

BILL NO. 23-097

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO COOPERATIVE AGREEMENT FOR PAYMENT OF FUNDS FROM JACKSON COUNTY, MISSOURI TO THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE CONSTRUCTION OF A NEW PEDESTRIAN BRIDGE TO ACCOMMODATE THE SHARED USE PATHWAY OVER CHIPMAN ROAD, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, Jackson County, Missouri ("County") and the City of Lee's Summit, Missouri ("City") entered into a Cooperative Agreement dated April 18, 2018, to cover the County's installation of a shared use pathway along the Rock Island Corridor ("Corridor") within the City of Lee's Summit and the City's improvements to Chipman Road ("Project") which includes removal of the Chipman Road railroad bridge; and,

WHEREAS, the City is funding the removal of the existing Chipman Road railroad bridge as part of the Project and the County is funding the design and construction of a new pedestrian bridge to accommodate the shared use pathway over Chipman Road; and,

WHEREAS, In order to eliminate construction delays, coordination conflicts, and a prolonged need for an at-grade crossing at Chipman Road during the removal of the existing railroad bridge and installation of the new pedestrian bridge, the City and County have agreed to include the construction of the new pedestrian bridge as an alternate bid in the City's Project; and,

WHEREAS, County and the City entered into the First Amendment to Cooperative Agreement dated April 28, 2020, to cover the design of a new pedestrian bridge over Chipman Road; and,

WHEREAS, County has accepted the alternate bid for a new pedestrian bridge and has agreed to remit to the City in advance the lump sum of \$395,875.00 for the construction (\$387,275.00) and inspections (\$8,600) of the new pedestrian bridge over Chipman Road.

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 second amendment to the Cooperative Agreement for payment of funds from Jackson County, Missouri to the City of Lee's Summit, Missouri for the construction and inspection of a new pedestrian bridge to accommodate the shared use pathway over Chipman Road.

SECTION 2. The second amendment to the Cooperative Agreement between the City of Lee's Summit, Missouri, and Jackson County, Missouri, attached hereto as Exhibit A and incorporated by reference, is hereby approved and the Mayor 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 Mayor, 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.

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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 _____, 2023.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

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