

BILL NO. 21-152

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THE FEDERAL HIGHWAY ADMINISTRATION, THE MISSOURI STATE HISTORIC PRESERVATION OFFICER, AND THE UNITY SCHOOL OF CHRISTIANITY, RELATED TO THE MITIGATION OF ADVERSE EFFECTS OF THE PUBLIC IMPROVEMENT PROJECT DESIGNATED AS FEDERAL PROJECT NUMBER STP-3301(527), COLBERN ROAD, WITHIN THE CITY LIMITS OF LEE'S SUMMIT, MISSOURI, AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, pursuant to the FY2019 Capital Improvement Plan and Thoroughfare Master Plan, the City planned for improvements along Colbern Road between MO-350 Hwy and Douglas Road to enhance safety, expand capacity, promote economic development in the area, and accommodate non-motorized transportation (hereinafter "Project"); and,

WHEREAS, the Project was approved by the Missouri Highways and Transportation Commission to receive federal funding through the Federal Highway Administration's (hereinafter "FHWA") Surface Transportation Program (hereinafter "Federal Project Number STP-3301(527)"); and

WHEREAS, since Federal Project Number STP-3301(527) includes federal funding, the City is required to obtain National Environmental Policy Act (NEPA) approval from the FHWA and concurrence of compliance of Section 106 of the National Historic Preservation Act by the Missouri State Historic Preservation Officer (hereinafter "SHPO"); and

WHEREAS, SHPO declared Federal Project Number STP-3301(527) as having an adverse effect on a historic property located to the north of the Project owned by the Unity School of Christianity (hereinafter "Unity"); and

WHEREAS, a Memorandum of Agreement between the City, FHWA, SHPO and Unity (hereinafter "MOA") is necessary to document the mutual covenants and stipulations to be carried out to mitigate the adverse effect for Federal Project Number STP-3301(527) to be carried through fruition.

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 MOA as attached hereto as "Exhibit A".

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

SECTION 3. The Mayor, on behalf of the City of Lee's Summit, is further authorized to take all necessary steps to execute the intent of this Ordinance.

SECTION 4. The City Council hereby declares this Ordinance to be an emergency ordinance and may be passed on its day of introduction in order to immediately preserve public property, safety, and economic development through timely completion of this vital infrastructure, and is an

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emergency within the meaning of Section 3.13(f)(1) of the Charter of the City of Lee's Summit, Missouri.

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.

SECTION 6. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Brian W. Head, City Attorney