

**AN ORDINANCE AUTHORIZING THE CITY OF HAMILTON TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE HAMILTON UNITED METHODIST CHURCH FOR DRAINAGE, DRIVEWAY AND SIDEWALK IMPROVEMENTS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HAMILTON, MISSOURI AS FOLLOWS TO WIT:

**SECTION 1:** The Mayor and Clerk of the City of Hamilton, Missouri are hereby authorized on behalf of the City of Hamilton, Missouri, to sign Memorandum of Agreement attached hereto as Exhibit A and made a part hereof for the improvement of drainage, driveways, and sidewalks in Block 36 of the Original City of Hamilton with the Hamilton United Methodist Church.

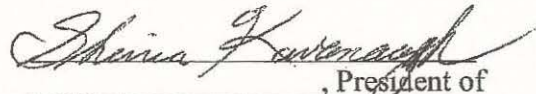
**SECTION 2:** This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

**SECTION 3:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

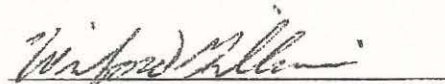
**SECTION 4:** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

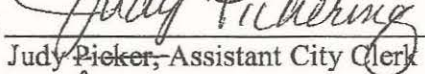
A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 14<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_, President of  
Board of Aldermen

Approved this the 14<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_, Mayor

Attest:   
Judy Pickering, Assistant City Clerk  
Pickering

Vote: Kavenaugh - aye, Swinnen - aye, Trospen - aye, Moss - aye

## EXHIBIT A

# Memorandum Of Agreement

This Memorandum of Agreement is made as of April , 2015. The terms and conditions established are as follows. The Agreement will be between the Hamilton United Methodist Church (Owner) and The City of Hamilton Missouri (City) for the purpose of constructing an 81 stall Off Street Parking Lot "A" , 7 stall On Street Parking Lot "B", 10 stall On Street Parking Lot "C" and sidewalk on and adjacent to Block 36 of the Original City of Hamilton, Caldwell County, Missouri.

The terms and conditions are as based on discussion held on March 30, 2015 at City Hall between Dale Wallace, City Manager; Allen Gentry, Mayor; Stephanie Morgan, Zoning Administrator Officer representing the City and Dale McGregor Civil Engineer representing the Owner.

Mr. McGregor provided copies of a Certificate of Survey, Aerial Photo and plan sheet showing the proposed improvements. Mr. McGregor explained the proposed construction and answered questions by the City. The result of the conversation was as follows:

- A 6 month Construction Permit was issued by the City.
  - Mr. McGregor will provide a document of understanding in addition to the information provided to the City at the March 30, 2015 meeting outlining the afore mentioned construction.
  - Two existing driveways will be improved and paved from Off Street Parking Lot "A" to State Rte. "CC" (Samuel St.) one existing driveway and one new driveway will be paved from Parking Lot "A" to 6<sup>th</sup> Street. An 18" CMP with end sections will be installed under the new driveway.
  - Three Parking stalls will be located along the north edge of Parking Lot "A" and encroach approximately 8 feet on 6<sup>th</sup> Street right of way.
  - The drainage ditch on the south side of 6<sup>th</sup> St. will be improved and lined with 4" to 6" aggregate where drainage empties from the parking lot. An 18" CMP with end section on the West and 18"x 24" Tee Section on the East will be connected to a proposed upgraded 24" CMP under 6<sup>th</sup> Street parallel to Hwy 13. This CMP will be constructed under the new 5' wide by 4" thick sidewalk extending from 6<sup>th</sup> Street to Rte. "CC".
- All sidewalks along Rte. "CC" and Hwy 13 will be constructed on Public right of way within one foot of the City and State Right of way line and be compliant of ADA requirements. The Owner will be responsible for removal and disposal of the existing sidewalk.
- Parking Lot "B" located on the south side of 6<sup>th</sup> St. will be paved and drainage will be conveyed in a layback gutter to an area inlet to be constructed in the SE Quadrant of the intersection of Ardinger and 6<sup>th</sup> Streets. Approximately 10 ft. of

existing sidewalk along Ardinger St. will be replaced to accommodate this drainage improvement.

The existing 15" north/south CMP under 6<sup>th</sup> St. will be evaluated by Mr. McGregor. The area inlet will be constructed in the SE Quadrant of Ardinger and 6<sup>th</sup> Street connecting the Church and City drainage pipes which will improve operation and maintenance of the area.

1

## Memorandum Of Agreement

---

Existing Parking Lot "C" located along the North side of Rte. "CC" will be paved between the existing sidewalk and edge of pavement of Rte. "CC".

The Owner has met with MoDOT and was granted a construction permit for all described construction along and connected to their facilities.

• All construction on public right of way will be provided and paid by the Owner with the following exceptions:

The City will be responsible for removing and disposal of the tree on public right of way located approximately 15 feet south of the south right of way line of 6<sup>th</sup> street along Highway 13.

The City will be responsible for providing the asphalt surfacing, aggregate ditch lining and one each 24" CMP culvert under 6<sup>th</sup> Street at Ardinger and at Highway 13. The drainage improvement along the east ditch of Ardinger will include aggregate ditch lining approximately 130 feet north of 6<sup>th</sup> Street to the existing culvert entrance pipe. City forces will be responsible for removal and disposal of the existing concrete rubble in the existing ditch prior to installation of the aggregate ditch lining.

Installation of the two 24" CMP's and area inlet will be performed by the Owner's contractor providing the City is in agreement with the labor cost for that installation. Otherwise the City will be responsible for material and installation costs. The existing two pipe culverts salvaged under 6<sup>th</sup> Street will remain the property of the City for pick up on site.

The City and Owner will work closely to provide traffic control during construction on city streets and public right of way.

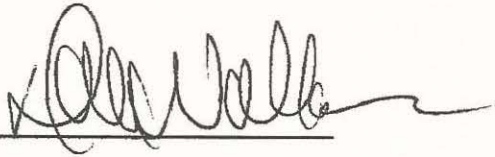
The construction along 6<sup>th</sup> St. will be within the south 30' of 6<sup>th</sup> St. public right of way. The construction along Rte. "CC" will be within the North 25' of Rte. "CC" public right of way.

IN WITNESS WHEREOF, The Owner and City have executed this Memorandum of Agreement.

The City of Hamilton, MO

(City)

Signature:



Print Name: Dale Wallace

Title: City Manager

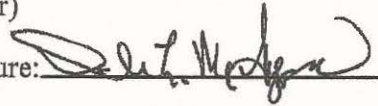
Date:

4/14/15

Hamilton United Methodist Church

(Owner)

Signature:



Print Name: Dale L. McGregor

Title: Chair Administrative Board

Date:

4/14/2015