

## Legislation Text

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**File #:** BILL NO. 17-166, **Version:** 1

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AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO LICENSES AND SEVEN EASEMENTS BETWEEN THE TRI-COUNTY WATER AUTHORITY AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR CONSTRUCTION OF A MAIN WATER LINE; AND CONTAINING AN EMERGENCY CLAUSE.

### Issue/Request:

To approve and adopt AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO LICENSES AND SEVEN EASEMENTS BETWEEN THE TRI-COUNTY WATER AUTHORITY AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR CONSTRUCTION OF A MAIN WATER LINE; AND CONTAINING AN EMERGENCY CLAUSE

### Key Issues:

- Ability to assist in advancing construction of a key water line to an adjacent community
- Protect the City's interests in its properties and specifically in Park areas where investments are made within the areas where easements will exist
- Limit construction in all but two easements to one main water line only
- Obtain fair compensation on the same basis the City pays to property owners

### Proposed City Council Motion:

FIRST MOTION: I move for second reading of AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO LICENSES AND SEVEN EASEMENTS BETWEEN THE TRI-COUNTY WATER AUTHORITY AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR CONSTRUCTION OF A MAIN WATER LINE; AND CONTAINING AN EMERGENCY CLAUSE.

SECOND MOTION: I move for adoption of AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO LICENSES AND SEVEN EASEMENTS BETWEEN THE TRI-COUNTY WATER AUTHORITY AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR CONSTRUCTION OF A MAIN WATER LINE; AND CONTAINING AN EMERGENCY CLAUSE.

### Background:

Tri-County Water Authority is in the process of constructing a main water line through Lee's Summit to Grandview for immediate water service needs. To do so, Tri-County requires two licenses granting consent to use existing City easements along vacated Blackwell and easements from the City of Lee's Summit. Negotiations over the terms and price for the licenses and easements have been ongoing and are now ready for presentation to the Council for consideration.

The easements contain favorable terms for the City. By way of example for easements running through Park areas, the easements require advance notice and coordination with Parks for any activity within the easements and restoration of

surface structures, landscaping and grass to the satisfaction of the Parks Administrator. For an easement through the Browning Property, staff was able to negotiate the location of the easement away from houses and that other compatible utilities may use the easement in the area of a creek to reduce future creek crossing areas as long as the use does not interfere with Tri-County's use.

There are a total of nine documents to be approved. Two of the documents (Exhibits A and B) are for licenses to allow Tri-County into easements the City already owns and which require affirmative Council consent through a License Agreement for other utilities to occupy space. Two easements (Exhibits C and D) are replacement easements that the City should have already deeded to Tri-County as a result of moving a water line for the Blackwell Road relocation as part of Legacy Park. Five of the easements are for Park areas (Exhibits E and F), the Browning Property (Exhibit G), Fire Station No. 7 (Exhibit H) and property at the intersection of Scherer & Sampson (Exhibit I).

All easements except the two replacement easements are limited to one water line only and have temporary construction easements which expire one year from the execution of the easement. If additional construction time is required, extensions may be granted for a pro rata consideration as that paid for the original temporary construction easement and on the same terms and conditions as the one granted in the easement document. Any other water lines within these easement areas will require a renegotiation. The City is receiving a total of \$93,747.52 for these easements and licenses. Of this total, \$23,468.08 is for Park land and Park tree damage.

This Ordinance is brought forward as an emergency under Section 3.13f (1) as a bill concerning the immediate preservation of the public health, property, safety and welfare. Tri-County is constructing the line at this time and has construction crews already in place on adjacent and nearby properties. These licenses and easements will allow water to be provided to Grandview, an adjacent community, to meet its needs and allow this City to connect in the future without alteration to the main water line if it becomes necessary.

Presenter: Nancy K. Yendes, Chief Counsel Infrastructure and Planning

Recommendation: Staff recommends approval.