

## Legislation Text

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**File #:** BILL NO. 21-190, **Version:** 1

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An Ordinance approving a non-exclusive utility easement in favor of Evergy Inc. for electric energy and communication purposes on land generally located at 701 and 801 NE Main Street, a facility owned and operated by the Lee's Summit Water Utilities Department, and authorizing the Mayor to execute the same by and on behalf of the City. (PWC 9/13/21)

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 701 and 801 NE Main Street, a facility owned and operated by the Lee's Summit Water Utilities Department, and authorizing the Mayor to execute the same by and on behalf of the City.

Key Issues:

- As approved under the FY22 Capital Improvement Plan, design is underway to improve Main Street from Chipman Road to Commerce Drive.
- The proposed roadway improvements include the necessity to relocate two Evergy power poles and associated guy wires outside of City right-of-way onto adjacent property owned by the City and managed by the Water Utilities Department at 701 and 801 NE Main Street.
- These relocations result in the need to convey two new utility easements for the benefit of Evergy, Inc. for purposes of access, construction, and maintenance.
- Section 4.4(d) of the Charter of the City of Lee's Summit, Missouri, requires the Mayor of the City of Lee's Summit, Missouri, to execute all documents and instruments conveying any interest in real property owned by the City of Lee's Summit.

Proposed Committee Motion:

I move 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 701 and 801 NE Main Street, a facility owned and operated by the Lee's Summit Water Utilities Department, 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 701 and 801

NE Main Street, a facility owned and operated by the Lee's Summit Water Utilities Department, 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 701 and 801 NE Main Street, a facility owned and operated by the Lee's Summit Water Utilities Department, and authorizing the Mayor to execute the same by and on behalf of the City.

**Background:**

This project was identified in the Thoroughfare Master Plan, has been recommended by the License Tax Committee, and is included in the current Capital Improvement Plan. The primary purpose of the Main Street project is to facilitate economic development by re-constructing existing unimproved infrastructure that has deteriorated, and improve the existing roadway conditions of this section of Main Street.

This section of roadway is a generally narrow pavement without curbs or shoulders. There are roadside ditches. This section is located between Chipman Road, an improved major arterial, and Commerce Drive, an improved commercial collector. It is the only unimproved section of roadway in the immediate area and an impediment to development of otherwise underutilized property in the area. This project will enhance access to several undeveloped or underdeveloped properties (including property owned by the City) and encourage economic activity. The project will also improve roadway safety and capacity.

The design and right of way acquisition are complete, except for this Evergy easement. This easement is necessary to begin utility relocation work for this project. Evergy has privately owned easements that will be displaced by the additional right of way and roadway widening. Standard practice on roadway projects is to make whole pre-existing private easement to allow utility providers to continue providing service.

The two easements are necessary to relocate power poles along this project. One pole is located near Chipman Road and needs a guy anchor to stabilize the pole. The other pole, located near the City-owned fuel pumps and a Google fiber hut, is necessary to provide an electrical service connection to Google for their fiber hut.

Michael Park, Director of Public Works

**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 701 and 801 NE Main Street, a facility owned and operated by the Lee's Summit Water Utilities Department, and authorizing the Mayor to execute the same by and on behalf of the City.