

## **BILL NO. 21-261**

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AN ORDINANCE APPROVING A UTILITY AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND EVERGY METRO, INC. FOR FACILITY RELOCATION IN THE AMOUNT OF \$203,635.50 PURSUANT TO THE CHIPMAN ROAD IMPROVEMENTS FROM VIEW HIGH DRIVE TO BENT TREE DRIVE PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, the City is engaged in the design of the Chipman Road Improvements from View High Drive to Bent Tree Drive ("Project"); and,

WHEREAS, during preliminary survey and design, it was determined that Evergy's facilities are in conflict along the corridor of the Project; and,

WHEREAS, Evergy intends to relocate 30 poles throughout the corridor, half of which are currently located in dedicated electric easements, which the City is responsible for paying for this adjustment; and

WHEREAS, the City desires to enter into an agreement with Evergy to perform the relocation of their facilities for the agreed upon payment estimate where final costs are dependent upon actual construction ("Utility Agreement").

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 Utility Agreement in the amount of \$203,635.50, substantially similar to the attached Exhibit 1, incorporated herein by reference.

SECTION 2. The City Council of the City of Lee's Summit, Missouri, hereby authorizes the City Manager, or designee, to execute 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 \_\_\_\_\_, 2021.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED by the Mayor of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*