

SUBSTITUTE BILL NO. 25-021

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN LAND, RIGHT OF WAY, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR ROADWAY, WATER, STORM WATER, UTILITIES, PEDESTRIAN AMENITIES, ADDITIONAL INFRASTRUCTURE FACILITIES, OTHER PUBLIC IMPROVEMENTS, AND ALL WORK INCIDENTAL AND SUBSIDIARY THERETO, ASSOCIATED WITH THE PROPOSED WARD ROAD AND PERSELS ROAD INTERSECTION PROJECT; 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 land, right of way, permanent easements and temporary construction easements for the purpose of constructing roadway, water, storm water, utilities, pedestrian amenities, additional infrastructure facilities, other public improvements, and all work incidental and subsidiary thereto associated with the proposed Ward Road and Persels Road Intersection Project ("Project"); and,

WHEREAS, the Project was approved under the 2017 CIP sales tax renewal; and,

WHEREAS, after approval of the Capital Improvement Plan and City budgets, the City Manager and his designees had 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 Statues, the Missouri Constitution, 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 Council finds that the Project, as shown on the plans and specifications for this Project, will ensure the continuity of the Rock Island Corridor for future transit use; and,

WHEREAS, the City Council finds that the Project, including the improvements to the Rock Island Trail ("Trail"), as shown on the plans and specifications for this Project, will improve safety for all the citizens and maintain the continuity and use of the Trail, 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:

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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, water, storm water, utilities, pedestrian amenities, additional infrastructure facilities, other public improvements, and all work incidental and subsidiary thereto associated with the proposed Project as depicted in LOCATION MAP attached hereto and incorporated by reference as if fully set forth herein in the City of Lee's Summit, Jackson County, Missouri, pursuant to plans and specifications on file with the Lee's Summit Public Works Department, to acquire, by purchase or condemnation proceedings, certain land, right of way, permanent easements and temporary construction easements for such public improvements, including but not limited to construction of roadway, water, storm water, utilities, pedestrian amenities, additional infrastructure facilities, other public improvements, and all work incidental and subsidiary thereto all of which are situated in the City of Lee's Summit, 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 with the owners of property herein described for the purpose of acquiring certain land, right of way, permanent easements and temporary construction easements, 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 necessary documents to pay and disburse funds to property owners, others holding property rights and escrow agents pursuant to negotiated agreements.

SECTION 4. In the event of failure, following good faith negotiations, to reach agreement on the amount of compensation to be paid for such land, right of way, permanent easements and temporary construction easements, 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 land, right of way, permanent easements and temporary construction easements in the manner provided by the Revised Statutes of Missouri, the Missouri Constitution, and the City's Charter.

SECTION 5. Upon the issuance of the final order of condemnation and the payment of all commissioners' awards in the condemnation proceedings authorized under Section 4, the Mayor or appropriate City Officials are hereby authorized and directed to dedicate the permanent easements set forth in Exhibit "B" ("Easement Area") attached hereto and incorporated by reference as if fully set forth herein, to Jackson County, Missouri for the Trail realignment to be constructed by the City and at the City's expense in the Easement Area. City Officials are also hereby authorized and directed, as allowed under the City's Encroachment Policy, to grant Jackson County, Missouri, use of certain portions of the City's right-of-way adjacent to the Easement Area so Jackson County can provide maintenance, signage, and other amenities necessary for the Trail. Further, upon request from Jackson County, Missouri, the City will provide all necessary maintenance of the section of the Trail shown in the Easement Area.

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SECTION 6. 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 7. The whereas clauses are hereby specifically incorporated herein by reference.

SECTION 8. This Ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

SECTION 9. 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 _____, 2025.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*