

PROJECT AGREEMENT
BY AND BETWEEN MUSKOGEE COUNTY
AND
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION
FOR THE CONSTRUCTION OF
INDUSTRIAL ACCESS PROJECT
PROJECT NO. SAP-251D(148)
J/P NO. 35988(04)

AGREEMENT

This Agreement, made the day and year last written below, by and between Muskogee County, hereinafter referred to as the COUNTY, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the DEPARTMENT, is for the following intents and purposes and subject to the following terms and conditions, to-wit:

WHEREAS, the DEPARTMENT is in receipt of a request by the COUNTY that the COUNTY be permitted to engineer and construct an Industrial Access Project and to be reimbursed by the DEPARTMENT for the cost of surfacing upon satisfactory completion of the work from the funds allocated by the Transportation Commission for the project; and

WHEREAS, the Transportation Commission did at its regular meeting of May 2, 2022 approve Agenda Item 64c allocating \$280,000 (two hundred eighty thousand dollars) for the purpose of participating with the COUNTY in constructing an access road near Oktaha, Oklahoma. The proposed project begins on West 133rd Street South at Oktaha Road and extends west for approximately 0.80 miles to South 104th Street South, then turns north on South 104th Street South and extends north for approximately 0.50 miles. as shown on the attached map hereby made part of this Agreement. Muskogee County will be responsible for the initiation, construction and completion of all work associated with the project.

NOW, THEREFORE, it is mutually agreed by the COUNTY and the DEPARTMENT that:

1. The COUNTY agrees to provide all plans, specifications and construction cost estimates for this project.
2. The COUNTY agrees to adjust or relocate or cause the adjustment or relocation, at the COUNTY's sole expense, of all utility facilities as may be reasonably necessary or convenient to accommodate construction of the project.
3. The COUNTY warrants that all rights-of-way needed for the construction of said project shall be free and clear of all obstructions and encumbrances of whatsoever nature, which would interfere with construction of the project, including but not limited to utility poles, pipelines, buildings, signs and other facilities above or below the surface of the ground.
4. The COUNTY hereby certifies to the Department of Transportation that the entire project is to be constructed on public right-of-way
5. Upon completion of the construction plans the COUNTY will provide, upon request by the DEPARTMENT two (2) one-half size set of such plans.

6. The COUNTY shall assume total responsibility for the construction, inspection and completion of this project.
7. The COUNTY will invite a DEPARTMENT representative to attend the pre-work conference.
8. The COUNTY will invite a DEPARTMENT representative to attend the final inspection.
9. Upon completion and final acceptance of the project, the COUNTY agrees that it shall, at its own expense, assume full maintenance responsibility for the project.
10. Upon completion and final acceptance of the project, the DEPARTMENT agrees to reimburse the COUNTY for the cost of surfacing in an amount not to exceed \$280,000 (two hundred eighty thousand dollars).
11. Payment shall be made by the DEPARTMENT to the COUNTY upon receipt of a properly executed Claim Form D.T. 324A accompanied by suitable evidence of the expenditure made by COUNTY in the execution of this project.
12. That the COUNTY agrees that as a condition to receiving any financial assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42, U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".

IN WITNESS WHEREOF, the Director of Transportation, pursuant to authority vested in him by the Oklahoma Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation, and the COUNTY has executed the same pursuant to authority prescribed by law:

BOARD OF COUNTY COMMISSIONERS
MUSKOGEE COUNTY OKLAHOMA:

BY 
County Commissioner District 1 (date)


BY 
County Commissioner District 2 (date)

BY 
County Commissioner District 3 (date)

ATTEST: 
County Clerk (date & seal)



APPROVED AS TO FORM AND LEGALITY:


COUNTY - District Attorney (date)

APPROVED AS TO FORM AND LEGALITY
DEPARTMENT OF TRANSPORTATION:

General Counsel (date)

Division Engineer, Local Government (date)

Chief Engineer (date)