

RE: SPIRE MISSOURI FACILITY RELOCATION AND ADJUSTMENT AGREEMENT

Resolution #2026-03

Background:

In 2023, Transportation Alternative Program funds (TAP) were awarded to Nixa for a ten-foot wide multi use path located east of Cheyenne Rd extending from the Cheyenne Valley development to Summit and High Pointe Schools. Engineering is complete, necessary easements have been secured, and final preparations are being made to request bids

Analysis:

During final analysis, a vertical separation discrepancy was identified between an existing gas line located within its own easement and the walkway footings required to cross existing stormwater facilities. This conflict will require 90 feet of existing gas line to be relocated at a cost of \$12,736.00.

A Relocation Agreement was provided by Spire Missouri and has been reviewed by City Attorney Nick Woodman.

Recommendation:

Staff recommends approval of this agreement so necessary accommodations can be made to proceed with the project.

MEMO PREPARED BY:

Jeff Roussell | Street Superintendent

jroussell@nixa.com | 417-725-2353

RESOLUTION NO. 2026-03

A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FACILITY RELOCATION AND ADJUSTMENT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$12,736.00, WITH SPIRE MISSOURI, INC., FOR THE RELOCATION OF CERTAIN GAS LINES.

WHEREAS the City has identified a need for a ten-foot wide multi-use path located east of Cheyenne Rd., extending from the Cheyenne Valley development to Summit and High Pointe Schools (the "Project"); and

WHEREAS during the engineering for the Project, a vertical separation discrepancy was identified between the proposed pedestrian bridge foundation and an existing gas line owned by Spire Missouri Inc; and

WHEREAS to maintain safe vertical separation and proceed with the Project, approximately 90 feet of the existing gas line must be relocated; and

WHEREAS Spire Missouri Inc. has provided a Facility Relocation and Adjustment Agreement estimating the cost of said relocation at \$12,736.00; and

WHEREAS City staff recommends approval of said Agreement to allow necessary accommodations for the Project to proceed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:

SECTION 1: The City Council hereby authorizes the City Administrator, or designee, to execute a "Facility Relocation and Adjustment Agreement" with Spire Missouri Inc., in an amount not to exceed \$12,736.00. Said Agreement shall be in substantially similar form as "Resolution Exhibit A," which is attached hereto and incorporated herein by this reference as though fully set out herein.

SECTION 2: The City Administrator and the officers of the City are hereby authorized to do all things necessary or convenient to carry out the terms and intent of this Resolution.

SECTION 3: This Resolution shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

[Remainder of page intentionally left blank. Signatures follow on the next page.]

RESOLUTION NO. 2026-03

ADOPTED BY THE COUNCIL THIS 13TH DAY OF JANUARY 2026.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2026.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

SPIRE MISSOURI INC FACILITY RELOCATION AND ADJUSTMENT AGREEMENT

BILLING INFORMATION:

Name: Jeff Roussell
 Title: Street Superintendent
 Organization: City of Nixa Mo.
 Address: 715 W Mt Vernon P.O. Box 395
 City, State, Zip: Nixa Mo.65714
 Phone: 417-725-2353

Project: 808064
 Work Order: 36562442

The undersigned parties agree that abandonment and/or relocation of existing Spire Missouri Inc facilities, as described below, is necessary as a result of unavoidable physical conflict with work proposed by the undersigned responsible party.

The cost includes the relocation of 90ft of 4in plastic main and abandonment 80ft of 4in plastic main.

The purpose of this relocation is to remove the existing gas main from the proposed pedestrian bridge foundation and maintain safe vertical separation between foundations and gas facilities.

Spire Missouri Inc has estimated the total cost of adjustment required to resolve said conflict, which estimate takes into account direct costs, including labor, equipment, and materials, plus applicable overheads and related charges. The estimated costs are as follows:

Construction of new facilities to replace those in conflict:	Mains --	\$	<u>11,267</u>
	Services --	\$	<u>0</u>
Abandonment of existing facilities:		\$	<u>1,469</u>
Estimated total cost of adjustment:		\$	<u>12,736</u>

The Responsible party shall pay Spire Missouri Inc's actual total cost of adjustment in accordance with the payment terms. In the event that relocation costs will exceed the above estimate before construction is completed, Spire Missouri will cease work until the parties can approve a change order for the expected costs, which will be an amendment to the existing contract and will contain justifications of actual costs original estimates by Spire.

Terms of payment: Payment of the estimated cost prior to the start of work with the further agreement that after work is complete, to pay any additional charges based on actual cost; provided that any payment in excess of the actual costs will be refunded by Spire Missouri Inc. Terms: Net 30 days after rendition of invoice.

Execution of this agreement authorizes Spire Missouri Inc to proceed with the abandonment and relocation work described herein and obligates the Responsible Party to reimburse Spire Missouri Inc for all of its actual total costs (including overheads and related charges) related thereto in accordance with the above terms of payment, but not to exceed the Estimated Total Cost of Adjustment provided above until a change order has been approved by the parties per the above.

For: SPIRE MISSOURI INC

For: _____

By: _____

By: _____

Name: Kent Thaemert

Name: _____

Title: Authorized Signatory

Title: _____

Date: _____

Date: _____