

BILL NO. 23-231

AN ORDINANCE APPROVING A DEED RESTRICTION FOR PLEASANT LEA PARK REGARDING RESTRICTIONS LIMITING THE USE OF THE PARK PROPERTY TO OUTDOOR RECREATIONAL USE AND MAINTAINING AND OPERATING THE PARK PROPERTY CONSISTENT WITH 43 CFR PART 17, IN PERPETUITY, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, Pleasant Lea Park, located at 1100 SW Walnut St, is a 16.4 acre neighborhood park located in the Mission Woods and Hinsdale subdivisions ("Park"); and,

WHEREAS, the Parks Department was awarded a \$250,000.00 grant from the Land and Water Conservation Fund ("LWCF") for Pleasant Lea Park ("Grant"), with said Grant being administered by the Department of the Interior National Park Service and the Missouri Department of Natural Resources; and,

WHEREAS, improvements to the Park under the Grant started in November 2021 and were completed in September 2023 and include playground renovation with nature theming, park shelter installation, sport court renovation, trail improvements, ball field upgrades, ADA improvements, and nature interpretive play areas; and,

WHEREAS, a condition of the Grant is the City executing a deed restriction limiting the use of the Park property to outdoor recreational use, and maintaining and operating the Park property consistent with 43 CFR Part 17, in perpetuity; and,

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, 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 the Parks and Recreation Board has reviewed this request and has recommended approval of this deed restriction pending adoption of this Ordinance by the City Council and approval of the Mayor; 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. The Declaration of Deed Restrictions, attached as Exhibit A to this Ordinance, and incorporated herein by reference as though fully set forth, be and is hereby approved.

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

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SECTION 3. The Mayor, 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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*