

REVISED MEMORANDUM OF AGREEMENT
(Use of 2,196 sq. m. lot at Magay Street for the
Sewerage Treatment Facility of the ZCWD)

7. MEMORANDUM
WITH

OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS: **LGU**

This **AGREEMENT** is made and entered into by and between the following Parties:

The **CITY OF ZAMBOANGA**, a municipal corporation organized and existing under and by virtue of the laws of the Republic of the Philippines (Commonwealth Act No. 39, as amended), with principal office and place of business at City Hall, Zamboanga City, represented in this Act by **Hon. MARIA ISABELLE G. CLIMACO**, in her official capacity as City Mayor and duly authorized to enter into and sign this Agreement by virtue of Sangguniang Panlungsod of Zamboanga Resolution No. 627 dated July 26, 2016, hereinafter referred to as the "**CITY**";

-- and --

The **ZAMBOANGA CITY WATER DISTRICT**, a government owned and controlled corporation, created and existing by virtue of Presidential Decree No. 198, as amended, with principal office and place of business at Pilar Street, Zamboanga City, represented in this instance by its **Mr. LEONARDO REY D. VASQUEZ**, in his official capacity as its General Manager, and duly authorized to enter into and sign this Agreement by virtue of ZCWD Board Resolution No. 091 Series Of 2016 dated July 7, 2016 and hereinafter referred to as the "**ZCWD**".

WITNESSETH THAT:

WHEREAS, the Zamboanga City Water District (ZCWD) proposed the establishment of a Sewerage Treatment Facility (STF) located at the original site of the Material Recovery Facility (MRF) at Magay Street, Barangay Zone IV, City of Zamboanga. The proposed facility covers a total area of ONE THOUSAND EIGHT HUNDRED SQUARE METERS (1,800 sq. m.), more or less;

WHEREAS, in compliance with R.A. 9275, otherwise known as "The Philippine Clear Water Act of 2004", and other appurtenant environmental laws, the CITY is partnering with the ZCWD for the establishment of a Sewerage Treatment Facility (STF) at the aforementioned location;

WHEREAS, the ZCWD is responsible for water services in the City of Zamboanga as authorized under P.D. No. 198 and has the expertise and technical know-how to undertake the development of said sewerage treatment facility and had agreed to undertake such development;

WHEREAS, the proposed area for the STF is outside of the Port Zone Delineation of the Philippine Ports Authority (PPA); and per letter dated January 28, 2014 of Engr. Liberto C. Dela Rosa, Port Manager of PMO-Zamboanga and addressed to the City Legal Officer, as the proposed site is adjacent to the PPA, the latter **interposes no objection** on the development of the said project, with the request that the conduct of the detailed

engineering should be coordinated with PPA's engineering personnel considering that the outfall will pass thru the port's drainage system.

WHEREAS, on 22 April 2014, the Parties entered into a Memorandum of Agreement for the use of 1,800 square meter lot at Magay Street underneath the MRF for the Sewerage Treatment Facility of the ZCWD, and docketed under Document No. 115, Page No. 23, Book No. IV, s. 2014 of Notary Public Atty. Novelyn E. Ong. The same was executed pursuant to the authority of the Sangguniang Panlungsod of Zamboanga through Resolution No. 365 dated March 12, 2014 and through Board Resolution No. 019 dated February 21, 2014;

WHEREAS, after the execution of the MOA and much later, a Geotechnical Soil Investigation was conducted at the MRF site. However, the results indicated that the soil therein is potentially liquefiable in the event of strong ground motion, and that this condition is not ideal for the original design and construction of the STF underground, hence the need to construct the same above-ground instead;

WHEREAS, the ZCWD proposed to the CITY that the original MRF facility be transferred and rebuilt at an area within the main public market recently vacated due to conflagration at the cost of ZCWD and that the MRF facility be constructed at a more suitable site, consisting of SIX HUNDRED SIXTY SQUARE METERS (660 sq. m.), more or less;

WHEREAS, instead of constructing below-ground as originally proposed, the STF shall be built above-ground where the original MRF is located covering an area of TWO THOUSAND ONE HUNDRED NINETY SIX SQUARE METERS (2,196 sq. m.), more or less;

