

BILL NO. 12-2023

ORDINANCE NO. 862

AN ORDINANCE OF GOLDEN CITY, MISSOURI AUTHORIZING THE EMPLOYMENT OF A SPECIAL PROJECT COUNSEL TO ASSIST IN CONCLUDING FINANCING OBTAINING AND CONFIRMING RIGHT OF WAY, CLOSING, BIDDING, AND CONSTRUCTION OF WATER PRODUCTION, STORAGE AND TRANSMISSION FACILITY IMPROVEMENTS FOR THE CITY.

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

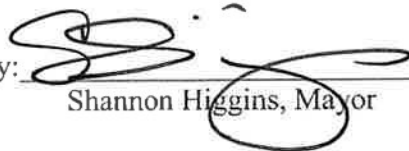
1. The legal service agreement, a copy of which is attached hereto and incorporated herein by reference is hereby approved as an obligation of this municipality.

2. The Mayor is hereby authorized and directed to execute said legal services agreement on behalf of the City. The City Clerk is authorized and directed to attest to the execution of said agreement and affix the seal of the City.

PASSED, APPROVED and ADOPTED by the Board of Aldermen of Golden City, Missouri, this 2nd day of October, 2023.

CITY OF GOLDEN CITY, MISSOURI

(SEAL)

By: 
Shannon Higgins, Mayor

ATTEST:


City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Golden City, Missouri hereby certify that the above and foregoing ordinance is a true and correct copy of the ordinance adopted by said Board of Aldermen as the same appears of record in my office and that the same has not been amended or repealed as of the ____ day of _____, 2023.

(SEAL)


City Clerk



**LEGAL SERVICES AGREEMENT – Project Development
GOLDEN CITY, MISSOURI
WATER SYSTEM IMPROVEMENT PROJECT 2023**

THIS AGREEMENT is made and entered into effective ___ October, 2023, by and between the City of Golden City, Missouri, “Owner” and Wm. G. McCaffree, who offices at Rockwood Building, 128 1/2 West Walnut, P. O. Box 244, Nevada, Missouri 64772, hereinafter called “Attorney”,

WITNESSETH:

Whereas, Owner is a Fourth Class City in Barton County, Missouri, and intends to utilize Mo DNR/SRF, financing and grant for the construction of improvements of its water production, storage and transmission facilities, and will need legal services to complete the proposed project, and will need legal assistance in the final financing, bidding, and construction including possibly confirmation of right of way, and reviewing performance and payment bonds as well as insurance of contractors for the project and other legal work, including, but not be restricted to the following, the Attorney is hereby employed to assist the city all as set out below:

1. Assistance to the Owner and its officials and Project Engineer in promptly obtaining and qualifying for financing by SRF, Mo DNR, and seeking such grants as may be available, and acquiring and maintaining the assistance of experienced professionals - including advising the Owner as to the best means of obtaining and closing financial and grant assistance for a project of this type on a timely basis.
2. Assistance in the preparation for and furnishing advice and assistance as may be needed in connection with (a) the notice for and conducting the meeting of the governing body; (b) the preparation of minutes or journal entries/minutes of these meetings; (c) the preparation and enactment of such ordinances as may be necessary in connection with the authorization of financing, (d) the preparation of such notices, minutes, certifications, leases, resolutions and other instruments as may be needed and may be necessary relating to bidding and construction and certifications needed to obtain financing; (e) the execution of documents for obtaining a loan through private financing (f) entering into contracts as needed to conclude the financing; (g) adoption of ordinances containing rules, regulations and rate schedules as may be required; (h) Assistance with bid opening, contract award, notice of award and notice of proceed, and (i) such other municipal action as may be necessary in connection with the proposed financing.
3. Review of title, liability, auto, worker’s compensation and other insurance and insurance certifications as may be needed to issue construction contracts, and see that contractors have fully complied with the contract requirements, and provide such opinions and certifications as may be required by lenders and grant agencies.
4. Cooperation with the Owner’s engineer and review of construction contract forms from the Engineer as reasonably necessary, as to adequacy of performance and payments bonds and obligations to be assumed by the Owner.

5. Right of way and land acquisition, Verification of title, Compliance with Uniform Act. - The attorney will arrange for verification of ownership and title on property on which improvements are to be constructed for this project and if additional land or easements are needed, i.e. to examine real estate titles or commitments to insure, and prepare as needed options, conveyances and permanent or temporary easements needed to construct the improvements. The attorney will also assist engineering and the city as may be needed to help the city comply with the Uniform Land Acquisition and Relocation Assistance Policies Act.
6. Examination of real estate titles and title insurance commitments or policies, as needed. Title searches, title insurance, and preparation of abstracts of title by an abstract company are separate, but necessary, expenses and cost of such services are not included in this contract.
7. Cooperation with the administrator of any Grants, if obtained, and if private financing is late sought to complete the project, the Underwriter of private financing. Assist as needed with transcripts of the instruments and proceedings showing the actions taken for financing and building the project.
8. Preparation of opinions of counsel as required by the Owner and financing or grant agencies, Missouri SRF and DNR.
9. The Owner agrees to pay the Attorney for professional services devoted to the project as follows:

The attorney will make no charge under this agreement if the project for any reason is not constructed. If the project is constructed, the attorney will be paid for the time consumed in providing assistance to the Owner, at his hourly rate of \$300.00. Payment will be made from project financing (loan and grant) and not from General Revenues. Services of bond or tax counsel, CPA services, and services for abstracting and title searches, are to be provided by others. If the owner needs work on condemnation or litigation or special services (such costs are not normally anticipated but on rare occasion occur) such as to facilitate project completion in the event of contractor default, or negotiations and litigation with any bonding companies, the attorney will provide if requested, such extra services as may be agreed, but they are not subject to the cap. Payment will not be due until funds from financing or grants are available to the Owner – normally at the time of contract award.

ATTORNEY:

Wm. G. McCaffree, Attorney

OWNER:

Golden City, Missouri

By: 
Shannon Higgins, Mayor

(SEAL)

Attest:



Loretta Scheetz, City Clerk