

**INTERLOCAL COOPERATIVE AGREEMENT  
KENNETH ROAD BRIDGE IMPROVEMENTS**

**AMENDMENT NO. 1**

This Amendment is between KANSAS CITY, MISSOURI, a constitutionally chartered municipal corporation ("Kansas City"), JACKSON COUNTY, MO, ("Jackson County"), OVERLAND PARK, KS ("Overland Park"), and LOCH LLOYD COUNTRY CLUB, ("Loch Lloyd"), together the "Parties".

WHEREAS, the parties have previously entered into an interlocal cooperative agreement for Kenneth Road Bridge Improvements dated October 24, 2014, hereinafter the "Agreement;" and

WHEREAS, the Agreement was entered into by the Parties for the purpose of constructing the public improvement of Kenneth Road Bridge over the Blue River; and

WHEREAS, the Parties wish to amend the Agreement to revise the cost sharing provisions for the Kenneth Road Bridge improvement.

NOW THEREFORE, the parties hereby amend the Agreement as follows:

Sec. 1. Sections Amended. The Agreement is amended as follows:

A. Delete and replace the following section(s):

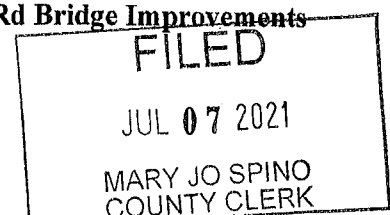
a. Delete Sec. 2. Cost Sharing and replace with the following Sec. 2:

**Sec. 2. Cost Sharing**

A. The total cost of the Improvement which includes design, right-of-way, utility relocation, construction, inspection, construction management, and material testing is currently estimated at \$4,306,755.72.

B. The Parties agree to share the cost of the Improvement as follows:

1. Jackson County agrees to authorize the release of \$3,000,000 in Bridge Off-System (BRO) funds in the custody of Missouri Department of Transportation and allocated to eligible projects located in Jackson County.
2. Loch Lloyd agrees to contribute \$100,000.00 towards the construction of the Improvement.
3. Subject to the appropriation of funds, Kansas City agrees to pay 100% sidewalk cost up to \$128,071.18 towards the construction of the Improvement.



4. Overland Park agrees to pay 100% mill and overlay in Kansas side up to \$15,580.96 towards the construction of the Improvement.
5. Subject to appropriation of funds, in addition to the contributions set forth in subsections 3 and 4 of this section, Kansas City and Overland Park shall share equally any actual cost of construction of the Improvement that is in excess of the contributions by Jackson County and Loch Lloyd up to \$531,551.79 individually for Kansas City and Overland Park.
6. Each Party will be responsible for its own internal staff cost with the exception that Kansas City's construction management costs and lab testing costs are included in the total cost of the Improvement and shall be shared by the Parties as described above.

C. Each Party's estimated share is set out in Exhibit A – Estimated Cost Sharing Sheet, attached hereto and incorporated by reference herein.

D. Subject to appropriation of funds, if the construction of the Improvement exceeds the estimated total project cost, Kansas City and Overland Park will split the cost above 50/50.

Sec. 2. Sections not Amended. All other sections of the Agreement shall remain in full force and effect.

Sec. 3. Unless otherwise defined in this Amendment, all capitalized terms used herein shall have the meaning as set forth in the Agreement.

Sec. 4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement.

Sec. 5. Effectiveness; Date. This amendment will become effective when all the parties have signed it. The date this amendment is signed by the last party to sign it will be deemed the date of this amendment.

Each party is signing this amendment on the date stated opposite that party's signature.

**STATE OF KANSAS**

By:

\_\_\_\_\_  
Title:  
\_\_\_\_\_

Date: \_\_\_\_\_

KANSAS CITY, MISSOURI

Date: Feb. 26, 2020

By: Sherrin K McIntyre  
Title: Sherrin McIntyre, P.E.  
Assistant City Manager and Director of Public Works

Approved as to form:

  
Assistant City Attorney

OVERLAND PARK, KS

Date: 1-27-2020

By: Carl Gerlach  
Carl Gerlach  
Mayor

ATTEST:

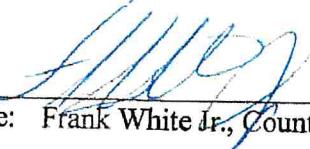
Elizabeth Kelley  
Elizabeth Kelley, City Clerk

Approved as to form:  
Trevor L. Stiles  
Trevor L. Stiles  
Sr. Assistant City Attorney

JACKSON COUNTY, MO

Date: 1/28/2020

By:

