

## **BILL NO. 23-080**

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AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT FOR FACILITY RELOCATION BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND SPIRE MISSOURI INC. IN THE AMOUNT OF \$535,643.00 FOR THE COLBERN ROAD IMPROVEMENTS FROM M350 HIGHWAY TO DOUGLAS STREET, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, the City is engaged in finalizing the bidding of the Colbern Road Improvements from M350 Highway to Douglas Street (hereinafter "Project"); and,

WHEREAS, Spire Missouri Inc. (hereafter "Spire") serves natural gas from a private easement adjacent to Colbern Road; and,

WHEREAS, Spire's gas line is in conflict with road widening, sidewalk installation, drainage installation, grade cuts, and fills with three portions of the City's Project; and,

WHEREAS, the City desires that Spire relocate their facilities from the three portions of the City's Project; and,

WHEREAS, Spire is willing to relocate such facilities from the three portions of the City's Project if the City pays the actual cost thereof; and,

WHEREAS, the City desires to enter into an agreement with Spire to perform the relocation of their facilities for the agreed upon payment estimate, paid by the City to Spire Energy prior to the relocation.

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 agreement for facility relocation with Spire for an amount of \$535,643.00.

SECTION 2. The City Manager, or designee, is hereby authorized to execute an agreement substantially similar to 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

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

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Mayor William A. Baird

ATTEST:

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City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

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City Attorney Brian W. Head