

Bill No. 5156

Ordinance No. \_\_\_\_\_

Requested by: Amanda Brauer

Sponsored by: Matt Swanson & Joe Brazil

AN ORDINANCE APPROVING FIRST SUPPLEMENTAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND MISSOURI GOVERNOR'S TRANSPORTATION COST SHARE PROGRAM FOR CONCEPTUAL DESIGN OF IMPROVEMENTS NEEDED TO REDUCE CONGESTION AT THE INTERCHANGE OF ROUTE I-64/I-70/US 61

WHEREAS, the Missouri Department of Transportation (MoDOT) has identified the need for improvements to reduce congestion at the interchange of Route I-64/I-70/US 61; and

WHEREAS, St. Charles County Ordinance 20-091, St. Charles County's governing body approved an ordinance approving the execution of the intergovernmental agreement with the Missouri Highways and Transportation Commission and Missouri Governor's Transportation Cost Share Program for Route I-64/I-70/US 61; and

WHEREAS, the terms of the Original Agreement require modification to adjust the financial responsibilities; and

WHEREAS, the County previously agreed to fund the work described within the attached Cost Share agreement in full in order to move the project forward; and

WHEREAS, the Commission original was to provide the County a credit in the amount of the County's contribution; and

WHEREAS, the Commission will now reimburse the County up to \$1,000,000 in 2023; and

WHEREAS, except as modified in the Supplement Agreement, the terms of the Original Agreement for this project shall remain in full force and effect; and

WHEREAS, Section 70.220 of the Revised Statutes of Missouri, as amended, authorizes intergovernmental contracts between political subdivisions for the purposes herein set out.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1 The County Executive is hereby authorized to execute Supplemental One cost share agreement for the project described herein with MoDOT.

Section 2. The First Supplemental Cost Share Agreement shall be substantially in the same form as **EXHIBIT A** attached hereto, which is incorporated herein by reference.

Section 3. The agreement identified above shall be subject to appropriation in budget year 2023.

Section 4. Compliance with all the terms of the agreement authorized in Section 1 shall be the responsibility of the Roads and Traffic Manager.

Section 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 6. The Agreement authorized herein shall be valid upon its lawful execution by the authorized officials of each governmental entity entering into such agreement as required by Chapter 70 of the Revised Statutes of the State of Missouri.

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR

CCO Form: DE07  
 Approved: 07/97 (DPP)  
 Revised: 12/21 (BDG)  
 Modified:

Cost Apportionment Agreement  
 Route: I-64/I-70/US 61  
 County: St. Charles  
 Job No.: J6I3527 / SL0152

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
 COST APPORTIONMENT AGREEMENT  
 FIRST SUPPLEMENTAL AGREEMENT**

THIS FIRST SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the St. Charles County (hereinafter, "Entity").

WITNESSETH:

WHEREAS, on January 7, 2021, the Commission and the Entity previously entered into a Cost Apportionment Agreement to co-ordinate the participation by the Entity in the cost of the Commission's completion of conceptual design work for future improvements for the I-64/I-70/US 61 interchange, in the County of St. Charles, designated as Job No. J6I3527. This public improvement will involve conceptual design work for future improvements of the I-64/I-70/US 61 interchange, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the Entity now desire to revise the Original Agreement as provided in this First Supplemental Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) REVISION: Paragraph (6) PAYMENT RESPONSIBILITIES including Subparagraphs (6)(A) through (6)(C) of the Original Agreement are hereby removed and replaced with the following Subparagraphs 6(A) through (6)(C).

(6) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) Entity Responsibility: The Entity shall remit a check in the amount of one million dollars (\$1,000,000) ten (10) days after the execution of the consultant agreement between the Commission and the selected Consultant. This check should be made payable to *Director of Revenue - Credit Local Fund*. If the Entity fails to make the deposit, the Commission is under no obligation to continue with the project.

(B) Commission Responsibility: The Commission will reimburse the Entity the amount of the Entity's actual expenditures for this agreement in State Fiscal Year 2023 from the District's Statewide Transportation Improvement Program (STIP).

(C) The consultant agreement, excluding supplemental consultant agreements, will be up to but no more than one million dollars (\$1,000,000). Underruns will be returned to the Entity.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this First Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and shall extend and apply to this First Supplement Agreement as if fully written in this First Supplemental Agreement.

*Remainder of Page Intentionally Left Blank; Signatures and Execution Appear on  
Following Page*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity this on \_\_\_\_\_(DATE).

Executed by the Commission on \_\_\_\_\_(DATE).

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

ST. CHARLES COUNTY

\_\_\_\_\_  
Title \_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_  
Title \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title: \_\_\_\_\_

Ordinance No \_\_\_\_\_