

BILL NO. 17-166

AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO LICENSES AND SEVEN EASEMENTS BETWEEN THE TRI-COUNTY WATER AUTHORITY AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR CONSTRUCTION OF A MAIN WATER LINE; AND CONTAINING AN EMERGENCY CLAUSE

WHEREAS, the City of Lee's Summit owns and has exclusive right to possession, use, and control of certain real estate, or control and the right to grant consent to easements, in the City of Lee's Summit, in Jackson County; and,

WHEREAS, at the time of relocation of Blackwell Road for the Legacy Park project a Tri-County water line was relocated but easements that needed to be conveyed to Tri-County for the relocated line were not conveyed; and,

WHEREAS, Tri-County Water Authority (hereinafter "Tri-County") requires certain licenses and easements from and through the City in order to construct a required major water line to provide clean drinking water to the City of Grandview, an adjacent community, and provide the City of Lee's Summit with possible water in the future should that be necessary; and,

WHEREAS, Tri-County has, at the time of consideration of this Ordinance, crews who are in the process of constructing such water line and the easements and licenses are necessary to permit such crews to complete construction of the water line this current construction season; and,

WHEREAS, the provision of adequate and clean water is necessary for the immediate preservation of the public health, safety, property, and welfare whether within or adjacent to the City's limits; and,

WHEREAS, the parties are authorized to enter into such agreements pursuant to Section 70.220 of the Revised Statutes of Missouri and the City may grant such easements; and,

WHEREAS, Section 70.230 of the Revised Statutes of Missouri provides that the parties may enter into such agreements by ordinance duly enacted; and,

WHEREAS, Tri-County is offering, and the City is willing to accept, valuable consideration in return for such licenses and easements.

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

SECTION 1. That the two License Agreements attached hereto as Exhibits A and B, and the seven Easement Agreements attached hereto as Exhibits C through I, granting by the City of Lee's Summit, Missouri to the Tri-County Water Authority the right to enter onto City easements and property on the terms and conditions set out therein, to construct, maintain and repair a necessary main water line are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lee's Summit, Missouri.

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SECTION 2. That the City Council hereby finds and declares that this ordinance constitutes an emergency because it involves matters relating to the immediate preservation of the public health, safety, property, and welfare as those terms are used in Section 3.13(f), *Emergency Ordinances*, of the City's Charter, and may be passed on the same date as its introduction. Specifically this Ordinance authorizes granting licenses and easements for construction of a main water line through City property while construction is taking place on near and adjacent parcels, and the completion of this phase of the water line through the City of Lee's Summit during this construction season. Therefore, this ordinance shall be in full force and effect immediately from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of Lee's Summit, Missouri, this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief Council of I/P *Nancy K. Yendes*