

AGREEMENT
Between
City of Columbia, Missouri
And
S. B. J. Holdings LLC

This "Agreement" between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and S. B. J. Holdings LLC (hereinafter "Room 38") and jointly (hereinafter "parties") is entered into on the date of the last signatory noted below.

WHEREAS, the CITY desires by construction of the "Avenue of the Columns" to establish a unique corridor with the intent to link the historic columns at the court house square to the columns in Francis Quadrangle; and

WHEREAS, the CITY is currently constructing this project; and

WHEREAS, Room 38 desires to reimburse the City for additional concrete and brick theme to expand the "Avenue of the Columns" project.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into this Agreement by this reference, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

SECTION 1 – RESPONSIBILITIES OF CITY

- 1.1. The City will provide the services as described below, thereafter called Services, consisting of the following:

Removal of two parking spaces on the south side of Walnut Street just east of the corner with Eighth Street. The sidewalk will be widened an additional 10 feet at the two parking spaces and the Avenue of the Columns brick theme will be carried through the sidewalk as shown on the attached drawing. The work will be completed by the Contractor currently constructing the Avenue of the Columns for the City through a change order to the construction contract. The estimated cost of construction is \$13,750.

SECTION 2 – RESPONSIBILITIES OF ROOM 38

- 2.1. Room 38 will provide the City with plans that are acceptable to the City and that are sealed by a professional engineer registered in the state of Missouri for the construction of the additional sidewalk and brick theme.
- 2.2. For services performed, Room 38 shall pay the city the actual cost for construction of additional concrete sidewalk and brick theme. The estimated cost of construction is \$13,750. Payment is due within 30 days from the date of service.

SECTION 3- General Conditions

- 3.1 No party may assign or transfer any of its rights or obligations under this Agreement to any other person or entity without the prior, written consent of the other parties.

- 3.2 This Agreement is for the sole benefit of parties, and nothing in this Agreement is intended to confer any rights or remedies on any third party.
- 3.3 Nothing in this Agreement will be deemed or construed by the parties, nor by any other entity or person, as creating any principal and agent relationship, or partnership, or joint venture, between the parties.
- 3.4 This Agreement will be governed by the laws of the State of Missouri, and any action relating to this Agreement will be brought in the Circuit Court of Boone County, Missouri.
- 3.5 The covenants, agreements, and obligations in this Agreement will extend to, bind, and inure to the benefit of the parties and their respective successors and approved assigns.
- 3.6 Each person signing this Agreement on behalf of any of the parties represents that he or she has been duly authorized and empowered, by order, ordinance, or otherwise, to execute this Agreement and that all necessary action on behalf of that party to effectuate that authorization has been taken and done.
- 3.7 The Parties state that this Agreement contains the entire agreement between the Parties, and there are no other oral, written, express or implied promises, agreements, representations or inducements not specified herein.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by their duly-authorized officers on day and year of the last signatory noted below.

CITY OF COLUMBIA, MISSOURI

Mike Matthes, City Manager

Date: _____

ATTESTED BY:

By _____
Sheela Amin, City Clerk

APPROVED AS TO FORM:

By _____
Nancy Thompson, City Counselor

By: 
S. B. J. Holdings LLC

Date: 5/4/16