

BILL NO. 23-232

AN ORDINANCE APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND THE LITTLE BLUE VALLEY SEWER DISTRICT FOR REPAIRS TO THE LITTLE BLUE VALLEY SEWER DISTRICT'S EXISTING SANITARY SEWER LINE THROUGH EAGLE CREEK PARK, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, Eagle Creek Park, located at 2561 SW Golden Eagle Drive, is a 26.3 acre park in the Eagle Creek subdivision ("Park"); and,

WHEREAS, the Little Blue Valley Sewer District ("District") approached the Parks Department requesting access to their existing sanitary sewer line through the Park to make repairs; and,

WHEREAS, the repairs contemplated on Park property include approximately 3,814 feet, using a cured-in-place (CIPP) trenchless rehabilitation method to repair the current sanitary sewer line; and,

WHEREAS, in order for the District to perform these repairs, the District needs access through the Park property; and,

WHEREAS, the access necessary and the terms of the access have been established through a license agreement which requires, among other things, the District to repair any damage that occurs on the Park property and also replace any tree removed on the Park property, but outside of the District's easement, of a 4-inch or greater caliper; and,

WHEREAS, the Lee's Summit Parks and Recreation Board, through the Charter of the City of Lee's Summit, Missouri, is empowered with the control of the supervision, improvement, care, and custody of parks and recreation activities in the City of Lee's Summit, Missouri; and,

WHEREAS, the Lee's Summit Parks and Recreation Board is authorized, pursuant to Section 8.2(b) of the Charter of the City of Lee's Summit, Missouri, to acquire and dispose of real property for parks and recreation purposes, with title to said property being held in the name of the City of Lee's Summit; and,

WHEREAS the Parks and Recreation Board has reviewed this request and has recommended proceeding pending adoption of this Ordinance by the City Council and approval of the Mayor; 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 agreements and contracts between the City and other governmental entities.

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

SECTION 1. The License Agreement, which is attached hereto as Exhibit A and incorporated herein by reference, is hereby approved, and the Mayor is authorized to execute the License Agreement in substantial compliance with the attached Agreement.

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SECTION 2. Elected officials, City employees, and agents of the City are each hereby authorized 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.

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.

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*

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

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*