

## **BILL NO. XX-XXX**

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AN ORDINANCE APPROVING A UTILITY AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND EVERGY MISSOURI WEST, INC. FOR FACILITY RELOCATION IN THE AMOUNT OF \$292,602.34 PURSUANT TO THE PRYOR ROAD IMPROVEMENTS FROM HOOK ROAD TO LONGVIEW ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE SAME.

WHEREAS, the City is engaged in the design of the Pryor Road Improvements from Hook Road to Longview Road ("Project"); and,

WHEREAS, during preliminary survey and design, it was determined that Evergy's facilities are in conflict along the corridor of the Project; and,

WHEREAS, Evergy intends to relocate facilities throughout the corridor, some of which are currently located in dedicated electric easements, which the City is responsible for paying for this adjustment; and

WHEREAS, the City desires to enter into an agreement with Evergy to perform the relocation of their facilities for the agreed upon payment estimate where final costs are dependent upon actual construction ("Utility Agreement").

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City Council of the City of Lee's Summit, Missouri, hereby approves the Utility Agreement in the amount of \$292,602.34, substantially similar to the attached Exhibit 1, incorporated herein by reference.

SECTION 2. The City Council of the City of Lee's Summit, Missouri, hereby authorizes the City Manager, or designee, to execute the same or substantially similar on behalf of the City of Lee's Summit, Missouri.

SECTION 3. The City Manager, or designee, is further authorized to take such further action and execute such documents as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 5. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*