

CCO Form: DE11
Approved: 04/93 (CEH)
Revised: 01/18 (BDG)
Modified: 09/28 (BDG)

Municipal/Cooperative Agreement
Route: I-35/I-670
County: Jackson County
City: City of Kansas City, Missouri
Job No: J4I1710 – Bartle Hall Expansion:
Phase II and 4P2316

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
SUPPLEMENTAL COOPERATIVE AGREEMENT #1**

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

WITNESSETH:

WHEREAS, on April 18, 2005, the Commission and the City previously entered into a Cooperative Agreement as to public improvements designated as the Bartle Hall Expansion – Phase II, (hereinafter, "Original Agreement"); and

WHEREAS, Project 4I1710 is now listed in the Statewide Transportation Improvement Program (STIP) as 4P2316 a repayment to the City of Kansas City.

WHEREAS, the Commission and the City 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 (7)(C) of the Original Agreement is hereby removed and replaced with the following:

(7) STATE PARTICIPATION: With regard to project cost participation responsibilities under this Agreement, as shown in Exhibit A, the parties agree as follows:

(C) The reimbursement from the Commission for the items listed in Section 7(A) of the original agreement shall be limited to Seven Million Five Hundred Thousand Dollars (\$7,500,000). The City and Commission have agreed to withhold the city's share of projects 4S3085, 4S3085B and Oxford on the Blue from this payment the following:

J4S3085B – Short term rehabilitation of the Buck O'Neil Bridge

(1) The City will be responsible for fifty percent (50%) of the total project cost. The total project cost will only include the construction contract cost for J4S3085B. The current estimate for project J4S3085B is four million eight hundred thousand dollars (**\$4,800,000**). The current estimate of the City's responsibilities is two million four hundred thousand dollars (**\$2,400,000**).

(2) The amount the City owes the Commission for this project is two million four hundred thousand dollars (**\$2,400,000**) and that amount will be deducted from the seven million five hundred thousand dollars (**\$7,500,000**) the Commission owes the City for the project J4I1710 "Cooperative Agreement Bartle Hall Expansion – Phase II" and listed in the STIP as payback project J4P2316 "Budget Transfer" to the City for J4I1710.

(3) Over/Under –runs shall be handled based on the Commission and City's pro rata share of the investment as outlined in the Cost Share Agreement for 4S3085/4S3085B executed on March 30, 2018.

(4) The Commission will be responsible for the internal MoDOT staff costs at no cost or expense to the City. The City will be responsible for the internal City's staff costs at no cost or expense to the Commission.

J4S3085 – NEPA work Environmental Assessment for the rehabilitation or replacement of the Buck O'Neil Bridge.

(1) The City will be responsible for fifty percent (50%) of the total project cost for the NEPA work. The total project cost will only include consultant contract amount for this work. The current estimate for project J4S3085 NEPA work is One million eight hundred, eighty-three thousand, three hundred and forty-six dollars and eighty-four cents (\$1,883,346.84) consultant contract amount for NEPA work.. The current estimate of the City's responsibilities is nine hundred, forty-one thousand, six hundred and seventy-three dollars and forty-two cents. (**\$941,673.42**).

(2) The amount owed to the Commission for this project (**\$941,673.42**) will be deducted from the amount the Commission owes the City (**\$7,500,000**) for the project J4I1710 "Cooperative Agreement Bartle Hall Expansion – Phase II" and listed in the STIP as J4P2316 "budget Transfer" to the City.

(3) Over/Under –runs shall be handled based on the Commission and City's pro rata share of the investment as outlined in the Cost Share Agreement for 4S3085/4S3085B executed on March 30, 2018.

(4) The Commission will be responsible for the internal MoDOT staff costs at no cost or expense to the City. The City will be responsible for the internal City's staff costs at no cost or expense to the Commission.

Oxford on the Blue

(1) The amount owed to the Commission for transfer of MoDOT property to the City for an economic development project in the amount of seven hundred seventy eight thousand dollars \$778,000 will be deducted from the seven million five hundred thousand dollars (\$7,500,000) the Commission owes the City for the project J4I1710 "Cooperative Agreement Bartle Hall Expansion – Phase II" and listed in the STIP as payback project J4P2316 "Budget Transfer" to the City for J4I1710.

(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.

[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 KANSAS CITY, MISSOURI

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Commission Counsel

By: _____

Title: _____

Ordinance Number _____

Exhibit A

Financial Responsibility Summary

MoDOT Job Number: J4S3085, J4S3085B, Oxford on the Blue

Route: US 169 & MoDOT Property near 87th Street and I-435

County: Jackson

Description: Improvements to Route 169/Buck O'Neil Bridge over the Missouri River and repayment for value of MoDOT property.

J4S3085 - NEPA work (EA) for the rehabilitation or replacement of the Bridge and long term rehabilitation or replacement of the Bridge.

J4S3085B - Short term rehabilitation of the Bridge

Oxford on the Blue – Economic Development project that was to create 36 new jobs.

Responsibilities Matrix:

| Project | Est. Project Cost | Resp. Entity | % Finance Resp | MHTC | City | Funding Source |
|--------------------|-------------------|--------------|----------------|--------------|--------------|----------------------------|
| 4S3085B | \$4,800,000* | Commission | 50% | \$2,400,000 | | Cost Share/District Budget |
| | | City | 50% | | \$2,400,000 | *** |
| 4S3085 | 1,883,346.84** | Commission | 50% | \$941,673.42 | | Cost Share/District Budget |
| | | City | 50% | | \$941,673.42 | *** |
| Oxford on the Blue | 778,000 | City | 100% | | 778,000 | *** |

* Construction Contract only. Consultant contract, Entity PE and MoDOT PE & CE not to be included.

** Consultant Contract for EA work. Entity PE and MoDOT PE not to be included.

*** Deducted from \$7.5M Commission owes Entity (See J411710 Cooperative Agreement Bartle Hall Expansion-Phase II and J4P2316 Budget Transfer to KCMO)

Notes:

- Commission to administer design consultant contracts and construction administration on J4S3085 and J4S3085B.
- The Commission and the City previously entered into a Cooperative Agreement for the Bartle Hall Expansion to the project.
- Over/Under-runs for 4S3085 and 4S3085B will be handled per the Cost Share agreement for 4S3085/4S3085B executed on March 30, 2018.