

BILL NO. 23-183

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR EASEMENT, NOTICE AND COVENANT RUNNING WITH LAND, WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES WASTE MANAGEMENT PROGRAM TO GRANT ACCESS TO MONITORING POINTS AND PERFORM INSPECTIONS, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, The sanitary landfill permit boundary is being modified to 1) eliminate some areas that do not include the landfill footprint and are not associated with monitoring activities, 2) eliminate areas that are now associated with the new Processing Facility; and,

WHEREAS, the Missouri Department of Natural Resources (MDNR) presently has an easement to access the facility. With the changing of the facility boundary a new easement is required; and,

WHEREAS, The easement allows MDNR to enter the property to complete inspections and access monitoring points; and,

WHEREAS, The updated Easement and Closure Plat are required to be on file with the County so that MDNR can grant the official final closure of the facility and the facility can enter the post-closure period.

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

SECTION 1. The City Council hereby approves an Agreement for an easement between the City of Lee's Summit, Missouri, and the Missouri Department of Natural Resources Waste Management Program to grant access to monitoring points and perform inspections and authorizes the Mayor to execute the same, substantially similar to said Agreement attached hereto as Exhibit A.

SECTION 2. City officers and agents of the City are each hereby authorized and directed to take such 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 and the attached Agreement.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

SECTION 4. 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 _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this _____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*