

BILL NO. 17-71

AN ORDINANCE APPROVING AN AGREEMENT FOR THE LEASE OF CITY CONDUIT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE LEE'S SUMMIT R-7 SCHOOL DISTRICT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, the City of Lee's Summit is a constitutional charter City, organized and existing under the laws of the State of Missouri (hereinafter "City"); and,

WHEREAS, the Lee's Summit R-7 School District (hereinafter "District") is a public school entity organized and existing under the laws of the State of Missouri; and,

WHEREAS, the District maintains a fiber optic network across the City to serve its' many facilities; and,

WHEREAS, due to development of the area between Ward Road and the Union Pacific Railroad, it has become necessary for the District to find alternative routes to maintain connections and to enhance new connections; and,

WHEREAS, City and District are currently parties to a Lease Agreement wherein the City utilizes strands of District's fiber for connection to various City locations; and,

WHEREAS, District has requested permission to utilize certain City owned conduit in order to install and maintain additional fiber in order to address the loss of fiber locations discussed herein; and,

WHEREAS, City desires to provide District the opportunity to lease certain City owned conduit as requested by District, which will help offset the costs of City's lease of District fiber described herein; and,

WHEREAS, City and District have negotiated the terms and conditions associated with the leasing of said conduit and have memorialized the same in the attached "Exhibit A" entitled Agreement for Lease of City Conduit.

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

SECTION 1. That the Agreement for the Lease of City Conduit by and between the City of Lee's Summit, Missouri and the Lee's Summit R-7 School District, a true and accurate copy of the same being attached hereto as "Exhibit A" and incorporated herein by reference, be and is hereby approved.

SECTION 2. That the Mayor is hereby authorized to execute said Exhibit A, as well as any other necessary documents to effectuate the intent of this Ordinance, by and on behalf of the City.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

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SECTION 4. That 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 _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said City this ____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

Chief Counsel of Management and Operations/Deputy City Attorney
Jackie McCormick Heanue