

AN ORDINANCE REGARDING THE RELINQUISHMENT OF AN OUTER ROADWAY BY THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1: The City of Wood Heights, Missouri, finds it necessary to obtain approximately 300 feet of outer roadway on East Ridge Drive for the purpose of septic system repair/installation.

Section 2: The Board of Aldermen hereby approves the relinquishment by the Missouri Highways and Transportation Commission to the City of Wood Heights, Missouri, the portion of East Ridge Drive approximately 300 feet lying north of Route 10 in Wood Heights, Missouri.

Section 3: The Board of Aldermen grants the Mayor the approval to sign the Relinquishment of Outer Roadway agreement.

Section 4: The Board of Aldermen further grants the Mayor the approval to sign an Acceptance of Conveyance document upon delivery of the executed deed to the City.

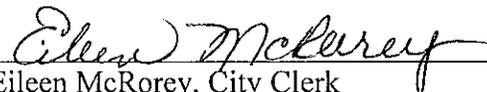
Section 5: This ordinance shall be in full force and effect from and after its passage and approval.

Read two times and passed by the Board of Aldermen of the City of Wood Heights, Missouri this 18th of November, 2008.



John D. Allen, Mayor

ATTEST:



Eileen McRorey, City Clerk

CCO FORM: RW36
Approved: 4/01 (RMH)
Revised:
Modified:

Ray Co.
Route 10
Job SEC 89 - (4)
E40535

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
RELINQUISHMENT OF OUTER ROADWAY AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission ("Commission") and the City of Wood Heights ("Agency").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to relinquish a portion of the state highway system (outer roadway) to the agency.

(2) RELINQUISHMENT: Commission shall convey by quitclaim deed, to the Agency the outer roadway which is the subject of this Agreement. The Agency agrees to accept the deed from the Commission. The deed shall be filed with the office of the recorder of deeds in the county where the outer roadway is located.

(3) MAINTENANCE BY COMMISSION: Upon conveyance of the outer roadway to the Agency, Commission's responsibility to maintain the outer roadway shall cease and the outer roadway will no longer be considered a part of the state highway system.

(4) MAINTENANCE BY AGENCY: Upon conveyance by the Commission as shown by the date on the quitclaim deed, Agency shall maintain the outer roadway as part of Agency's system.

(5) INDEMNIFICATION: The Agency assumes the obligation to save harmless and to indemnify the Commission, including its agents, employees and assigns, from every expense, liability or payment arising out of the Agency's performance under the terms and conditions of this Agreement.

(6) LOCATION: The general location of the outer roadway to be conveyed is as follows:

Approximatley 300 feet of East Ridge Drive lying north of Route 10 in Wood

Heights, Missouri (the exact description of the outer roadway shall appear in the quitclaim deed). Also, there will be no access granted to Route 10 or East Ridge Drive within the conveyed portion of the outer roadway.

(7) COMMISSION REPRESENTATIVE: The Commission's district engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(8) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Agency shall comply with all state and federal laws and regulations relating to the performance of this Agreement.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by Agency this _____ day of _____, 20____.

Executed by the Commission this _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

Title _____

Secretary to the Commission

Approved as to Form:

Commission Counsel

By: _____
Title _____

By _____
Title _____

Approved as to Form:

Title _____

Ordinance No. _____

CCO FORM: RW36
Approved: 4/01 (RMH)
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Executed by the Commission this _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

City of WLD

Title _____

By: _____ ✓

Title _____ ✓

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title _____

Ordinance No. _____