

Legislation Text

File #: BILL NO. 20-109, **Version:** 2

An Ordinance approving a non-exclusive utility easement in favor of Evergy, Inc. for electric energy and communication purposes on land generally located at Summit Waves, a facility owned and operated by the Lee's Summit Parks and Recreation Board, and authorizing the Mayor to execute the same by and on behalf of the City. (PWC 6/1/20)

Issue/Request:

An Ordinance approving a non-exclusive utility easement in favor of Evergy, Inc. for electric energy and communication purposes on land generally located at Summit Waves, a facility owned and operated by the Lee's Summit Parks and Recreation Board, and authorizing the Mayor to execute the same by and on behalf of the City.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance approving a non-exclusive utility easement in favor of Evergy, Inc. for electric energy and communication purposes on land generally located at Summit Waves, a facility owned and operated by the Lee's Summit Parks and Recreation Board, and authorizing the Mayor to execute the same by and on behalf of the City.

SECOND MOTION: I move for adoption of an Ordinance approving a non-exclusive utility easement in favor of Evergy, Inc. for electric energy and communication purposes on land generally located at Summit Waves, a facility owned and operated by the Lee's Summit Parks and Recreation Board, and authorizing the Mayor to execute the same by and on behalf of the City.

Background:

Lee's Summit Parks and Recreation (LSPR) is in the process of completing construction of a wave pool addition to its' Summit Waves Aquatics Facility. In order to provide adequate electrical service to the wave pool addition, it is necessary to relocate and/or add additional electrical connections to the site. These relocations and additions resulted in the need to convey new utility easements for the benefit of Evergy, Inc. for purposes of access, construction and maintenance.

The City of Lee's Summit, Missouri Charter, Section 8.2(b) provides the Parks and Recreation Board authority to acquire and hold an interest in real property, and to dispose of real property subject to applicable restrictions. It further requires that all properties held by the Lee's Summit Parks and Recreation Board shall be titled in the name of the City of Lee's Summit, Missouri.

Section 4.4(d) of the Charter requires the Mayor to execute all documents and instruments conveying any interest in real property. Because an easement conveys and interest in real property, it is necessary for the Mayor to execute the easement granting access to Evergy.

The Park Board has approved the Wave Pool project, and has granted the Administrator of Parks and Recreation authority to preside over administrative aspects of the project. Due to the urgent nature of the need for this easement, and the minimal impact on property rights associated therewith, the Administrator of Parks and Recreation has requested and received informal approval to present this easement to Council from the Park Board, with the intent to seek ratification at its' next regularly scheduled meeting, set for June 24, 2020.

Jackie McCormick Heanue, Superintendent of Legal Services and Human Resources

Recommendation: Staff recommends approval of an Ordinance approving a non-exclusive utility easement in favor of Evergy, Inc. for electric energy and communication purposes on land generally located at Summit Waves, a facility owned and operated by the Lee's Summit Parks and Recreation Board, and authorizing the Mayor to execute the same by and on behalf of the City.

The Public Works Committee voted ___ - ___ to recommend to City Council approval of an Ordinance approving a non-exclusive utility easement in favor of Evergy, Inc. for electric energy and communication purposes on land generally located at Summit Waves, a facility owned and operated by the Lee's Summit Parks and Recreation Board, and authorizing the Mayor to execute the same by and on behalf of the City.