

INTERLOCAL AGREEMENT

THIS AGREEMENT entered into by and between the following parties:

The Board of County Commissioners of Muskogee County, Oklahoma
("County"), and,

The CITY OF MUSKOGEE, Oklahoma, a municipal corporation ("City").

WHEREAS, the Oklahoma Statutes provide general authority for counties and municipalities to enter into agreements with each other for their mutual benefit; and,

WHEREAS, Section 1008, of the Interlocal Cooperation Act, 74 OKLA. STAT. §§ 1001-1008 ("Interlocal Act"), permits public agencies to contract with one another to perform any governmental service, activity, or undertaking which they are authorized to perform.

WHEREAS, the City and County have mutual interests in infrastructure and improvements to the Industrial park.

WHEREAS, both the City and the County find that in an effort to improve the water and sewer facilities to the Industrial Park, it will be financially advantageous to complete the work as one project and share the labor, materials and overall costs ("the project");

WHEREAS, the Project, to be located at the John T. Griffin Industrial Park will improve the infrastructure in the park and possible development opportunities, providing significant economic benefits to the City and County;

WHEREAS, the City and the County find that a partnership under the Interlocal Act would provide the best opportunity for the pooling of resources of each party for the success of the Project;

WHEREAS, the governing bodies of the parties herein wish to execute the agreement in order to facilitate the proposed partnership.

THEREFORE, the parties do hereby enter into this Agreement to cooperatively facilitate the water and sewer improvements needed for the Project;

1. The City and the County agree to proceed with the Project under the authority of 74 O.S. Sec. 1008.

2. The parties agree there will be an authorized point of contact during the planning and implementation of this agreement.
3. The parties further agree that the terms of this Agreement are not assignable to another party without the express written consent of the parties to this Agreement. The City contribution to the project will be in the manner of coordinating engineering, design and permitting of the project, solicitation of bids, hiring a contractor and managing the project to completion.
 - a. *Preparation.* The City will hire a qualified engineer, secure necessary permits at the state and local level and approve final design of water and sewer improvements to the City's system within and near the John T. Griffin Industrial Park.
 - b. *Bidding and Construction:* Bidding and awarding contract of the proposed water and sewer improvements in John T. Griffin Industrial Park. City will be responsible for inspection of the project.
 - c. Other labor and equipment as may become known to the parties through the design, planning and construction of the Project.

The County agrees to pay to the City the actual costs of the work described in Paragraph 3, up to a total of \$651,800. The projected cost of the project is \$1,303,600, with both the city and county paying half the expenses. In no circumstances shall the County's payment to the City exceed \$651,800 without the express advanced approval of the Muskogee County Commissioners. The County will make payment subsequent to the award of the water and sewer line improvement construction contract, but prior to commencement of work.

4. The parties agree that no real or personal property shall be acquired jointly during the course of this Agreement. Any property individually acquired by a party to this Agreement shall remain the property of that party upon termination of this Agreement.
5. This Agreement shall be in force and effect from the date all parties have signed it.
6. The parties agree that this written Agreement contains the entire agreement between the parties, and that it cannot be modified except by a written instrument executed by the parties.

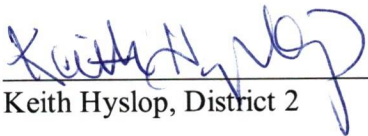
DATED this 17 day of OCT, 2022.

[Signature pages to follow]

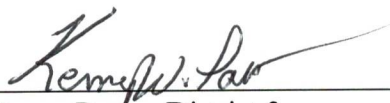
BOARD OF COUNTY COMMISSIONERS,

MUSKOGEE COUNTY, OKLAHOMA

Ken Doke, District 1



Keith Hyslop, District 2



Kenny Payne, District 3

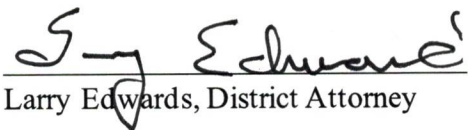


Attest:



Polly Irving, County Clerk

Approved as to form and legality this oct 17, 2022.



Larry Edwards, District Attorney

CITY OF MUSKOGEE, OKLAHOMA

Marlon Coleman, Mayor

Attest:

(Seal)

Tammy L. Tracy, City Clerk

Approved as to form and legality this _____, 2022.

Roy D. Tucker, City Attorney