

BILL NO. 24-008

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THE FEDERAL HIGHWAY ADMINISTRATION, AND THE MISSOURI STATE HISTORIC PRESERVATION OFFICER RELATED TO THE MITIGATION OF ADVERSE EFFECTS OF THE PUBLIC IMPROVEMENT PROJECT DESIGNATED AS FEDERAL PROJECT NUMBER STBG-3001(009), M291 NORTH INTERCHANGE WITH US50, WITHIN THE CITY LIMITS OF LEE'S SUMMIT, MISSOURI AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, pursuant to Ordinance No. 9303, the City entered into a Cost Share Agreement with the Missouri Highways and Transportation Commission (hereinafter "MoDOT") for the M291 North Interchange with Highway US 50 Project, Commission Project No. J4P3196, to improve the safety and overall functionality of this transportation corridor (hereinafter "Interchange Project"); and,

WHEREAS, the City further entered into a Relocation Funding Agreement with the Missouri Office of Administration (hereinafter "OA") and the Missouri State Highway Patrol (hereinafter "MSHP") per Ordinance 9398 to help facilitate the Interchange Project; and,

WHEREAS, the Project was approved by MoDOT to receive federal funding through the Federal Highway Administration's (hereinafter "FHWA") Surface Transportation Block Grant Program (hereinafter "Federal Project Number STBG-3001(009)"); and,

WHEREAS, since Federal Project Number STBG-3001(009) includes federal funding, the City is required to obtain National Environmental Policy Act approval from the FHWA and concurrence of compliance with Section 106 of the National Historic Preservation Act by the Missouri State Historic Preservation Officer (hereinafter "SHPO"); and

WHEREAS, FHWA and SHPO declared the MSHP Troop A complex eligible for listing in the National Register of Historic Places (NRHP) and that the proposed Interchange Project will be an adverse effect on the complex as an NRHP-eligible property; and

WHEREAS, a Memorandum of Agreement (hereinafter "MOA") between the City, FHWA, and SHPO is necessary to document the mutual covenants and stipulations to be carried out to mitigate the adverse effect for Federal Project Number STP-3001(009) to be carried through fruition.

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 MOA as attached hereto as Exhibit 1.

SECTION 2. The Mayor, on behalf of the City of Lee's Summit, Missouri, is hereby authorized to execute said agreement substantially similar to Exhibit 1.

SECTION 3. The Mayor, City Manager, City Attorney, Director of Finance, City Clerk, and other officials, agents, and employees of the City, as required, are hereby authorized and directed to take such further action and execute such documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

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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 _____, 2024.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2024.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*