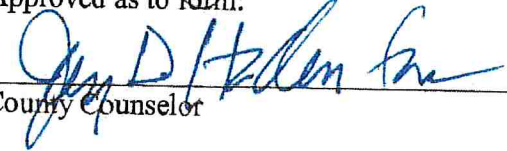
  
Title: Frank White Jr., County Executive

ATTEST:



Clerk of the Legislature

Approved as to form:

  
County Counselor

**LOCH LLOYD NORTH LLC**

Date: 12-23-19

By: 

Title: Dale W. Brouk, Co-Manager

**Exhibit A**

Kenneth Road Bridge over Blue River

Estimated Project Costs w/Proposed Cost Sharing

	Total	Jackson County (BRO)	Loch Lloyd	Kansas City	Overland Park
Design	\$700,775.00	\$400,000	\$100,000	\$100,387.50	\$100,387.50
ROW	\$0	\$0	\$0	\$0	\$0
Construction	\$3,129,423.32	\$2,600,000	\$0	\$320,956.77	\$308,466.55
Construction Management, Inspection, and Testing	\$225,000.00	\$0	\$0	\$112,500	\$112,500
Construction Inspection (Olsson)	\$251,557.40	\$0	\$0	\$125,778.70	\$125,778.70
Total Project Cost	\$4,306,755.72	\$3,000,000	\$100,000	\$659,622.97	\$547,132.75

Assumptions:

1. Existing bailey bridge will be replaced with a 3-span prestressed concrete bridge on a new alignment as shown in in attached conceptual drawing. New bridge will be approximately 325' long and will have two 12' lanes and two 2' shoulders. New roadway will be approximately 900 ft long, and will have 12' lanes with open-channel ditches.
2. Proposed alignment does not require relocation of the pump station on the Kansas side. Add \$250,000 to the project cost if this pump station and associated water mains need to be relocated.
3. The archeological site in the project limits were not eligible for inclusion in the National Register of Historic Places according to the 2001 Supplemental Study, therefore no further Archeological Mitigation expenses are included in this cost estimate. The 2001 Archeological Study needs to be reviewed and updated.
4. Aesthetic enhancements are not included. Any aesthetic issue needs to be covered by others.
5. Kansas City's internal project management cost, estimated to be \$160,000, s not included in the total project cost.
6. Estimated construction cost includes \$284,493.03 project contingency 10%.
7. Kansas City is responsible for 100% sidewalk cost \$128,071.18 on the bridge and grade sidewalk.
8. Overland Park is responsible for 100% mill and overlay cost \$15,580.96 from Kenneth Rd intersection to begin of road reconstruction.
9. Construction to begin in 2020.



ORDINANCE NO. 200036

Estimating revenue in the amount of \$3,180,202.94 in the Capital Improvements Sales Tax Fund; appropriating the amount of \$3,379,166.75 to the Kenneth Road Bridge account; authorizing a \$2,844,930.29 construction contract with Clarkson Construction Company for the Kenneth Road Bridge over Blue River Project; and authorizing a \$251,557.40 contract amendment with Olsson Associates for additional design professional services for this project for a total contract amount of \$425,905.40.

WHEREAS, Ordinance No. 140737 approved a Cooperative Agreement between the City of Kansas City, Missouri, Jackson County Missouri, the City of Overland Park, Kansas, and Loch Lloyd Country Club, wherein all parties agreed to contribute a combined \$3,570,000.00 to the Kenneth Road Bridge over Blue River project; and

WHEREAS, an additional \$650,000.00 in funding was provided from swept funds in other projects during Fiscal Year 2014-15; and

WHEREAS, the total revenue collected prior to the beginning of Fiscal Year 2019-20 was \$389,797.06; and the total amount expended was \$840,833.25; and

WHEREAS, revenue estimates were removed from of the City's financial system in error as part of the City's year-end financial reconciliation process at the end of Fiscal Year 2014-15, and appropriations were removed from the City's financial system at the end of Fiscal Year 2018-19 with the intention of re-estimating remaining expected revenue, and re-appropriating the remaining eligible appropriation in Fiscal Year 2020-21; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That revenue in the Capital Improvements Sales Tax Fund is hereby estimated in the following amount in the following account in the Capital Improvements Sales Tax Fund.

