

BILL NO. 21-190

AN ORDINANCE APPROVING A NON-EXCLUSIVE UTILITY EASEMENT IN FAVOR OF EVERGY, INC. FOR ELECTRIC ENERGY AND COMMUNICATION PURPOSES ON LAND GENERALLY LOCATED AT 701 AND 801 NE MAIN STREET, A FACILITY OWNED AND OPERATED BY THE LEE'S SUMMIT WATER UTILITIES DEPARTMENT, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, as approved under the FY22 Capital Improvement Plan, design is underway to improve Main Street from Chipman Road to Commerce Drive; and,

WHEREAS, the proposed roadway improvements include the necessity to relocate two Evergy power poles and associated guy wires outside of City right-of-way onto adjacent property owned by the City and managed by the Water Utilities Department at 701 and 801 NE Main Street; and,

WHEREAS, these relocations result in the need to convey two new utility easements for the benefit of Evergy, Inc. for purposes of access, construction, and maintenance; and

WHEREAS, Section 4.4(d) of the Charter of the City of Lee's Summit, Missouri, requires the Mayor of the City of Lee's Summit, Missouri, to execute all documents and instruments conveying any interest in real property owned by the City of Lee's Summit.

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

SECTION 1. The Easement Conveyance attached hereto as "Exhibit 1" and incorporated herein by reference is hereby approved, and the Mayor is hereby authorized to execute an easement conveyance substantially similar to the same on behalf of the City of Lee's Summit, Missouri.

SECTION 2. The Mayor 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 3. 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 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Scott Ison, Chief Council Infrastructure and Recreation