NOW, THEREFORE, for and in consideration of the foregoing premises, the PARTIES hereto have come to the following terms:

THE CITY OF ZAMBOANGA

1. The CITY hereby agrees and allows the Zamboanga City Water District (ZCWD) to use and construct an above-ground Sewerage Treatment Facility (STF) at Magay Street, Barangay Zone IV, City of Zamboanga. The facility covers a total area of TWO THOUSAND ONE HUNDRED NINETY SIX SQUARE METERS (2,196 sq. m.), more or less, more particularly described as follows:

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S81°40'E	82.73 m. to point 2
S85°33'E	26.89 m. to point 3
S03°08'W	17.22 m. to point 4
N86°16'W	33.68 m. to point 5
S27°07'W	13.99 m. to point 6
N64°42'W	15.06 m. to point 7
N62°47'W	22.12 m. to point 8
N54°51'W	10.26 m. to point 9
N64°09'W	47.44 m. to point 10
N19°50'E	7.14 m. to point 11
S84°43'E	12.90 m. to point 12
S25°27'E	3.29 m. to point 13
S07°55'E	3.11 m. to point 14
S64°59'E	2.58 m. to point of the

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Beginning, containing an area of TWO THOUSAND ONE HUNDRED NINETY SIX SQUARE METERS (2,196 sq. m.), more or less.

2. Should the area cease to be used according to the purpose for which this Agreement is intended, the possession and occupation of the subject lot shall automatically revert to the CITY. All improvements and/or constructions introduced and made thereon shall inure to the benefit of the CITY as well.

THE ZAMBOANGA CITY WATER DISTRICT (ZCWD)

1. The ZCWD commits that it shall utilize the TWO THOUSAND ONE HUNDRED NINETY SIX SQUARE METERS (2,196 sq. m.), more or less, lot for the construction and development of the Sewerage Treatment Facility (STF).
2. The ZCWD commits that the City's original MRF facility site be transferred and rebuilt in an area within the main public market recently vacated due to conflagration at the cost of ZCWD and that the MRF facility be constructed at a more suitable site, consisting of SIX HUNDRED SIXTY SQUARE METERS (660 sq. m.), more or less, specifically delineated as:

"A parcel of land situated at the Zamboanga City Public Market, Barangay Zone IV, City of Zamboanga, Island of Mindanao. Bounded on the S.E., S., and S.W., along lines 1-2, 2-3, 3-4, 4-5 and 5-1 respectively by the Z.C Public Market, owned by the City Government of Zamboanga,

beginning at a point marked "1" on plan, thence:

N 86 deg 26' W	40.59 m	to point 2;
N 02 deg 58' W	13.65 m	to point 3;
N 89 deg 36' E	8.41 m	to point 4;
N 83 deg 49' E	32.60 m	to point 5;
S 02 deg 58' W	19.64 m	to point of the

beginning, containing an area of SIX HUNDRED SIXTY SQUARE METERS (660 sq. m.), more or less."

3. The ZCWD hereby commits that it shall be solely and exclusively responsible for the operation and maintenance of the STF.
4. The technical and engineering design of the STF developed by the ZCWD, and the construction of the same, shall be made in coordination with the City, through the Office of the City Environment and Natural Resources Officer (OCENR) and/or the Office of the City Engineer (CEO), as well as other governmental agencies involved in the development of the STF. Specifically, upon the request of the PPA, the conduct of the detailed engineering should be coordinated with the PPA's engineering personnel considering that the outfall will pass thru the port's drainage system.

SEPARABILITY CLAUSE. Should any provision, section or part of this Revised MOA be adjudged or declared illegal or unconstitutional by any court of competent jurisdiction, such judgment shall not affect or impair the

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remaining provisions, sections or part which shall continue to be in force and effect.

EFFECTIVITY CLAUSE. This Revised MOA shall take effect upon the signing of the Parties.

