38'40''$ East 154.27 feet to an existing iron pin at spiral to curve Station 5-67.40; thence South $48^{\circ}10'19''$ East 20.06 feet to an existing iron pin at curve to spiral Station 6+08.99; thence South $28^{\circ}49'39''$ East 156.66 feet to an existing iron pin at spiral to tangent Station 7+68.99; thence South $39^{\circ}06'42''$ East 80.99 feet to an existing iron pin at Station 8+50; thence South $13^{\circ}16'13''$ West 139.32 feet to an existing iron pin at Station 59+65; thence South $41^{\circ}18'51''$ West 137.39 feet to an iron pin set at spiral to curve Station 60+94.18; thence Southwesterly along a curve to the Left having a radius of 622.96 feet, an arc distance of 125.15 feet to an iron pin set on the North line of the Tract recorded at Book 558, Page 310 of the Deed Records of said Camden County; thence departing said right-of-way line the following 9 courses along the North line of said Book 558, Page 310 Tract, North $76^{\circ}50'32''$ West 59.16 feet to an iron pin set; thence South $77^{\circ}18'54''$ West 55.81 feet to an iron pin set; thence

South 85° 34' 34" West 134.52 feet to an iron pin set; thence South 81° 14' 20" West 65.96 feet to an iron pin set; thence South 79° 44' 33" West 32.05 feet to an iron pin set; thence South 77° 07' 16" West 37.43 feet to an iron pin set; thence South 88° 05' 58" West 51.64 feet to an iron pin set; thence South 81° 07' 11" West 56.92 feet to an iron pin set; thence North 88° 53' 29" West 37.01 feet to the POINT OF BEGINNING.

ALSO: A tract of land being a part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West, and being a part of a tract as described in Book 331, Page 886, Camden County Records, Camden County, Missouri, more particularly described as follows: Beginning at a stone at the Northeast corner of said tract, being the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 15; thence South 00°04'52" West along the Section line 607.1 feet (591.3 feet, deed) to an iron pin on the West line of A.C. Morrison property; thence South along said line the following courses: thence South 18°51'41" West 229.57 feet to an iron pin; thence South 18°52'52" West 41.61 feet to an iron pin at the Southeasterly corner of said tract as described in Book 331, Page 886; thence North 82°25'56" West along the Southerly line of said tract and the Westerly extension thereof, 503.53 feet to an intersection with the Westerly line of said tract; thence North 00°02'34" East along said Westerly line 782.79 feet, to an iron pin at the Northwest corner of said tract; thence North 88°34'09" East along the North line of said tract 585.53 feet to the POINT OF BEGINNING.

EXCEPTING FROM THE ABOVE DESCRIBED TRACTS: A tract of land being a part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West, and being a part of a tract as described in Book 331, Page 886, Camden County Records, Camden County, Missouri, more particularly described as follows: Beginning at a stone at the Northeast corner of said tract, being the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 15; thence South 00°04'52" West along the Section line 607.1 feet (591.3 feet, deed) to an iron pin on the West line of A.C. Morrison property; thence South along said line the following courses: thence South 18° 51'41" West 229.57 feet, to an iron pin; thence South 18°52'52" West 41.61 feet to an iron pin at the Southeasterly corner of said tract as described in Book 331, Page 886; thence North 82°25'56" West along the Southerly line of said tract 333.53 feet, to the true POINT OF BEGINNING; thence continuing North 82°25'56" West 170.0 feet, to an intersection with the Westerly line of said tract; thence South 00°02'34" West along said Westerly line 449.73 feet, to the centerline of Missouri State Highway No. 5; thence South 82°25'56" East along said centerline 170.0 feet; thence leaving said centerline North 00°02'34" East 449.73 feet to the true POINT OF BEGINNING.

