

BILL NO. 21-119

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND RICHARD V. BAKER & JOAN M. BAKER, TO ALLOW AN ENCROACHMENT WITHIN THE CITY'S RIGHT-OF-WAY LOCATED AT A PROPERTY COMMONLY KNOWN AS 200 SE BROWNFIELD DRIVE.

WHEREAS, the owners of the property commonly known as 200 SE Brownfield Drive, Richard V. Baker & Joan M Baker (hereinafter "Requesting Party") are requesting a right of way permit to demolish the existing fence, rebuild one to match the existing footprint, and leave the swing set as-is (hereinafter "Improvement"); and,

WHEREAS, Improvement is considered a non-allowed encroachment within a platted utility easement and right of way; and

WHEREAS, a License Agreement between the Requesting Party and the City is required according to the City's Encroachment Policy, as adopted under Resolution No. 20-06, for this non-allowed encroachment; and

WHEREAS, the Requesting Party and City both desire to enter into a License Agreement to bring the Improvement into compliance with the City's Encroachment Policy.

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

SECTION 1. That the License Agreement between the Requesting Party and the City of Lee's Summit, Missouri, attached hereto as "Exhibit 1" and incorporated by reference, is here by approved and the City Manager is authorized to execute the same on behalf of the City of Lee's Summit, Missouri.

SECTION 2. 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 3. 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 _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2021.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Brian W. Head, City Attorney