

BILL NO. 22-191

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PUBLIC HIGHWAY OVERPASS AGREEMENT, NORTHWEST COLBERN ROAD – DOT 441960S, PURSUANT TO THE COLBERN ROAD IMPROVEMENTS PROJECT BY AND BETWEEN THE UNION PACIFIC RAILROAD COMPANY AND THE CITY OF LEE’S SUMMIT, MISSOURI, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, the Colbern Road Improvement Project was included in the City’s FY2019 Capital Improvement Plan adopted by Council; and,

WHEREAS, the Colbern Road Improvement Project includes the reconstruction of a new bridge over the Union Pacific Railroad (“UPRR”); and,

WHEREAS, the Public Highway Overpass Agreement grants the City the right to construct, maintain and repair the bridge over UPRR’s right-of-way; and,

WHEREAS, the new bridge will span UPRR’s property, with all bridge foundation requirements located within the City’s right-of way.

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 Public Highway Overpass Agreement, substantially similar to the attached Exhibit 1, incorporated herein by reference.

SECTION 2. The City Council of the City of Lee’s Summit, Missouri, hereby authorizes the City Manager, or designee, to execute the same on behalf of the City of Lee’s Summit, Missouri.

SECTION 3. The City Manager, or designee, is further authorized 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 4. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*