20-3090-890001-481000-89005566	Kenneth Road Bridge	\$3,180,202.94
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Section 2. That \$3,379,166.75 is hereby appropriated from the Unappropriated Fund Balance to the following account:

20-3090-896806-B-89005566	Kenneth Road Bridge	\$3,379,166.75
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Section 3. That the Director of Public Works is hereby authorized to execute a construction contract with Clarkson Construction Company for \$2,844,930.29 in the Kenneth Road Bridge over Blue River Project, from funds hereby and previously appropriated to the following account:

AL-3433-898036-B-89005566	Kenneth Road Bridge	\$ 9,941.63
AL-3519-897001-B-89005566	Kenneth Road Bridge	449,997.00

ORDINANCE NO. 200036

20-3090-896806-B-89005566

Kenneth Road Bridge  
TOTAL:

2,382,038.66  
\$ 2,844,930.29

A copy of the contract is on file in the office of the Director of Public Works.

Section 4. That the Director of Public Works is hereby authorized to execute Amendment No. 2 with Olsson Associates for design professional services for the Kenneth Road Bridge over Blue River Project in the amount of \$251,557.40 with a total contract price of \$425,905.40 from funds hereby appropriated to account number 20-3090-896806-B-89005566. A copy of the amendment is on file in the office of the Director of Public Works.

Section 5. That the Director of Public Works is hereby designated as requisitioning authority for Account No 20-3090-896806.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen  
Director of Finance

Approved as to form and legality:

  
Nelson V. Munoz  
Assistant City Attorney

Authenticated as Passed

  
Quinton Lucas, Mayor  
Marilyn Sanders, City Clerk

JAN 30 2020

Date Passed

ORDINANCE NO. 140737

Authorizing a Cooperative Agreement with Jackson County, Missouri, the City of Overland Park, Kansas and Loch Lloyd Country Club for the Kenneth Road Bridge Improvements project; estimating revenues in the amount of \$3,570,000.00 in the Capital Improvements Fund; appropriating that amount to the project account; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the Kenneth Road Bridge over Blue River (151<sup>st</sup> Street Bridge in Kansas) is located at the border of Missouri and Kansas at the western city limit of Kansas City, which is also the western limit of Jackson County and the eastern limit of Overland Park, Kansas; and

WHEREAS, Loch Lloyd Country Club owns properties adjacent to the Kenneth Road Bridge over Blue River; and

WHEREAS, the Kenneth Road Bridge over Blue River is in poor condition and is closed to traffic; and

WHEREAS, it is in the best interest of all parties and the travelling public to replace Kenneth Road Bridge over Blue River and all parties have agreed to enter into an Interlocal Cooperative Agreement for the purpose of constructing the public improvement of Kenneth Road Bridge over Blue River; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the following account of the Capital Improvements Fund is estimated in the following amount:

15-3090-890000-481000-89005566	Kenneth Road Bridge Contributions	\$3,570,000.00
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Section 2. That the sum of \$3,570,000.00 is hereby appropriated from the Unappropriated Fund Balance of the Capital Improvements Fund to the following account in the Capital Improvements Fund:

15-3090-898036-B-89005566	Kenneth Road Bridge Improvements	\$3,570,000.00
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Section 3. That the Director of Public Works is designated requisitioning authority for Account No. 15-3090-898036.

Section 4. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with Section 503, City Charter.

ORDINANCE NO. 140737

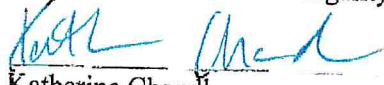
I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.



Randall J. Landes  
Director of Finance

*for the*

Approved as to form and legality:

