

MUNICIPAL ORDER 02-2023

A MUNICIPAL ORDER AMENDING MUNICIPAL ORDER 41-2022 TO CHANGE THE APPLICATION FOR FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO THE TOTAL AMOUNT OF \$11,212,250.00; AND AUTHORIZING AND DIRECTING THE FUNDS TO BE DISBURSED TO OWENSBORO GRAIN COMPANY, LLC TO FACILITATE CONSTRUCTION OF A WALL ON THE BANK OF THE OHIO RIVER TO ENSURE THE CONTINUED STABILITY OF OWENSBORO GRAIN'S FACILITIES; AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH OWENSBORO GRAIN COMPANY, LLC CONCERNING THE FUNDS.

WHEREAS, on November 1, 2022, the Board of Commissioners approved Municipal Order 41-2022 authorizing Owensboro Grain Company, LLC ("Owensboro Grain") to apply for funds from the Federal Emergency Management Agency ("FEMA") in the amount of Ten Million Seven Hundred Sixty-Six Thousand Two Hundred Fifty Dollars (\$10,766,250.00) so that it can construct a 1400' sheet pile wall on the south bank of the Ohio River to ensure the continued stability of its facilities; and

WHEREAS, the total cost for the project has increased and Owensboro Grain now desires to apply for funds in the amount of Eleven Million Two Hundred Twelve Thousand Seven Hundred Fifty Dollars (\$11,212,750.00) from FEMA; and

WHEREAS, the local share of twenty-five percent (25%) of the project cost has accordingly increased from Three Million Five Hundred Eighty-Eight Thousand Seven Hundred Fifty Dollars (\$3,588,750.00) to Three Million Seven Hundred Four Thousand Two Hundred Fifty Dollars (\$3,704,250.00), for which amount and any additional costs and cost overruns Owensboro Grain agrees to be solely responsible; and

WHEREAS, the City of Owensboro will act as a conduit for obtaining the funds from FEMA and disbursing them to Owensboro Grain for its use in accordance with an Agreement concerning said matter.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. The Board of Commissioners hereby authorizes the City of Owensboro to accept Eleven Million Two Hundred Twelve Thousand Seven Hundred Fifty Dollars (\$11,212,750.00) from FEMA.

Section 2. The Board of Commissioners further authorizes the City of Owensboro to disburse the funds to Owensboro Grain for its use in constructing a 1400' sheet pile wall on the south bank of the Ohio River to ensure the continued stability of its facilities. The City of Owensboro will have no obligations concerning the application for funds or for the project and its costs.

Section 3. The Mayor is hereby authorized and directed to execute an Agreement setting out the terms and conditions of the funding received from FEMA to be disbursed to Owensboro Grain.

Section 4. The Mayor, City Manager and other appropriate staff members are hereby authorized to sign any and all other agreements, instruments or documents deemed necessary in furtherance of the authority outlined herein.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 3rd day of January, 2023.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk