

PENDING APPROVAL

OKLAHOMA COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM REQUEST SHEET

FOR THE _____ AGENDA

DEPARTMENT: Commissioner District No. 3, Ray Vaughn

REQUESTED BY: Gerald L. Wright

REQUISITION NO.: _____ REQUISITION SHEET ATTACHED: _____ YES _____ N/A

NAME OF FUNDS: _____

FUND NUMBERS: _____ / _____ / _____

DOES THE AGENDA ITEM CONTAIN PRIVACY-PROTECTED OR SECURITY INFORMATION? _____ YES _____ NO

AGENDA ITEMS CONTAINING PRIVACY-PROTECTED OR SECURITY INFORMATION WILL NOT BE HYPERLINKED TO THE AGENDA.

NUMBER OF ORIGINAL DOCUMENTS TO BE RETURNED TO YOUR DEPARTMENT: 1

AGENDA ITEM READS AS FOLLOWS: Discussion and possible action for approval of an Agreement with the Town of Luther for reconstruction of the 2 blocks of Cedar Street between North 2nd Street and South 2nd Street. Upon completion of the work, Luther will reimburse Oklahoma County the costs for contractors and materials used in completing this project. The not to exceed amount is \$50,716.14, the estimated cost. The Town of Luther applied for and received a \$50,000 Grant from the 2009 Rural Economic Action Plan (REAP) Fund, Grant # T-2009-17 to reconstruction of this section of their roads. After completion of construction Luther shall be responsible for all repair and maintenance of the roadway. This agreement will remain in effect until the work is completed.

APPROVED BY DA
(If Applicable)

 11/22/09

ASSISTANT DISTRICT ATTORNEY

APPROVED BY ENGINEER
(If Applicable)

COUNTY ENGINEER

APPROVED BY PURCHASING
(If Applicable)

PURCHASING AGENT

Please initial that document has been reviewed for privacy-protected or security information

DISTRICT ATTORNEY: _____ YES _____ N/A

COUNTY CLERK: _____ YES _____ N/A

Indicate any privacy-protected information that exists _____

(NOTE: THE CHAIRMAN/CHIEF DEPUTY MUST APPROVE ALL EMERGENCY REQUESTS FOR ANY ITEM SUBMITTED AFTER THE DEADLINE)

DATE OF REQUEST: _____ APPROVED BY: _____

CHAIRMAN

RECEIVED
NOV 23 2009 11:20 AM
COUNTY CLERK

PENDING APPROVAL

REQUEST FOR DISTRICT ATTORNEY LEGAL SERVICES

1090

THIS FORM IS TO BE USED TO REQUEST ADVICE AND/OR REPRESENTATION FROM THE DISTRICT ATTORNEY'S OFFICE REGARDING THE COUNTY OF OKLAHOMA, COUNTY OFFICIALS AND EMPLOYEES AS REQUIRED BY SECTIONS 215.4, 215.5, 215.25 AND 215.26 OF TITLE 19 OF THE OKLAHOMA STATUTES.

IF ADVICE IS SOUGHT, THE REQUEST MUST BE SIGNED BY AN ELECTED COUNTY OFFICER. THIS FORM MUST BE FILLED OUT AND SUBMITTED TO THE CIVIL DIVISION OF THE OKLAHOMA COUNTY DISTRICT ATTORNEY'S OFFICE IN A TIMELY MANNER. ALL RESPONSES TO REQUESTS FOR ADVICE WILL BE IN WRITING.

IF THE REQUEST IS FOR LEGAL REPRESENTATION UNDER 19 O. S. SECTION 215.25, THE REQUEST MUST BE SUBMITTED IN WRITING EARLY ENOUGH TO PERMIT THE DISTRICT ATTORNEY'S OFFICE ADEQUATE TIME TO COMPLETE A THOROUGH "GOOD-FAITH-AND-COURSE-OF-EMPLOYMENT" INVESTIGATION AS CONTEMPLATED BY 19 O.S. SECTION 215.26.

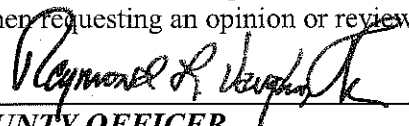
DATE OF REQUEST: 11/20/09

COUNTY DEPARTMENT MAKING REQUEST: Highway District #3

STATE WITH SPECIFICITY, WHAT THE REQUEST IS AND WHY THE ASSISTANCE OF THE DISTRICT ATTORNEY'S OFFICE IS NEEDED: **Please review and determine if this "Agreement" is legal to perform the requested project.**

Request a legal opinion for the Agreement between the Town of Luther and the Board of County Commissioners, Oklahoma County for reconstruction of 2 blocks of Cedar Street between N 2nd St and S 2nd St. Upon completion of the work, Luther will reimburse Oklahoma County the costs for contractors and materials used in completing this project. The not to exceed amount is \$50,716.14, the estimated cost. The Town of Luther applied for and received a \$50,000 Grant from the 2009 Rural Economic Action Plan (REAP) Fund, Grant # T-2009-17 to reconstruction of this section of their roads. After completion of construction Luther shall be responsible for all repair and maintenance of the roadway. If you have questions or comments, please contact Gerald Wright at 713-2180. Note: The attached agreement has not been reviewed by the Town of Luther and an additional opinion will be required if their review results in changes.

