

BILL NO. 21-240

AN ORDINANCE APPROVING A FIRST AMENDMENT TO A LICENSE AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT AND THE LEE'S SUMMIT R-7 SCHOOL DISTRICT FOR THE INSTALLATION AND UPSIZING OF A PUBLIC SANITARY SEWER MAIN ON CITY PROPERTY AND EASEMENTS FOR THE BAILEY ROAD MIDDLE SCHOOL REGARDING THE RAILROAD ENCROACHMENT AND APPROVING THE RELATED RAILROAD ENCROACHMENT AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT AND THE UNION PACIFIC RAILROAD COMPANY AND AUTHORIZING THE EXECUTION OF AGREEMENTS FOR THE SAME AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, on November 2, 2021, the City Council passed Bill 21-222 which approved a License Agreement (License Agreement) between the City of Lee's Summit (City) and the Lee's Summit R-7 School District (District) for the Bailey Road Middle School (Middle School) Sewer Improvements; and,

WHEREAS, after the first reading by the City Council and after approval by the School Board of the License Agreement, the Parties received a Pipeline Encroachment and Crossing Agreement from the Union Pacific Railroad Company, which is a necessary agreement to be executed to complete the contemplated Sewer Improvements.

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

SECTION 1. The First Amendment to the License Agreement which is attached hereto as Exhibit 1 and incorporated herein by reference, is hereby approved and the Mayor is authorized to execute the same in substantial compliance with the attached Agreement.

SECTION 2. The Pipeline Encroachment and Crossing Agreement with the Union Pacific Railroad Company which is attached hereto as Exhibit 2 and incorporated herein by reference, is hereby approved and the City Manager or designee is authorized to execute the same in substantial compliance with the attached Agreement.

SECTION 3. Elected officials, City employees, and agents of the City are each hereby authorized to take such action and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 4. The City Council hereby declares this Ordinance to be an emergency ordinance and may be passed on its day of introduction in order to immediately preserve health, public property, safety, and economic development through timely completion of this vital infrastructure, and is an emergency within the meaning of Section 3.13(f)(1) of the Charter of the City of Lee's Summit, Missouri.

SECTION 5. 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 6. 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.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*