ALSO: That part of the Northwest Quarter of the Southwest Quarter of Section 14, Township 38 North, Range 17 West, Camden County, Missouri, described as follows: From the West Quarter corner of said Section 14, run along the West

line of the Northwest Quarter of the Southwest Quarter, South 00°26' East (deed South) 609.4 feet; thence leaving the West line South 18°40' West 229.7 feet to the Southwesterly right of way line of a roadway 20 feet wide; thence along the right of way line, South 61°51' East 295.93 feet for the POINT OF BEGINNING; thence continue along the right of way line South 61°51' East 155.57 feet to and intersecting the centerline of a county road 60.0 feet wide; thence along the road centerline North 39°15' East 120.4 feet; thence leaving the road centerline North 61°51' West 155.57 feet; thence South 39°15' West 120.4 feet to the PLACE OF BEGINNING.

FURTHER EXCEPTING THEREFROM: All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West, Camden County, Missouri, lying North of the centerline of Missouri State Highway No. 5, and described as follows: Commencing at the Northwest corner of the said Northeast Quarter of the Southeast Quarter; thence South along the West line of said Northeast Quarter of the Southeast Quarter, 549.29 feet to an iron pin set at the POINT OF BEGINNING of the tract herein described; thence South 80°12'53" East, 438.76 feet to an iron pin set; thence South 02°16'40" West, 478.04 feet to an iron pin set on the North right-of-way line of Missouri State Highway No. 5; thence North 80°14'13" West along said North right-of-way line, 155.05 feet to an iron pin set; thence South 09°47'07" West continuing along said North right-of-way line, 35.00 feet to an iron pin set; thence North 80°12'14" West continuing along said North right-of-way line, 279.10 feet to an existing iron pin on said West line of the Northeast Quarter of the Southeast Quarter; thence North 02°16'40" East, 513.35 feet to the POINT OF BEGINNING.

Subject to all easements, restrictions, reservations and conditions of record and to all existing roads and power lines, whether of record or not.

TO HAVE AND TO HOLD the premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said Grantee and its successors and assigns forever, the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that it has the right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; and that it and its successors and assigns, will warrant and defend the title to the said premises unto the said Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

ODDOCO, LLC

By:


ANTHONY H. ODDO, President

D.S.

10/18/15

10/18/15

10/18/15

10/18/15

10/18/15

EXHIBIT A
REAL PROPERTY

The following described lots, tracts and parcels of land lying, being and situate in the County of Camden and State of MISSOURI, to-wit:

A tract of land being a part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West and being a part of a tract described in Book 331, Page 886, Camden County Records, Camden County, Missouri, more particularly described as follows: Beginning at a stone at the Northeast corner of said tract, being the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 15; thence South 00 degrees 04 minutes 52 seconds West, along the Section line, 607.1 feet (591.3 feet, deed) to an iron pin on the West line of A. C. Morrison property; thence Southerly along said line the following courses: thence South 18 degrees 51 minutes 41 seconds West, 229.57 feet, to an iron pin; thence South 18 degrees 52 minutes 52 seconds West, 41.61 feet, to an iron pin at the Southeast corner of said tract as described in Book 331, Page 886; thence North 82 degrees 25 minutes 56 seconds West, along the Southerly line of said tract, 333.53 feet, to the true point of beginning; thence continuing North 82 degrees 25 minutes 56 seconds West, 170.0 feet, to an intersection with the Westerly line of said tract; thence South 00 degrees 02 minutes 34 seconds [West], along said Westerly line, 449.73 feet, to the centerline of (former) Missouri State Highway No. 5, thence South 82 degrees 25 minutes 56 seconds East, along said centerline, 170.0 feet; thence leaving said centerline, North 00 degrees 02 minutes 34 seconds East, 449.73 feet to the true point of beginning.