ATTACH ADDITIONAL DOCUMENTS AS APPROPRIATE. (NOTE: Advice, reviews and approvals as to "form and legality" are based on the documentation and information provided to the District Attorney's Office. Please provide all relevant information when requesting an opinion or review from the District Attorney's Office).




COUNTY OFFICER

.....
DATE RECEIVED BY ASSISTANT DISTRICT ATTORNEY: 11/20/09

REPLY BY ASSISTANT DISTRICT ATTORNEY: Reviewed

RECEIVED
NOV 20 2009
CIVIL DIVISION
DISTRICT ATTORNEY

By: 

Assistant District Attorney, John Jacobsen

PENDING APPROVAL

AGREEMENT

BETWEEN

THE TOWN OF LUTHER

AND

THE BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY

This Agreement entered into the _____ day of _____, 2009, by and between The Town of Luther, hereafter referred to as the Town and The Board of County Commissioners of Oklahoma County, hereinafter referred to as the County.

WHEREAS, the Town applied for and received a \$50,000 Grant from the Rural Economic Action Plan (REAP) Fund for reconstruction of the 2 blocks of Cedar Street, between North 2nd Street and South 2nd Street which is in urgent need of repair; and

WHEREAS, the Town desires to retain the use of the County's equipment and personnel to reconstruct this section of roadway; and

WHEREAS, the County has historically assisted the Town with maintenance, repair, and reconstruction of the Town's parking areas and roads; and

WHEREAS, it is in the mutual interest of the Town and the County to share in the improvements to this section of road; and

WHEREAS, such contract is authorized and provided for by the provisions in Oklahoma Statutes, Title 69, § 603 and § 1903(B).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

The County shall:

1. Furnish supervision, labor, equipment, surveys, materials, traffic control, and subcontractors as required to complete the work.
2. Reconstruct the roadway to as near as possible the existing grades as follows:
 - a. Repair or reestablish the drainage ditch along the East side of Cedar Street between 1st Street and North 2nd Street and along the West side between 1st Street and North 3rd Street.
 - b. Replace, extend and install culverts as needed.
 - c. Reconstruct, stabilize and compact the sub-grade.
 - d. Pave the roadway with 3" of "A" mix and 2" of "B" mix asphalt concrete.
 - e. Place a strip of sod (max 42" wide) along the edges of the new pavement.

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The Town shall:

1. Upon completion of the project and upon proper invoicing by the County, make payment within 15 days. In no case will the cost to the Town for contractors and materials to complete this project exceed \$50,716.14.

The parties agree that upon completion of said project and opening of the same to traffic, the Town shall be responsible for all needed maintenance and repairs to keep the project in good and safe condition for the use and benefit of the traveling public.

This Agreement shall commence on the date by which this Agreement is executed by both parties and will continue through June 30, 2010. Either party may sooner terminate this Agreement by prior written notice to the other party.

Each entity shall be liable for its own acts of negligence.

APPROVED by the MAYOR and CITY COUNCIL of the TOWN of LUTHER

this _____ Day of _____, 2009.

MAYOR

ATTEST:

City Clerk

APPROVED as to form and legality this _____ day of _____, 2009.

City Municipal Counselor

PENDING APPROVAL

APPROVED this _____ day of _____, 2009.

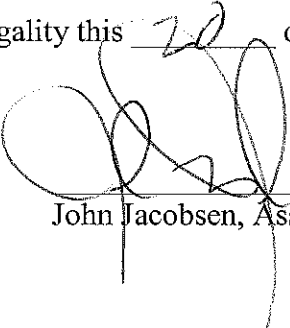
BOARD OF COUNTY COMMISSIONER
OKLAHOMA COUNTY

Ray Vaughn, Chairman

Willa Johnson, Vice Chairman

Brian Maughan, Member

APPROVED as to form and legality this 20 day of November, 2009.



John Jacobsen, Assistant District Attorney

ATTEST:

Carolynn Caudill, County Clerk

APPROVED

Stacey Trumbo, PE, County Engineer