

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

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

Council Bill No. B 178-10

**AN ORDINANCE**

authorizing the City Manager to execute a supplemental agreement with the Missouri Highways and Transportation Commission for transportation enhancement funds for development of the Hominy Branch Trail from Stephens Lake Park to Woodridge Park; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute a supplemental agreement with the Missouri Highways and Transportation Commission for transportation enhancement funds for development of the Hominy Branch Trail from Stephens Lake Park to Woodridge Park. The form and content of the agreement shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

CCO FORM: RM12-SUP  
Approved: 10/97 (BDG)  
Revised: 02/10 (MWH)  
Modified:

Boone County  
City of Columbia  
Project STP-2101 (504)

CFDA Number: CFDA #20.205  
CFDA Title: Highway Planning and Construction  
Award name/number: STP-2101 (504)  
Award Year: FY07  
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
TRANSPORTATION ENHANCEMENT FUNDS  
SUPPLEMENTAL AGREEMENT**

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

WITNESSETH:

WHEREAS, on April 1, 2008, the Commission and the City previously entered into a Transportation Enhancement Funds Agreement as to public improvements designated as STP-2101 (504), for the construction of pedestrian trail along Hominy Branch Creek from Stephens Lake Park to Woodridge Park in the City of Columbia, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

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

(1) REVISION: Paragraph (15) of the Original Agreement is removed and replaced with the following:

(15) REIMBURSEMENT: With regard to work under this Agreement, the City agrees as follows:

(A) Any federal funds for transportation enhancement activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any const incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. The ratio for federal reimbursement of eligible costs for the herein improvements is **35%** up to a maximum of **\$500,000**. Any

costs for the herein improvements which exceed any federal reimbursement shall be the sole responsibility of City. The commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments. The Commission shall not provide more than **five hundred thousand dollars (\$500,000)** for this Transportation Enhancement project.

(B) The authority to advertise for bids shall be granted by the Commission when all right-of-way clearances, environmental clearances, and the approval of the Plans, Specification, and Estimate have been completed. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(C) In the event that the City does not submit the Plans, Specification, and Estimate for this project by **February 1, 2011**, and does not have construction authorization (authority to advertise for bids) by **April 1, 2011**, the City agrees to reimburse the Commission for any monies previously reimbursed to the City under this Agreement. All monies previously programmed for this project shall be surrendered by City at this time. **Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.**

(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.

*(remainder of page intentionally left blank)*

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

Executed by the City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Executed by the Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF COLUMBIA

\_\_\_\_\_

By \_\_\_\_\_

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

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

ATTEST:

ATTEST:

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

By \_\_\_\_\_

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

Approved as to Form:

Approved as to Form:

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

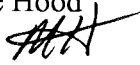
\_\_\_\_\_

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

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

**Source:**


Mike Hood



Agenda Item No. \_\_\_\_\_

**FISCAL and VISION NOTES:**

<b>City Fiscal Impact</b> Enter all that apply:	
\$0	City's current net FY cost.
\$1,820,000	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs: One-time
\$0	Operating / On-going
<b>Program Impact:</b>	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
<b>Resources Required:</b>	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
<b>Mandates:</b>	
N	Federal or state mandated? (Y/N)
<b>Vision Implementation Impact</b> Enter Below All That Applies: <u>Refer to Website:</u>	
y	Vision Impact? (Y/N or if N, go no further)
12.4	Primary Vision, Strategy and/or Goal Item#
13.1	Secondary Vision, Strategy and/or Goal Item#
n/a	FY10/FY11 Implementation Task#

**TO:** City Council  
**FROM:** City Manager and Staff   
**DATE:** July 9, 2010  
**RE:** Supplemental Agreement No 1 - Hominy Trail Phase I

**EXECUTIVE SUMMARY:**

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute Supplement No. 1 to the agreement with the Missouri Highways and Transportation Commission for Hominy Trail Phase I (west portion)

**DISCUSSION:**

Supplement No. 1 to the agreement with the Missouri Highways and Transportation Commission is for the extension of time for the PS&E submittal date and the construction authorization approval date. Dates have been extended to February 1, 2011, and April 1, 2011, respectively. Phase I is the west portion of the Hominy Trail that connects from the east end of Green Valley Dr to Woodridge Road in the Woodridge Subdivision.

**FISCAL IMPACT:**

There is no financial impact with this supplemental agreement. The trail project is funded with a Federal Highway Administration Surface Transportation Enhancement Grant and the Park Sales Tax.

**VISION IMPACT:**

The development of the Hominy Trail addresses vision goals 12.4: development of an extensive, safe network of trails and 13.1: establishment of a safe, interconnected, non-motorized transportation network.

**SUGGESTED COUNCIL ACTION:**

Approval of the ordinance authorizing Supplemental Agreement No 1 with the Missouri Highways and Transportation Commission