IN WITNESS WHEREOF, the PARTIES, thru their duly authorized representatives, have hereunto affixed their signatures this AUG 01 day of 2016 in the City of Zamboanga, Philippines.

CITY OF ZAMBOANGA

ZAMBOANGA CITY WATER DISTRICT

by:

by:


MARIA ISABELLE G. CLIMACO
City Mayor


LEONARDO REY D. VASQUEZ
General Manager

SIGNED IN THE PRESENCE OF:

 and 

ACKNOWLEDGMENT

Republic of the Philippines)
City of Zamboanga.....) S.S.
x-----x


BEFORE ME, a Notary Public for and in the City of Zamboanga, personally appeared:

1. MARIA ISABELLE G. CLIMACO PRC ID No. 0694864 issued on January 25, 2001 and valid until September 7, 2016
2. LEONARDO REY D. VASQUEZ ZCWD I.D. No. 223

all known to me to be the same persons who executed the Memorandum of Agreement consisting of FOUR (4) PAGES including this page and acknowledged to me that the same is their true and voluntary act and deed as well as that of the juridical entity they represent.

WITNESS MY HAND AND NOTARIAL SEAL this AUG 01 day of 2016 in the City of Zamboanga, Philippines.

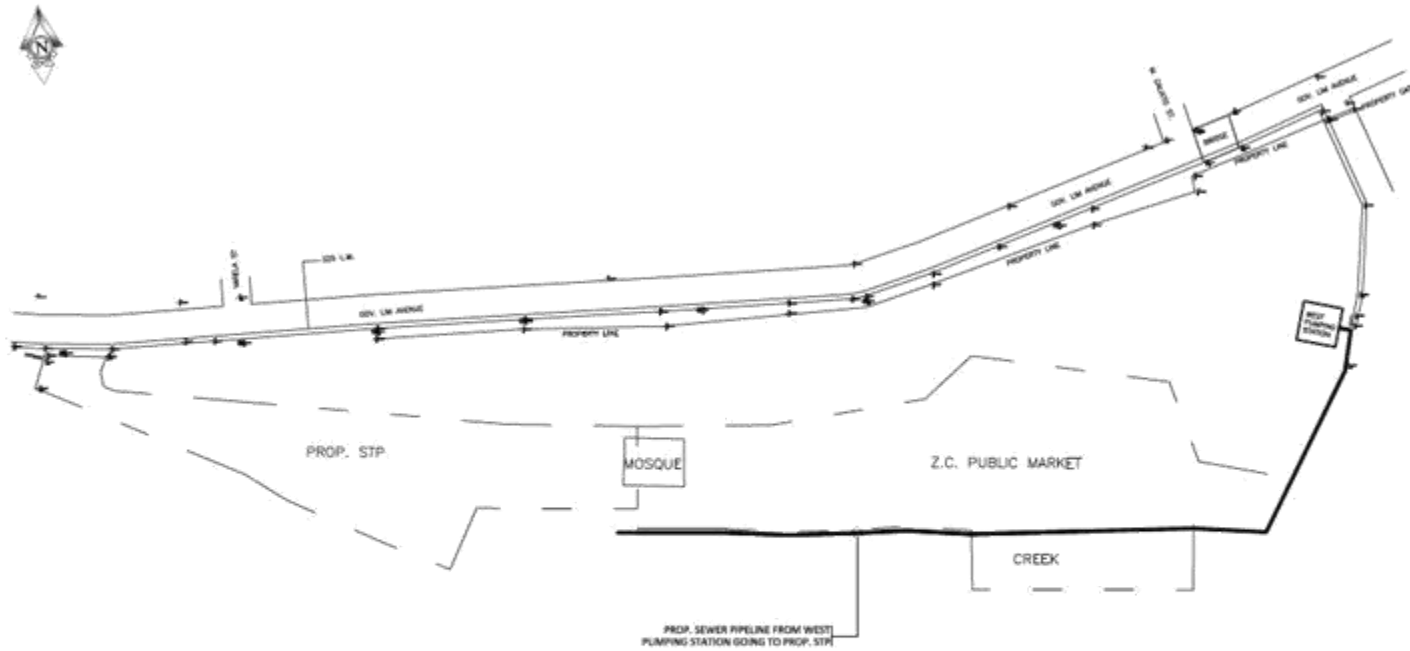
Doc. No. 195 ;
Page No. 39 ;
Book No. VI ;
Series of 2016.


