

BILL NO. 25-069

AN ORDINANCE AUTHORIZING THE CITY OF LEE'S SUMMIT, MISSOURI TO ENTER INTO A DISBURSEMENT AGREEMENT WITH THE I-470 WESTERN GATEWAY TRANSPORTATION DEVELOPMENT DISTRICT.

WHEREAS, the City of Lee's Summit, Missouri (the "City") is a constitutional charter city and municipal corporation of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and,

WHEREAS, the I-470 Western Gateway Transportation Development District (the "Western Gateway TDD"), was formed on May 24, 2018 by order of the Circuit Court of Jackson County, Missouri, was approved by the qualified voters at an election held on August 28, 2018, and is a political subdivision of the State of Missouri transacting business and exercising powers granted to it pursuant to the Transportation Development District Act, Sections 238.200 through 238.275, RSMo; and,

WHEREAS, the City and the Western Gateway TDD are parties to a Cooperative Agreement dated as of March 9, 2017, as assigned under the Assignment and Assumption of Cooperative Agreement, dated September 4, 2018 (the "Cooperative Agreement"), under which Cooperative Agreement the City administers the sales tax revenues received by the Western Gateway TDD; and,

WHEREAS, on September 23, 2020, the Western Gateway TDD and the Missouri Highways and Transportation Commission (the "Commission") entered into a Cost Share Agreement for public improvements designated as Commission Project No. STP-3400(444)/J413470 (the "Cost Share Project") relating to the View High Drive and I/470 interchange (the "Original Cost Share Agreement"); and,

WHEREAS, in order to allow for increased costs to be reimbursed by the Commission, the District and the Commission are in the process of entering into a Cost Share [Economic Development] Program Supplemental Agreement (the "Supplemental Cost Share Agreement," with the Original Cost Share Agreement, as supplemented by the Supplemental Cost Share Agreement being the "Cost Share Agreement"); and,

WHEREAS, the City has previously agreed to fund \$1,000,000 of costs for which the Cost Share Project expenses are eligible; and,

WHEREAS, the City desires to enter into a Disbursement Agreement (the "Disbursement Agreement") with the Western Gateway TDD setting out the terms under which the City will receive and disburse the cost share funds received from the Commission and the terms under which the City will deposit \$1,000,000 of City funds to be disbursed for costs of the Cost Share Project; and,

WHEREAS, the City finds and determines that it is necessary and desirable that the City enter into certain documents and take certain other actions as herein provided.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, AS FOLLOWS:

SECTION 1. Approval and Authorization of Disbursement Agreement. The Disbursement Agreement is hereby approved in substantially the form presented to the Council at this meeting (a copy of which document shall be filed in the records of the City), and the City is hereby authorized to execute and deliver the Disbursement Agreement with such changes therein as shall be approved by the officials of the City executing such document, such officials' signatures thereon being conclusive evidence of their approval thereof.

SECTION 2. Execution of Disbursement Agreement. The Mayor is hereby authorized and directed to execute the Disbursement Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Disbursement Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 3. Further Authority. The Mayor, City Manager, Director of Finance and other officials, agents and employees of the City as required are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance (including any escrow agreement, account control agreement or similar document necessary to give the City control over all withdrawals and disbursements from the account set up under the Disbursement Agreement, and to carry out, comply with and perform the duties of the City with respect to the Disbursement Agreement.

SECTION 4. Effective Date. This Ordinance shall take effect and be in full force from and after its passage and adoption by the City Council and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said City this _____ day of _____, 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

EXHIBIT A
DISBURSEMENT AGREEMENT

[Attached]