

BILL NO. 20-46

AN ORDINANCE APPROVING A NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF EVERGY, INC. FOR ELECTRIC ENERGY AND COMMUNICATION PURPOSES ON LAND GENERALLY LOCATED AT SUMMIT PARK, A FACILITY OWNED AND OPERATED BY THE LEE'S SUMMIT PARKS AND RECREATION BOARD, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, the Lee's Summit Parks and Recreation Board, through the Charter of the City of Lee's Summit, Missouri, is empowered with the control of the supervision, improvement, care, and custody of parks and recreation activities in the City of Lee's Summit, Missouri; and,

WHEREAS, Lee's Summit Parks and Recreation is in the process of renovating Summit Park, with said renovations including the necessity for realignment of electrical utility service, and the resulting need for the assignment of a non-exclusive easement in favor of Evergy, Inc. for said electrical utility service on the property; and,

WHEREAS, the Lee's Summit Parks and Recreation Board is authorized, pursuant to Section 8.2(b) of the Charter of the City of Lee's Summit, Missouri, to acquire and dispose of real property for parks and recreation purposes, with title to said property being held in the name of the City of Lee's Summit; and,

WHEREAS, at its' February 26, 2020 meeting, the Lee's Summit Parks and Recreation Board approved a non-exclusive utility easement in favor of Evergy, Inc. for property located at Summit Park, as more fully described in the Easement Conveyance attached hereto as "Exhibit A;" and,

WHEREAS, Section 4.4(d) of the Charter of the City of Lee's Summit, Missouri, requires the Mayor of the City of Lee's Summit, Missouri to execute all documents and instruments conveying any interest in real property owned by the City of Lee's Summit.

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

SECTION 1. That the Easement Conveyance attached hereto as Exhibit A and incorporated herein by reference as though fully set forth be and is hereby approved.

SECTION 2. [That the Mayor of the City of Lee's Summit, Missouri is hereby authorized to execute said Exhibit A by and on behalf of the City of Lee's Summit, Missouri.

SECTION 3. 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 4. 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 _____, 2020.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2020.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Brian W. Head, City Attorney