SAVE and EXCEPT any part of the above described land conveyed to Timber Ridge Development Company, a Missouri Corporation by Quit Claim Deed dated May 21, 1993 and recorded in Deed Book 381, Page 328 in the Office of the Recorder of Deeds, Camden County, Missouri, and more particularly described as follows: All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 38 North, Range 17 West, Camden County, Missouri, described as follows: From the Northwest corner of said Northeast Quarter of the Southeast Quarter, run South along the West line of said Northeast Quarter of the Southeast Quarter of Section 15, 1117.6 feet to the centerline of State Highway No. 5; thence along the centerline of Highway, South 82 degrees 31 minutes East 915 feet to the Southeast corner of property deeded to Robert L. Van Hook and Bonnie Jean Van Hook, husband and wife in Book 366, Page 344, Camden County records for the beginning point; thence North along the East line of said Van Hook tract and parallel to the West line of said Northeast Quarter of the Southeast Quarter 450 feet; thence South 82 degrees 31 minutes East (deed South 82 degrees 25 minutes 36 seconds East) 333 feet, more or less, to the West line of property conveyed to Steven W. Templeman and Carolyn S. Templeman, husband and wife by deed recorded March 20, 1992 in Book 302, Page 895, Camden County records (formerly owned by A.C. Morrison); thence along the West line of said Templeman property South 18 degrees 40 minutes West 153.5 feet, more or less, to the Northwest corner of a tract formerly owned by Mable Leffert, now owned by Steven W. Templeman and Carolyn S. Templeman; thence South along said Templeman property line 322.5 feet, more or less, to the centerline of (former) State Highway No. 5; thence North 82 degrees 31 minutes West 290 feet, more or less, to the beginning point. EXCEPTING THEREFROM that part of the above described land lying within the right of way of (former) Missouri State Highway No. 5.

A tract of land situated in the Southwest Quarter of the Northwest Quarter of section 14 and the Southeast Quarter of the Northeast Quarter of Section 15. All in Township 38 North, Range 17 West of the 5th Principle Meridian, Camden County, Missouri. More particularly described as follows: Beginning at an existing stone at the Southeast corner of said Southeast Quarter of the Northeast Quarter of Section 15; thence North $89^{\circ} 23' 04''$ West along the South line of said Southeast Quarter of the Northeast Quarter, a distance of 206.43 feet to an iron pin set; thence North $00^{\circ} 05' 53''$ West 1090.80 feet to an iron pin set on the South

right-of-way line of Lake Road 5-89; thence the following 10 Easterly and Southerly courses along said right-of-way line South $59^{\circ} 20' 11''$ East 686.85 feet to an iron pin set; thence South $32^{\circ} 44' 41''$ West 10.13 feet to an existing iron pin at Station 3+34.86; thence South $57^{\circ} 17' 10''$ East 92.58 feet to an iron pin set at Station 4+27.40; thence South $54^{\circ} 38' 40''$ East 154.27 feet to an existing iron pin at spiral to curve Station 5+67.40; thence South $48^{\circ} 10' 19''$ East 20.06 feet to an existing iron pin at curve to spiral Station 6+08.99; thence South $28^{\circ} 49' 39''$ East 156.66 feet to an existing iron pin at spiral to tangent Station 7+68.99; thence South $39^{\circ} 06' 42''$ East 80.99 feet to an existing iron pin at Station 8+50; thence South $13^{\circ} 16' 13''$ West 139.32 feet to an existing iron pin at Station 59+65; thence South $41^{\circ} 18' 51''$ West 137.39 feet to an iron pin set at spiral to curve Station 60+94.18; thence Southwesterly along a curve to the Left having a radius of 622.96 feet, an arc distance of 125.15 feet to an iron pin set on the North line of the Tract recorded at Book 558, Page 310 of the Deed Records of said Camden County; thence departing said right-of-way line the following 9 courses along the North line of said Book 558, Page 310 Tract, North $76^{\circ} 50' 32''$ West 59.16 feet to an iron pin set; thence South $77^{\circ} 18' 54''$ West 55.81 feet to an iron pin set; thence South $85^{\circ} 34' 34''$ West 134.52 feet to an iron pin set; thence South $81^{\circ} 14' 20''$ West 65.96 feet to an iron pin set; thence South $79^{\circ} 44' 33''$ West 32.05 feet to an iron pin set; thence South $77^{\circ} 07' 16''$ West 37.43 feet to an iron pin set; thence South $88^{\circ} 05' 58''$ West 51.64 feet to an iron pin set; thence South $81^{\circ} 07' 11''$ West 56.92 feet to an iron pin set; thence North $88^{\circ} 53' 29''$ West 37.01 feet to the POINT OF BEGINNING.

