

Bill No. 4702

Ordinance No. _____

Requested by: Craig Tajkowski
Sponsored by: Council as a Whole

AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SURFACE TRANSPORTATION PROGRAM SUPPLEMENTAL AGREEMENT, FEDERAL PROJECT STP-7302(669), WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR ACQUISITION OF RIGHT OF WAY FOR WORK ASSOCIATED WITH THE CONSTRUCTION OF AN INTERCHANGE AT ROUTE 364 AND GUTERMUTH ROAD

WHEREAS, 23 U.S.C. Section 133 authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the Missouri Highways and Transportation Commission is the agency designated to receive and dispense such funds; and

WHEREAS, the Missouri Highways and Transportation Commission has determined that the work associated with the construction of an interchange at Route 364 and Gutermuth Road as identified in Federal Project STP-7302(669) is consistent with the goals of STP funding; and

WHEREAS, the original Surface Transportation Program-Urban Program Agreement was approved by Ordinance 18-078 and entered into on October 15, 2018; and

WHEREAS, St. Charles County Government has the resources to develop and provide such services through execution of an intergovernmental agreement with the Missouri Highways and Transportation Commission; and

WHEREAS, the Supplemental Agreement will remove paragraph (11) of the Original Agreement and replaced with the new Paragraph (11) for Acquisition of Right of Way, and except for that revision, the Original Agreement remains in full force and effect; and

WHEREAS, Section 70.220 Revised Statutes of Missouri authorizes an intergovernmental agreement 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 or his designee is hereby authorized to execute the STP-Urban Program Supplemental Agreement with the Missouri Highways and Transportation Commission for work associated with the construction of an interchange at Route 364 and Gutermuth Road as identified in Exhibit A, Federal Project STP-7302(669).

Section 2. The supplemental agreement shall be substantially the same in form and content as that attached hereto as Exhibit A and incorporated herein.

Section 3. The County Executive has indicated that compliance with all the terms of the supplemental agreement shall be the responsibility of the County Engineer.

Section 4. This ordinance shall be in full force and effect from and after the date of its passage and approval and such supplemental agreement shall be valid upon the lawful execution of the agreement by the County Executive or his designee and appropriate officials of the State of Missouri as required by Chapter 70 of the Revised Statutes of the State of Missouri.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that there is a balance otherwise unencumbered to the credit of the appropriation to which this ordinance is chargeable, and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet this obligation.

Director of Finance

Date

EXHIBIT A

CCO Form: FS27
Approved: 05/02 (BDG)
Revised: 03/17 (MWH)
Modified:

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STP-7302(669)
Award Year: 2020
Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STP-URBAN PROGRAM SUPPLEMENTAL AGREEMENT

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

WITNESSETH:

WHEREAS, on October 15, 2018 the Commission and the County previously entered into a STP-Urban Funds Agreement as to public improvements designated as Project STP-7302(669), for the construction of an interchange at Route 364 and Gutermuth Road (hereinafter, "Original Agreement"); and

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

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

(1) REVISION: Paragraph (11) of the Original Agreement is hereby removed and replaced with the following:

(11) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, the County shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. All costs of such right of way acquisition shall be the responsibility of the County. After right of way acquisition for the project is complete, the County shall convey, by special warranty deed, to the Commission all right of way and

related easements that will become part of the Route 364 right of way corridor, including the right of way for the Route 364 entrance and exit ramps, and the Commission will accept and record such conveyances in accordance with its policies and procedures.

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

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

Executed by the County this _____ day of _____, 20____.

Executed by the Commission this _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

COUNTY OF ST. CHARLES

By _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title: _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____