ATY. ROBERTO M. TING
Notary Public
Until December 31, 2016
PTR No. 116-0266/12-08-2016/ZC
TSP No. 897160/01-4-2016/ZC
Roll No. 83089

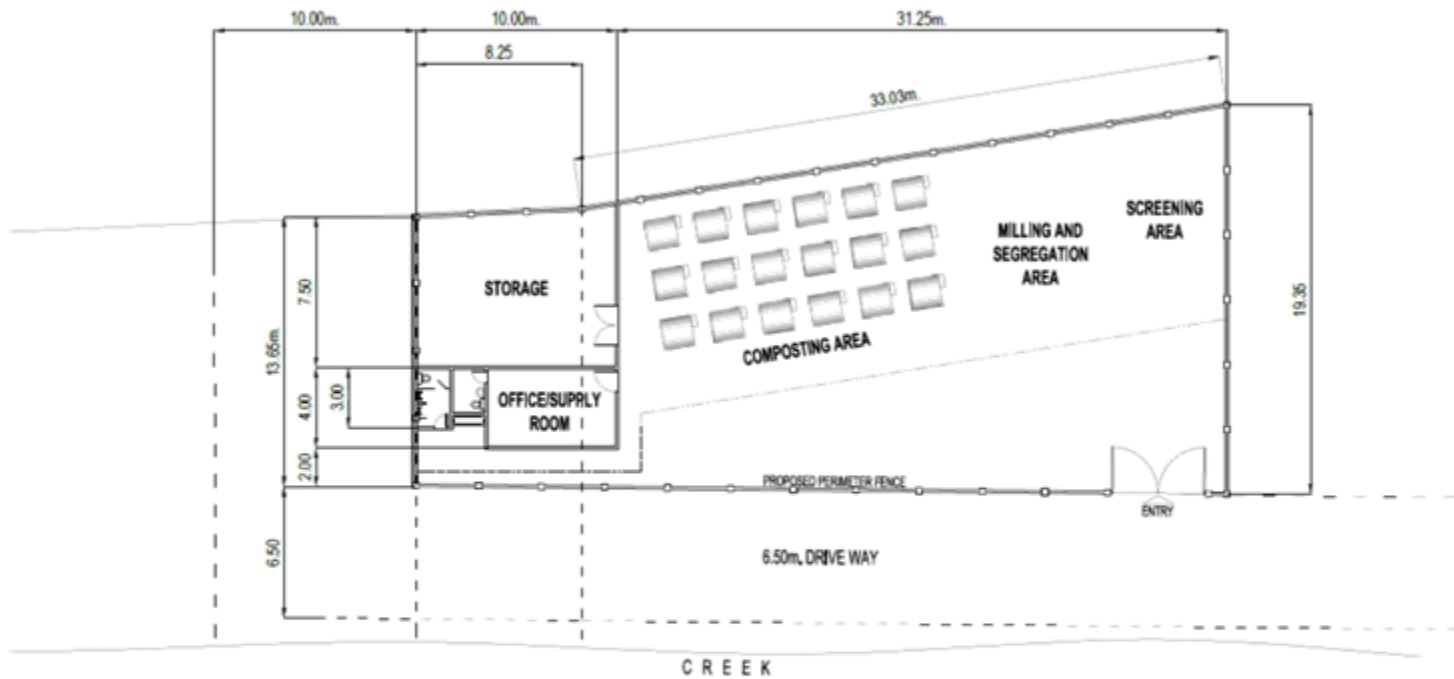
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8. REFERENCE DESIGN AND DRAWINGS



