

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AND COST APPORTIONMENT AGREEMENT BETWEEN THE CITY OF WILDWOOD, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, TO IMPLEMENT AESTHETIC ENHANCEMENTS ON STATE ROUTE 109.**

**WHEREAS**, Sections 70.210 and 70.320, RSMo., as amended, authorize municipalities and political subdivisions to contract and cooperate with a duly authorized agency of this state for the planning, development, or construction of any public improvement; and

**WHEREAS**, pursuant to Section 70.230, RSMo., “Any municipality may exercise the power referred to in section 70.220 by ordinance duly enacted...[;]” and

**WHEREAS**, the Missouri Highways and Transportation Commission (hereinafter, the “Commission”) has identified and is planning to implement a project to resurface and improve State Route 109, between State Route 100 to State Route CC (Wild Horse Creek Road) (Job JSL0077) (hereinafter “Project”); and

**WHEREAS**, the Project, which is planned to begin construction in 2025, will include milling and resurfacing of Route 109, as well as the replacement of the existing span-wire traffic signals installed at Shepard Road and at Clayton Road; and

**WHEREAS**, the City previously utilized capital improvement funds to implement aesthetic improvements, such as black finished guard rail and traffic signals, and internally illuminated LED streetname signs for traffic signals, as well as extensive landscaping, on State Route 109 and State Route 100 within the City; and

**WHEREAS**, the City desires to implement additional aesthetic enhancements on the Project, consistent with prior aesthetic enhancements implemented by the City, which includes black finished guard rail and traffic signals, and internally illuminated LED streetname signs for the traffic signals at Shepard Road and Clayton Road (hereinafter “Aesthetic Improvements”); and

**WHEREAS**, the City of Wildwood desires that the Commission include and administer the construction of the Aesthetic Improvements with the Commission’s Project; and

**WHEREAS**, the funding for the Aesthetic Improvements is available in the City’s Capital Improvements Program for 2024; and

**WHEREAS**, the Council of the City of Wildwood desires to enter into a Municipal and Cost Apportionment Agreement with the Commission that details the responsibilities and requirements regarding the design, construction cost and long-term maintenance of said 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 Municipal and Cost Apportionment Agreement by and between the City of Wildwood, Missouri, and the Commission, attached hereto, marked as Exhibit A, and incorporated by reference herein (the "Agreement"), be and are hereby 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.** The total aggregate expenses and liability of the City under the Agreement authorized pursuant to Section One of this Ordinance, shall not exceed a contract amount of One Hundred Thousand Dollars (\$100,000.00), except that the City Council may by resolution increase said amount upon recommendation by the City Administrator and Director of Public Works.

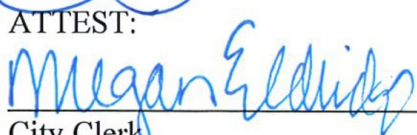
**Section Three. Savings.** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subjected matter hereof,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

**Section Four. 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 Council of the City of Wildwood 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 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 its final passage and approval.

This Bill was passed and approved the 15th day of July, 2024, by the Council of the City of Wildwood, Missouri, after having been read by the title or in full two (2) times prior to passage.

  
\_\_\_\_\_  
Presiding Officer

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

  
\_\_\_\_\_  
Joseph Garritano, Mayor

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

**Exhibit A**