BILL NO. 26-050

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN RIGHT OF WAY, FOR ROADWAY, UTILITIES, ADDITIONAL INFRASTRUCTURE FACILITIES, OTHER PUBLIC IMPROVEMENTS, AND ALL WORK INCIDENTAL AND SUBSIDIARY THERETO, ASSOCIATED WITH THE PROPOSED VALLEY GARDEN DRIVE PUBLIC IMPROVEMENTS; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEE(S) TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEE(S) TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

WHEREAS, the City Council for the City of Lee's Summit, Missouri deems it necessary, desirable, advisable, and in the public interest to obtain certain right of way for the purpose of constructing roadway, utilities, storm water, additional infrastructure facilities, other public improvements, and all work incidental and subsidiary thereto associated with the proposed Valley Garden Drive Public Project ("Project"); and,

WHEREAS, the City Manager and his designees have the authority to negotiate and acquire by purchase, certain interests in property necessary for the construction of the Project; and,

WHEREAS, City staff has tried to acquire the necessary land interests for the Project through good faith negotiation, but have not yet been able to acquire all necessary land interests for the Project; and,

WHEREAS, the City has the authority by virtue of Sections 88.010 to 88.070, 88.073, and 82.240 of the Revised Statutes of the State of Missouri, as amended, and by virtue of the Missouri Constitution, Missouri Statutes, and the Charter of the City of Lee's Summit, Missouri, to acquire property by condemnation proceedings for any public or municipal use, including uses or purposes stated herein; and,

WHEREAS, the City and Kansas City, Missouri, have entered into an intergovernmental agreement concerning this Project; and

WHEREAS, the City Council finds that the Project, all as shown on the plans and specifications for this Project, will improve safety for all the citizens, and is necessary, desirable, and in the public interest.

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

SECTION 1. It is hereby found, determined and declared that it is necessary and in the public interest for the public purpose of constructing roadway, utilities, storm water, additional infrastructure facilities, other public improvements, and all work incidental and subsidiary thereto associated with the proposed Project as depicted in the Location Map attached hereto and incorporated by reference as if fully set forth herein in Jackson County, Missouri, pursuant to plans and specifications on file with the City of Lee's Summit, to acquire, by purchase or condemnation proceedings, right of way for such public improvements, including but not limited to construction of roadway, utilities, storm water, additional infrastructure facilities, other public

improvements, and all work incidental and subsidiary thereto, all of which are situated in Jackson County, Missouri, and are legally described with ownership in Exhibit A attached hereto and incorporated by reference as if fully set forth herein.

SECTION 2. The City Manager and his designees have negotiated in good faith under Missouri Law with the owners of property herein described for the purpose of acquiring right of way, relating to the property herein described, and are hereby authorized to continue negotiations notwithstanding the filing of condemnation proceedings.

SECTION 3. The City Manager and his designees are hereby authorized to execute any and all necessary documents to pay and disburse funds to property owners, others holding property rights, escrow agents pursuant to negotiated agreements, and court orders.

SECTION 4. In the event of failure, following good faith negotiations, to reach agreement on the amount of compensation to be paid for such right of way, and the acquisition thereof by purchase, the City Attorney and his designees, including special counsel, are hereby authorized and directed to institute condemnation proceedings for the purpose of acquiring such right of way in the manner provided by the Revised Statutes of Missouri, Missouri Supreme Court Rules, the Missouri Constitution, and the City's Charter.

SECTION 5. The Mayor, City Manager, City Attorney, City Clerk, and other officials, agents, and employees of the City, as required, are hereby authorized and directed 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 6. The whereas clauses are hereby specifically incorporated herein by reference.

SECTION 7. This Ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

SECTION 8. 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 _____, 2026.

_____

ATTEST: Mayor *William A. Baird*

_____

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2026.

ATTEST:

_____
Mayor *William A. Baird*

_____
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

_____
City Attorney *Brian W. Head*