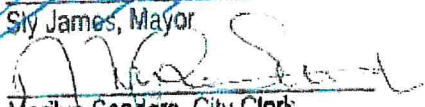


Katherine Chandler  
Assistant City Attorney



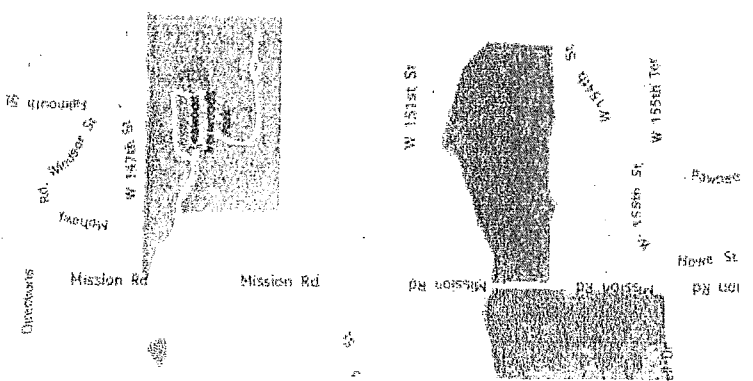
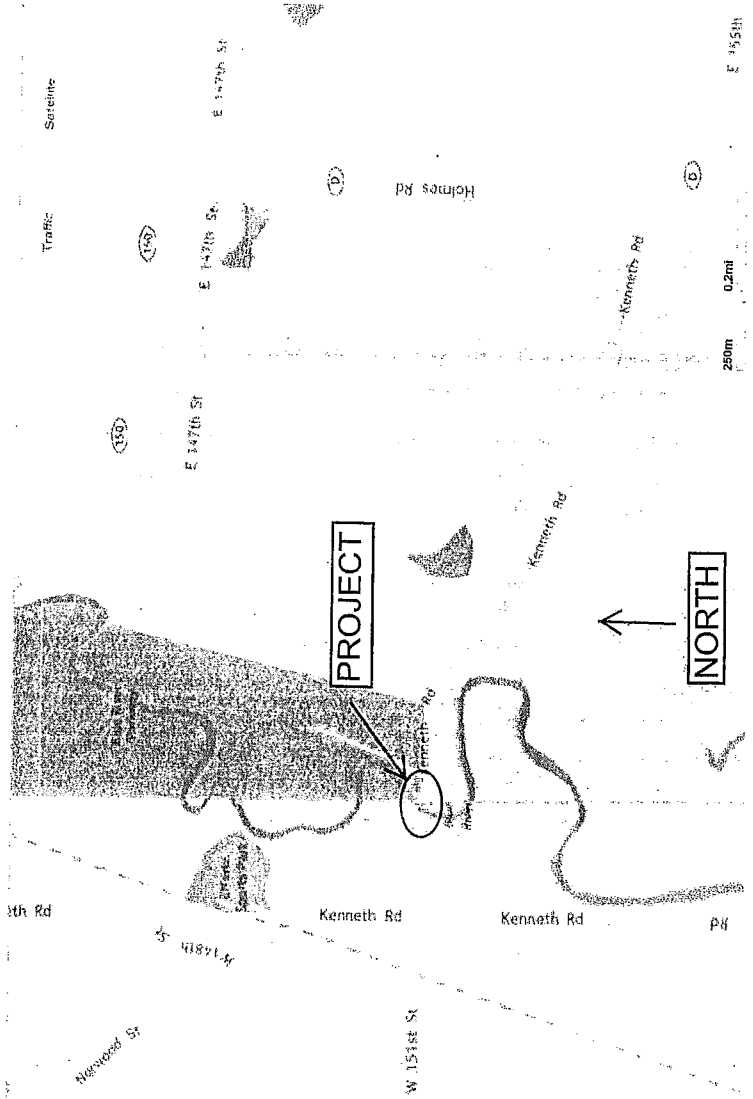
Authenticated as Passed

  
Sly James, Mayor

  
Marilyn Sanders, City Clerk

OCT 2 2014

Date Passed





STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT  
ATTORNEY GENERAL

April 3, 2020

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
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Patricia Hilderbrand, P.E.  
Public Works Department/  
Coordination Services Division  
20<sup>th</sup> F., City Hall  
414 E. 12<sup>th</sup> Street  
Kansas City, MO 64106

Re: Interlocal Cooperation Agreement; Amendment No. 1 – City of Kansas City, Missouri, Clay County, Missouri, City of Overland Park, Kansas, and Loch Lloyd Country Club

Dear Ms. Hilderbrand:

On March 9, 2020, we received the above-referenced amendment to interlocal cooperation agreement (Amendment) for review and approval pursuant to K.S.A. 2019 Supp. 12-2904(g). We find that the Agreement itself is in proper form and is compatible with the laws of this state.

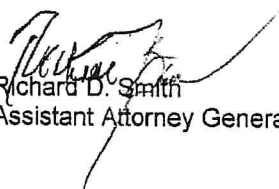
Section 5 of Amendment No. 1 states that it "will become effective when all the parties have signed it." Pursuant to K.S.A. 2019 Supp. 12-2904(b), "[a]ppropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force." An ordinance of the City of Overland Park, Kansas, authorizing entering into the Amendment is not included the Amendment.

In addition, K.S.A. 12-2905 requires that an interlocal cooperation agreement "be filed with the register of deeds of the county where such political subdivision . . . is located and with the secretary of state." The Amendment is not effective until the parties have adopted the appropriate ordinances and resolutions and it is properly filed.

We ask that this letter, the interlocal agreement, and Amendment No. 1 be filed together. Please feel free to contact me with any questions or concerns.

Sincerely,

OFFICE OF ATTORNEY GENERAL  
DEREK SCHMIDT

  
Richard D. Smith  
Assistant Attorney General

RDS:sb  
Enclosures (original documents)  
cc: Trevor Stiles  
City of Overland Park, Kansas  
8500 Santa Fe Drive  
Overland Park, KS 66212