Subject to all Rights of Way and easements of record and specifically subject to an easement for road and utility purposes more particularly described as follows: A strip of land 20 feet in width, situated in the Southwest Quarter of the Northwest Quarter of Section 14 and the Southeast Quarter of the Northeast Quarter of Section 15, all in Township 38 North, Range 17 West of the 5th Principle Meridian, Camden County, Missouri. Lying 10 feet on each side of center line more particularly described as follows: Commencing at an existing stone at the Southeast corner of said Southeast Quarter of the Northeast Quarter of Section 15; thence North $89^{\circ} 23' 04''$ West along the South line of said Southeast Quarter of the Northeast Quarter, a distance of 206.43 feet to an iron pin set; thence North $00^{\circ} 05' 53''$ West 82.84 feet to the point of beginning of the center line herein described; thence easterly along the center line of an existing gravel road the following 7 courses: South $88^{\circ} 07' 32''$ East 51.85 feet; thence easterly along a curve to the Right having a radius of 50.00 feet, an arc distance of 7.11 feet; thence South $79^{\circ} 58' 37''$ East 89.07 feet; thence Easterly along a curve to the Left having a radius of 875.00 feet, an arc distance of 342.06 feet; thence North $77^{\circ} 37' 29''$ East 102.95 feet; thence Northeasterly along a curve to the Right having a radius of 400.00 feet, an arc distance of 79.57 feet; thence North $89^{\circ} 01' 20''$ East 109.91 feet to the Westerly right-of-way line of Lake Road 5-89 and the terminus point of said center line. Subject to all right-of-way and easements of record.

EXCEPT that part of said Southwest Quarter of the Northwest Quarter described as follows: From the West Quarter corner of Section 14, run North $88^{\circ} 42'$ East along the South line of the Southwest Quarter of the Northwest Quarter of Section 14, a distance of 37.1 feet for the PLACE OF BEGINNING; thence continue along the South line of the Southwest Quarter of the Northwest Quarter of Section 14, North $88^{\circ} 42'$ East a distance of 487.6 feet to the West right of way of a 60.0 foot road; thence along the right of way North $26^{\circ} 52'$ East 55.9 feet; thence leaving the right of way North $88^{\circ} 20'$ West 138.4 feet; thence South $84^{\circ} 10'$ West 134.8 feet; thence South $79^{\circ} 50'$ West 66.0 feet; thence South $78^{\circ} 20'$ West 32.2 feet; thence South $75^{\circ} 50'$ West 37.4 feet; thence South $86^{\circ} 50'$ West 51.7 feet; thence South $79^{\circ} 50'$ West 57.2 feet to the PLACE OF BEGINNING.

EXCEPTING THEREFROM: That part of the Southwest Quarter of the Northwest Quarter of Section 14, Township 38 North, Range 17 West, Camden County, Missouri, described as follows: From the West Quarter corner of Section 14, run North $88^{\circ}42'$ East along the South line of the Southwest Quarter of the Northwest Quarter of said Section 14, a distance of 37.1 feet to an iron pin; thence continue along the South line of the Southwest Quarter of the Northwest Quarter of Section 14, North $88^{\circ}42'$ East 487.35 feet (Deed 487.6 feet) to an iron pin on the Westerly right of way of a 60 foot road; thence along the right of way line North $25^{\circ}26'05''$ East 55.29 feet (Deed North $26^{\circ}52'$ East 55.9 feet) to an existing iron pin for the POINT OF BEGINNING; thence departing said Westerly right of way line, run North $89^{\circ}36'22''$ West 138.19 feet (Deed North $88^{\circ}20'$ West 138.4 feet) to an existing iron pin; thence North $74^{\circ}34'59''$ East 55.84 feet; thence South $79^{\circ}23'45''$ East 85.82 feet to the POINT OF BEGINNING.

Subject to all easements, restrictions, reservations and conditions of record and to all existing roads and power lines, whether of record or not.

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