

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN OFF-SYSTEM BRIDGE (BRO) PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO OBTAIN FEDERAL FUNDING TO CONSTRUCT THE WILD HORSE CREEK ROAD BRIDGE #387 REPLACEMENT PROJECT.**

**WHEREAS**, the City of Wildwood, Missouri (the “City”), is proposing to design and construct the Wild Horse Creek Road Bridge Replacement Project (the “Project”), which is proposed to remove and replace the existing Bridge #387 on Wild Horse Creek Road over Wild Horse Creek, approximately 1,400 feet north of Ossenfort Road; and

**WHEREAS**, the Project was approved as part of the City of Wildwood’s 5-Year Capital Improvement Program and funds for design of the Project were approved as part of the 2020 Capital Projects Fund; and

**WHEREAS**, the City applied to the East-West Gateway Council of Governments and was approved to receive federal funding to construct the Project, for an amount not to exceed \$2,036,000 or eighty percent (80%) of the total estimated Project cost of \$2,545,000, under the Off-System Bridge Replacement Program as administered by the Missouri Department of Transportation (“MoDOT”); and

**WHEREAS**, to obtain the federal funds for the Project through MoDOT, the City is required to execute an Off-System Bridge Replacement Program Agreement (hereinafter “Agreement”) with MoDOT; and

**WHEREAS**, the Administration and Public Works Committee recommended that the City enter into the Agreement with MoDOT to obtain the federal funds for the Project; and

**WHEREAS**, the City Council finds it to the benefit of the health safety and welfare of the City to enter into the Agreement with MoDOT to obtain the federal funds for the Project.

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

**Section One.** That the form, terms, and provisions of the Agreement by and between the City of Wildwood, Missouri, and the Missouri Highways and Transportation Commission for federal funding for the Wild Horse Creek Road Bridge #387 Replacement Project within the City of Wildwood, attached hereto, marked as Attachment A, and incorporated by reference herein (the “Agreement”), be and they hereby are approved and the Mayor is hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver and administer on behalf of the City such Agreement in substantially the form attached hereto. The City Clerk is hereby authorized and directed to attest to the Agreement and other documents, certificates and instruments as may

be necessary or desirable to carry out and comply with the intent of the Agreement and this Ordinance.


**Section Two.** That the Mayor is hereby further authorized and directed on behalf of and in the name of the City to agree to do any and all other acts and things and to execute and deliver any and all other agreements, documents, instruments and certificates, all as may be necessary and appropriate to consummate the above mentioned Agreement, and to perform all of the terms, provisions and conditions of the Agreement. The execution by the Mayor of any agreement, document, instrument, check or certificate referred to in this Ordinance and the Agreement shall be conclusive evidence of the approval thereof and of all of the terms, provisions and conditions contained therein. Any and all acts which the Mayor may do or perform in conformance with the powers conferred upon them by this Ordinance are hereby expressly authorized, approved, ratified and confirmed.


**Section Three.** 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 Four.** 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.

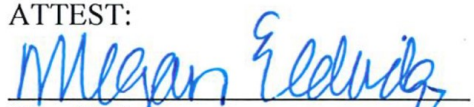
**Section Five.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

This Bill was passed and approved the 11th day of March 2024 by the Council of the City of Wildwood after having been read by the title or in full two (2) times prior to its passage.

  
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Presiding Officer

  
\_\_\_\_\_  
James R. Bowlin, Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

ATTEST:  
  
\_\_\_\_\_  
City Clerk

**ATTACHMENT A**  
[attach Agreement]