

Legislation Text

File #: BILL NO. 20-47, **Version:** 1

An Ordinance approving a non-exclusive utility easement in favor of Evergy, Inc. for electric energy and communication purposes on land generally located at Howard Park, 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.

(Note: First reading by Council on March 3, 2020. Passed by unanimous vote.)

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 Howard Park, 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.

Key Issues:

Howard Park, located at 3498 NE Independence, is currently under renovation. As part of the project, it was necessary to relocate electrical connections which were previously in place. These relocations 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. The Charter also provides that all real properties held by the Board shall be titled in the name of the City of Lee's Summit.

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

At its' February 26, 2020 meeting, the Park Board approved the easement in favor of Evergy, Inc. for the land located at Howard Park and more particularly described in the Easement Conveyance attached hereto as Exhibit A, and further authorized staff to present the item to the City Council for approval and execution by the Mayor.

Jackie McCormick Heanue, Superintendent of Legal Services & Human Resources

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 Howard Park, 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 Park Board requests 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 Howard Park, 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.