

BILL NO. 2020-022

ORDINANCE NO.

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, APPROVING MEMORANDUM AGREEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:

Section 1. The memorandum agreement attached hereto and incorporated herein by reference is approved as an obligation of the municipality.

Section 2. The Mayor is authorized and directed to execute the same and the acting city clerk is authorized and directed to attest the same and to affix the city seal.

PASSED, APPROVED and ADOPTED by the City Council of the City of Nevada, Missouri, this 3rd day of March 2020.

(SEAL)

George Knox, Mayor

Attest:

Johnna Williams, Acting City Clerk

Memorandum Agreement

This memorandum agreement is made and entered into this ____ day of _____ 2020 by and between the City of Nevada, Missouri, (City) the Nevada Animal Shelter Corporation, Inc. a nonprofit corporation (NFP) and Curtis and Sons Insurance Agency and Realty Company, Inc., (Curtis, Inc.):

Witnesseth:

1. Curtis, Inc., will transfer to NFP a site of approximately 1.59 acres for use as an animal shelter. This tract is shown on the drawing attached and a survey description will be provided at the expense of City. Title will be insurable as marketable in fact.
2. Curtis, Inc., will also transfer to City, a tract to be described by survey at expense of City, for a 60 ft right of way for a street to provide access from the N. Mac Blvd. intersection with E Hunter St. to the NFP site. Title will be insurable as marketable in fact.
3. City will construct a city street omitting sidewalks on said right of way to permit access for the NFP facility.
4. Deeds will be escrowed immediately and closing will occur as promptly as reasonably feasible in order to perfect the NFP application for federal funding of an animal shelter. Closing expenses and title insurance will be paid by City. If assessor won't recast taxes for 2020 parties will apportion according to acreage at 2019 rate and prorate to closing, unpaid taxes prior to 2020 if any will be paid by seller.
5. This agreement is contingent on the following:
 - a. This contract is contingent upon federal financing for the NFP and should said financing not be approved, the parties will return each other to the position initially occupied and execute and record at City cost all documents necessary therefor.
 - b. This contract is contingent upon city manager's finding and recommendation and council approval of waiver of the extraneous code requirements, attendant, subdivisions, and street construction not expressly provided in this agreement since the acquisition by the city and the NFP serve an essential and acutely needed public and humane purpose – a special circumstance in which application of extraneous requirements would impose a hardship, a variance by waiver is justified to both establish and preserve the creation of a humane animal shelter for the community, and variance will not be detrimental to or injurious to the interests of property owners in the vicinity. The parties are aware of the “non-appropriation” problem – that second year financing is subject to appropriations which conceivably could be denied by a subsequent council. In that event further improvement of the road after the first year will depend upon and be contingent upon further appropriations or acquisition of alternate sources.

IN WITNESS WHEREOF, the parties executed this agreement this ___day of _____, 2020.

City of Nevada

George Knox, Mayor

(Seal)

Attest:

Johnna Williams, City Clerk

Nevada Animal Shelter Corporation, Inc.

George Knox, President

(SEAL)

Attest:

Johnna Williams, Secretary

Curtis and Sons Insurance Agency and
Realty Company, Inc.

Monte Curtis, President

(SEAL)

Attest:

_____, Secretary