

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY'S RETURN OF CONTRIBUTED FUNDS TO GREENE COUNTY DUE TO POSTPONEMENT OF THE HIGHWAY MM EXPANSION/COST-SHARE PROJECT

WHEREAS, the City of Republic, Missouri ("City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, on or about May 3, 2022, via Ordinance 22-28, the Council authorized the City to enter into an Inter-Governmental Agreement ("IGA") with Greene County for the expansion of a portion of Highway MM between the Interstate-44 Interchange and extending to the Route 360 Interchange ("Expansion Project"); and

WHEREAS, under the terms of the IGA, outlined Greene County agreed to contribute \$1.5 million to the City over the course of five (5) years, with annual contributions of \$300,000; and

WHEREAS, Greene County made two (2) annual \$300,000 contributions to the City, one in 2022 and another in 2023, totaling \$600,000, which the City has held in an escrow account for the Expansion Project; and

WHEREAS, due to developments occurring after execution of the IGA beyond the City's control, as well as several changes in the scope of the Expansion Project itself, the Expansion Project has been placed on hold; and

WHEREAS, as a result of the postponement, Greene County has requested formal termination of the IGA, in accord with its terms, and return of the funds contributed to the City to date; and

WHEREAS, neither Greene County nor the City have breached or is alleged to have breached the IGA, but rather, the request is in line with the termination provisions set forth in the IGA; and

WHEREAS, the City agrees that termination of the IGA, in accord with its terms, along with the City's return of the funds contributed to date under the IGA, is appropriate at this time, given the circumstances as described herein; and

WHEREAS, for all the foregoing reasons, the Council finds it is in the best interest of the City to formally terminate the IGA and return the contributed funds to date in the amount of \$600,000 to Greene County, as it is consistent with the parties' rights and obligations under the IGA and is the most economically responsible action on the part of the City given the postponement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1. The Intergovernmental Agreement between Greene County and the City, attached and labeled "Exhibit 1" and expressly incorporated herein ("IGA"), is formally terminated, pursuant to the terms set forth in the IGA and the mutual agreement of all parties to the IGA.

Section 2. The City Administrator, and his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Resolution.

Section 3. The whereas clauses are specifically incorporated herein by reference.

RESOLUTION NO. 24-R-37

Section 4. This Resolution shall take effect after passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2024.

Attest:

Eric Franklin, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: