

## **70.00      Agreement Guaranteeing Road Improvement** **(Special Escrow)**

The Department will, where certain roadway improvements cannot be constructed or completed, require the establishment of a special escrow and agreement guaranteeing the future completion of required improvements.

- 1) This special escrow procedure can be utilized for all forms of development (i.e., residential, commercial, industrial, etc.) and covers:
  - a) Improvements not already provided for under escrow agreement in accordance with Section 1005.080 of St. Louis County's Subdivision Ordinance entitled "Improvements Installed or Guaranteed".
  - b) Improvements previously covered under Section 1005.080, which by virtue of the pending expiration of the land subdivision bond or escrow agreement are renewed by a Special Escrow and agreement under this procedure.
  - c) Improvements requiring acquisition of right-of-way, easements, and/or grading and sloping licenses from adjacent properties, which require litigation.
- 2) The Special Escrow Agreement shall provide that there shall be deposited with St. Louis County to be held in the Department's fund:
  - a) A cash amount not less than; or
  - b) An Irrevocable Letter of Credit (refer to Section 70.20) from a commercial banking institution to Saint Louis County guaranteeing the availability of a sum which shall be not less than the amount specified in the estimate of cost of the improvements as reflected by the approved construction plans.
- 3) The special escrow agreement shall be prepared and executed on forms furnished by the Department (format shown on pages 70.00-3 through 70.00-5, preparation notes are on page 70.00-2) and shall be submitted to the St. Louis County Council for approval or disapproval.
- 4) For cash amounts to be deposited with St. Louis County, make check payable to "**Treasurer, St. Louis County**".

**Preparation Notes:**

*Items 1, 3 and 4 on pages 70.00-3 and 70.00-4, make reference to Exhibit "A". This attachment can be provided by modifying the plats used to dedicate right-of-way widening or easements to show sidewalk or other minor improvements to be covered by the Special Escrow. The Exhibit shall measure 8.5" x 11" in size. Where major roadway facilities such as a lane widening, storm sewer segments, bridge widening, traffic signals, etc., are approved for Special Escrow, a portion of the construction plan illustrating the improvement shall be developed as an Exhibit pursuant to requirements shown on page 65.10-4.*

*The Agreement Guaranteeing Road Improvement (Special Escrow - Cash) as shown on pages 70.00-3 through 70.00-5, may be used as a sample in the preparation of forms for execution and submittal to the Department. The forms shall be 8.5" x 11" in size.*

*Seven (7) fully executed copies of this form with exhibits and any other required attachments, must be submitted to the Department of Highways and Traffic for processing by St. Louis County.*

**AGREEMENT GUARANTEEING ROAD IMPROVEMENT**  
**(SPECIAL ESCROW - CASH)**

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (hereinafter referred to as "Owner"), and St. Louis County, Missouri (hereinafter referred to as "County").

WITNESSETH:

WHEREAS, the preliminary plans have been approved for the development of \_\_\_\_\_ on \_\_\_\_\_ (hereinafter referred to as "Road"), and

WHEREAS, approval is conditioned upon Owner providing right-of-way and easement dedications, temporary slope construction licenses and improvements to said road along the limits of the property in accordance with plans on file with County's Department of Highways & Traffic (hereinafter referred to as "Department");

NOW, THEREFORE, in consideration of the covenants, promises and agreement herein provided:

IT IS HEREBY MUTUALLY AGREED THAT:

- 1) Owner has deposited with Director of Administration the cash sum of \_\_\_\_\_ DOLLARS (hereinafter referred to as "Cash Sum"), to be held by County for the purpose of payment for the construction of road improvements by County on the Road as shown on Exhibit "A", attached hereto and by this reference made a part hereof, and subject to modifications determined by County's Director of the Department of Highways & Traffic (hereinafter referred to as "Director") and the substitution of alternate improvements of said Road or its appurtenances in an area other than that appearing on Exhibit "A", if so determined by Director.
- 2) Cash Sum may be expended by Director upon any of the following:
  - a) Issuance of a work order by Director to perform road improvements on the Road, with County forces.
  - b) An order of the County Council, authorizing Director to advertise for bids prior to awarding a contract for construction of road improvements on the Road, as shown on the contract plans.
  - c) Approval by Director of plans by another party for road improvements on the Road, said improvements to be constructed under the direction of the Department.



