

MID-AMERICA REGIONAL COUNCIL
LITTLE BLUE RIVER WATERSHED FEASIBILITY STUDY – PHASE TWO

AGREEMENT

PARTIES: **City of Independence, MO (City) and Mid-America Regional Council, (“MARC”)**

R E C I T A L S:

1. Dramatic changes in the Little Blue River’s basin conditions related to urbanization and other factors are causing increased frequency of flooding and rapid erosion that threatens the large federal investment and other significant public infrastructure, as well as the protected communities and installations. If continued unchecked, the adverse effects of the transforming watershed will cause significant deterioration to the federal flood-protection projects, increasing damage to critical infrastructure, wildlife habitat and public recreation investment. A comprehensive watershed study is required to unite the communities and agencies in the leveraging of resources for the protection of federal investment, infrastructure, habitat conservation, and storm water management allowing for increased economic benefits to the area.
2. The United States Army Corps of Engineers (“Corps”) has authorization to conduct a comprehensive Little Blue River Watershed Feasibility Study in partnership with local communities that determines the causes and potential solutions to demonstrated watershed impacts. The authorization provides for federal support for one-half of study costs. The other half of study costs will be contributed by local partners (“Stakeholders”).
3. In the first phase of this project, completed on March 31, 2022, the Corps developed a Project Management Plan, or a detailed scope of work, schedule and budget for the overall initiative. Phase One was carried out in coordination with local Stakeholders. Phase Two will implement the scope of work developed in Phase One with similar levels of stakeholder coordination, participation, and agreement.
4. The Project leverages substantial resources from a variety of Stakeholders. The following cities, counties and agencies have agreed to participate in Phase Two of the Little Blue River Feasibility Study:
 - Cities of Belton, Blue Springs, Grandview, Independence, Kansas City, Lee’s Summit and Raytown in Missouri
 - Jackson County, Missouri,
 - Mid-America Regional Council, and
 - United States Army Corps of Engineers, Kansas City District.
5. The Stakeholders requested that MARC serve as the official “Non-Federal Sponsor” to enter into an agreement with the Corps to conduct the study. MARC will coordinate and facilitate Stakeholder support, participation, and contributions to the upcoming study. Further, MARC will help assure that the Stakeholders’ needs are addressed during the study, including but not limited to the following:

- Long-term viability of federal infrastructure investments
- Reliable flood protection along the Little Blue River and its tributaries
- Stable tributary channels, riverbanks and bed elevation, and
- Natural habitat and ecosystem protection and restoration.

PURPOSE: The City of Independence, Missouri is interested in participating in the implementation of the Project Management Plan developed during Phase One of the Little Blue River Feasibility Study (“Project”).

PROJECT COST Total project costs, along with costs for Phases One and Two are shown for all participating communities in Attachment A.

For the City, the total project cost for Phases One and Two is \$357,495. Cost for Phase Two is \$344,162.

The overall project budget of \$3,000,000 is shown in Attachment B.

- USACE – Implementation of the Project in partnership with participating communities - \$3,000,000, of which one-half will be paid with federal resources and one-half will be paid by participating communities.
- MARC – Phase Two Management, Facilitation and Administration Cost - \$70,000.

EFFECTIVE The parties mutually agree to Articles I, II, and III in accordance with this Agreement from the 1st day of December 2022 until the 31st day of March 2025. This agreement may be renewed thereafter to provide continued funding for the Project as mutually determined by the Corps and Stakeholders.

ARTICLE I

City of Independence, Missouri AGREES:

1. To fund their portion of the Project for Phase Two for an amount not to exceed a total of \$344,162, with payment of \$100,000 due on or before December 1, 2022, \$175,000 on or before December 1, 2023, and the balance of \$69,162 due on or before December 1, 2024.
2. To work with other partner agencies to identify \$57,011 of in-kind contributions to this project.
3. To provide MARC at least sixty (60) day notice of its intent to no longer participate in the Project.

ARTICLE II

MARC AGREES:

1. To provide project management and stakeholder facilitation.
2. To contract with the Corps to implement the project management plan (see Attachment C).

The Corps will contribute \$1,475,000 in federal funds to the project in Phase Two.

3. MARC will collect funds from the city and other stakeholders, and disburse \$1,327,989 in funds to the Corps.
4. MARC will retain \$70,000 to administer and facilitate the project.

ARTICLE III

BOTH PARTIES MUTUALLY AGREE:

1. That this Agreement and all contracts entered into under provisions of this Agreement shall be binding upon the City and MARC; and
2. That no third-party beneficiaries are intended to be created by this Agreement, nor do the parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

IN WITNESS WHEREOF: the parties hereto have caused this Agreement to be signed by their authorized officers on the day and year first above written.

Mid-America Regional Council

City of Independence, Missouri

David Warm
Executive Director

Zachary Walker
City Manager

Date

Date

Attachment A: Budget schedule for local government contributions

Community	Phase One Contribution (\$)	Phase Two Contribution (\$)	Work in-kind (\$)	Total Contribution (\$)
Belton	1,749	45,139	TBD	46,888
Blue Springs	2,596	10,000	TBD	12,596
Grandview	2,913	75,188	TBD	78,101
Independence	13,333	344,162	TBD	357,495
Kansas City, MO	11,009	284,198	TBD	295,208
Jackson County	9,469	244,444	TBD	253,913
Lee's Summit	2,000	344,998	TBD	346,998
Raytown	1,931	49,859	TBD	51,791
Total	\$45,000	\$1,397,989	\$57,011 (TBD)	\$1,500,000

Attachment B. Total Project Budget

Project Income

Local government contributions

Phase One	\$ 45,000
Phase Two	\$1,397,989
Local match, in-kind (TBD)	\$ 57,011
Total	\$1,500,000

Federal contribution

Phase One	\$ 25,000
Phase Two	\$1,475,000
Total	\$1,500,000

Total project income \$3,000,000

Project expenses

Corps Phase One

Local contributions	\$ 25,000
Federal contributions	\$ 25,000
MARC Administrative/Management Expenses	\$ 20,000
Total Phase One	\$ 70,000

Corps Phase Two

Local contributions	\$1,327,989
Federal contributions	\$1,475,000
MARC Administrative/Management Expenses	\$ 70,000
Local in-kind match (TBD)	\$ 57,011

Total project expenses \$3,000,000