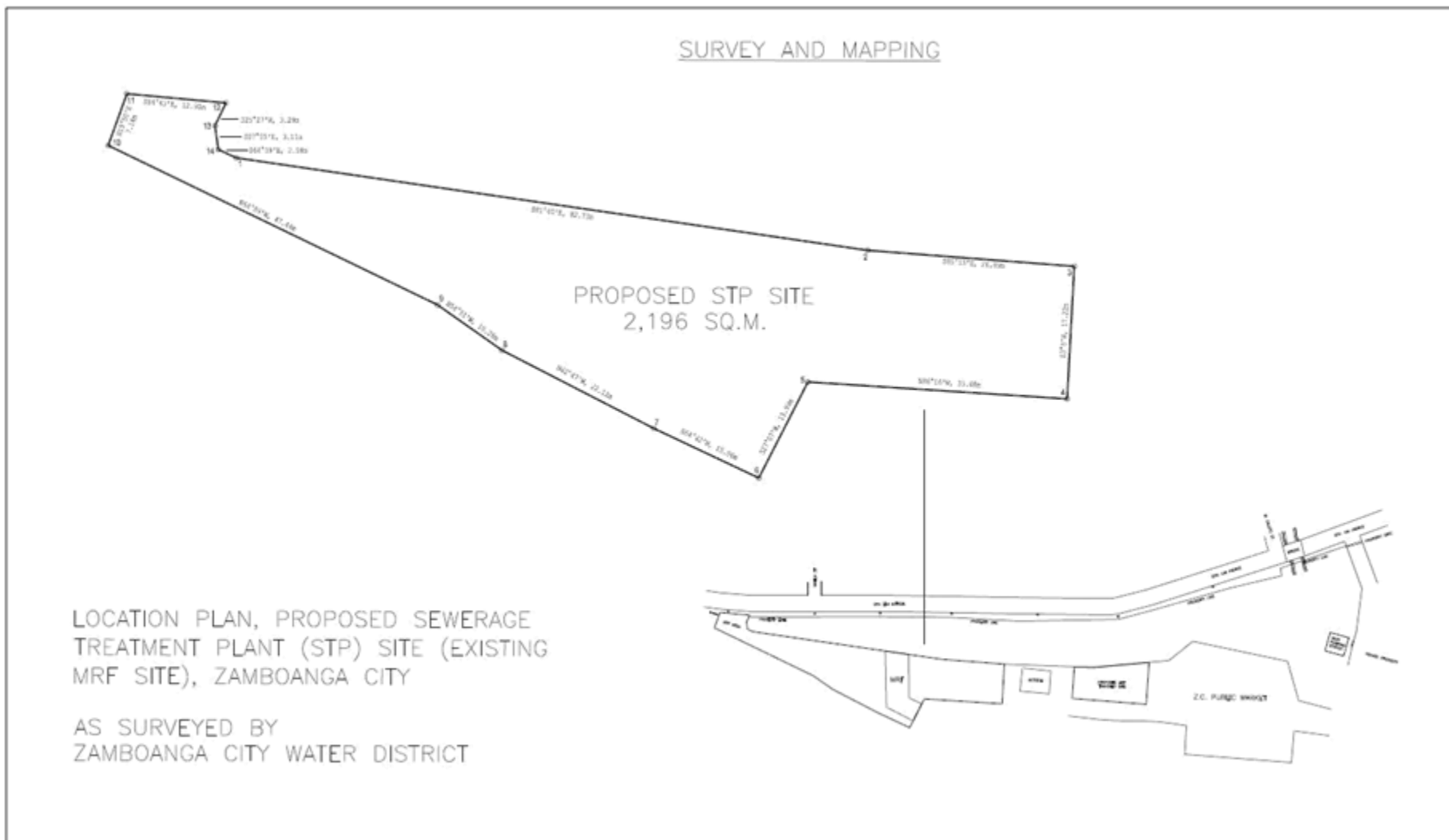


REFERENCE DESIGN AND DRAWING FOR THE PROPOSED SEWER PIPELINE FROM WEST PUMPING STATION GOING TO PROPOSED STP

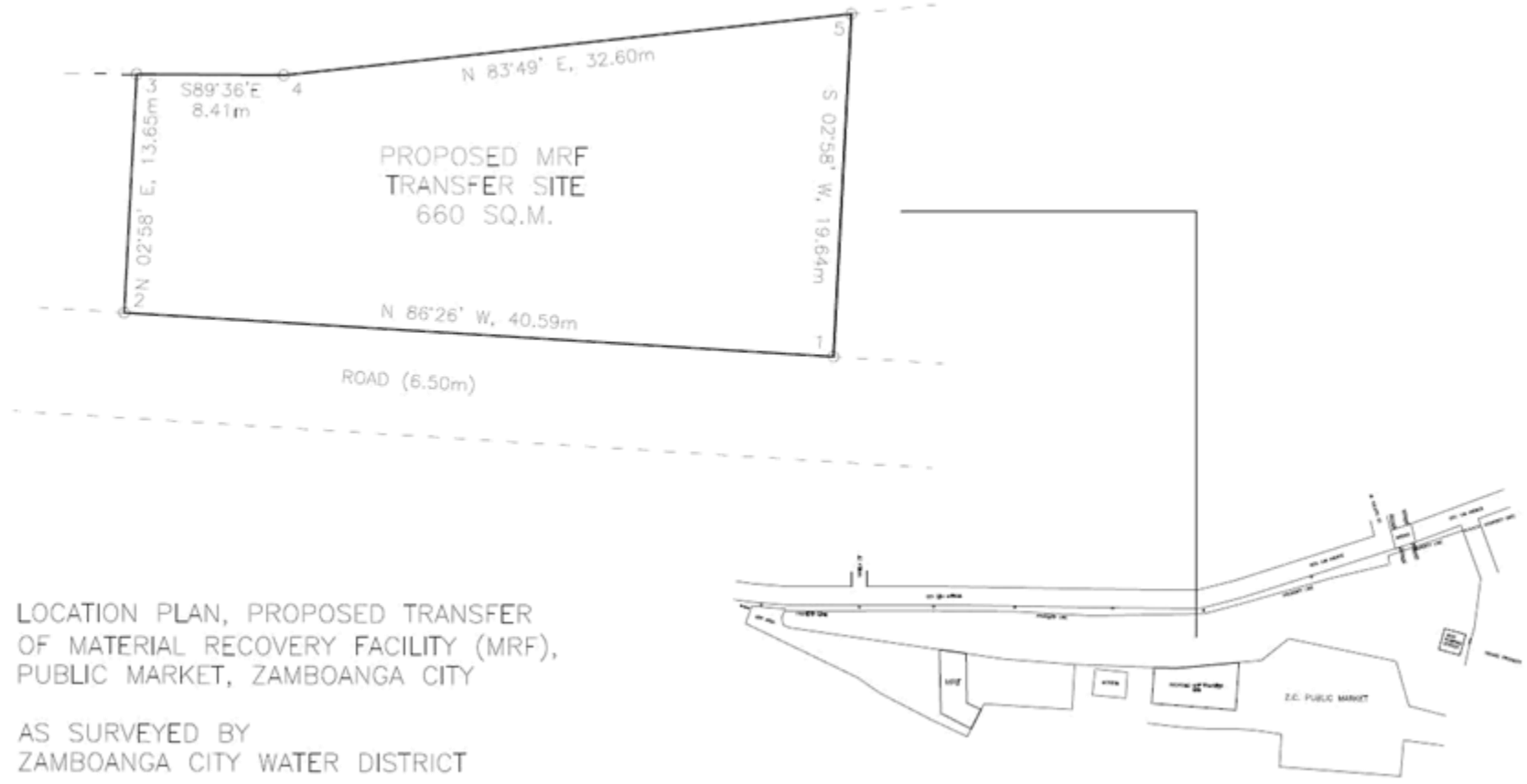


REFERENCE DESIGN AND DRAWING FOR THE PROPOSED MRF

9. SURVEY AND MAPPING



SURVEY AND MAPPING



LOCATION PLAN, PROPOSED TRANSFER
OF MATERIAL RECOVERY FACILITY (MRF),
PUBLIC MARKET, ZAMBOANGA CITY

AS SURVEYED BY
ZAMBOANGA CITY WATER DISTRICT