

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING SECTION TWO OF ORDINANCE #2726 OF THE CITY OF WILDWOOD, MISSOURI, TO INCREASE THE TOTAL AUTHORIZATION AMOUNT OF THE CITY-CONTRACTOR AGREEMENT WITH HR GREEN, INC. TO COMPLETE THE DESIGN OF A NEW ROUNDABOUT IMPROVEMENT PROJECT ON STATE ROUTE 109 AT STATE ROUTE BA (SOUTH) WITHIN THE CITY OF WILDWOOD.**

**WHEREAS**, on September 12, 2023, the City Council of the City of Wildwood, Missouri (the “City”), passed and approved Ordinance #2726, authorizing a City-Contractor Agreement (the “Agreement”) by and between the City and HR Green, Inc. (the “Contractor”), for the engineering design of the Route 109 & BA South Roundabout, Project Number STP-5602(625); and

**WHEREAS**, pursuant to Section Two of Ordinance #2726, “[t]he total aggregate expenses and expenses and liability of the City under the Agreement authorized pursuant to section One of this Ordinance, shall not exceed a contract amount of \$245,795.06, except that the Director of Public Works may, by written change order, increase the scope of the work pursuant to the same contract rates and terms in an amount not to exceed a total authorization under this Ordinance of \$255,796.00”; and

**WHEREAS**, the engineering design of the project requires additional utility coordination and additional design work as it relates to signage, pursuant to requirements from the Missouri Department of Transportation. (the “Additional Work”); and

**WHEREAS**, the amount of the Additional Work will exceed the total authorization previously provided for by Ordinance # 2726; and

**WHEREAS**, the City Council of the City (the “City Council”) finds and determines that it is to the benefit of the City for the Contractor to complete the Additional Work, as identified by the Department of Public Works, in order to complete the design of the Project; and

**WHEREAS**, the Administration and Public Works committee, at its regular meeting on December 5, 2023, recommended approval of the Additional Work to the City Council; and

**WHEREAS**, to complete the Additional Work, the City Council finds it is necessary to increase the total authorization, as specified by Ordinance # 2726, to a maximum amount of \$280,796.00.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:**

**Section One.** That Ordinance #2726 of the City of Wildwood, Missouri, shall be and is hereby amended by deleting Section Two thereof in its entirety and replacing it, in lieu thereof, with a new Section Two to read, as follows:


**Section Two.** The total aggregate expenses and liability of the City under the Agreement, authorized pursuant to section One of this Ordinance, shall not exceed \$280,796.00, except that the City Council may by resolution increase said amount upon recommendation by the City Administrator and Director of Public Works.

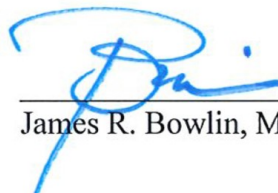
**Section Two. Savings.** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**Section Three. Severability.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**Section Four.** This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this 8<sup>TH</sup> day of JANUARY, 2024, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.

  
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Presiding Officer

  
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James R. Bowlin, Mayor

**ATTEST:**  
  
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City Clerk

**ATTEST:**  
  
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City Clerk