

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 100453

Authorizing the Director of City Development to execute a Cooperative Public Infrastructure Agreement with BPI Midwest, LLC for installation of public improvements on N.E. 104th Street at N. Huttig Avenue.

WHEREAS, on May 1, 2002, the City's Impact Fee Ordinance No. 011258, went into effect imposing certain impact fees to fund arterial street improvements; and

WHEREAS, N.E. 104th Street is classified as an arterial street making it the City's obligation to improve it to arterial street standards for the projected traffic volumes and counts; and

WHEREAS, on November 13, 2009, the Shoal Creek Arterial Street Impact Fee Committee recommended to the City Council a project allocation from Impact Fee District C in the amount of \$275,000.00 for construction of public street improvements on N.E. 104th St. at N. Huttig Ave., City Project No. 64010008; and

WHEREAS, BPI Midwest, LLC is a private entity experienced in private development activities and has a proven history of successful completion of residential and commercial projects in Kansas City; and

WHEREAS, BPI Midwest, LLC has consistently demonstrated the specialized technical experience necessary to design and construct road improvement projects and wishes to assist the City in the construction of the N.E. 104th Street improvements adjacent to their Amber Lakes Fourth Plat residential development at the same time as construction of their interior streets within the subdivision; and

WHEREAS, BPI Midwest, LLC has expressed a desire to work cooperatively with the City as the City's design/build contractor for the construction of this project so it can be completed concurrently by the end of this calendar year through an interactive design/build process and a public/private partnership; and

WHEREAS, the City's desire to construct this project through an experienced and proven contractor provides the most effective method to minimize the construction and administrative costs and to assure optimal use of available funding and minimize future cost for removal of temporary improvements; and

WHEREAS, the improvement of this section of N.E. 104th Street at the intersection of N. Huttig Avenue is a necessary improvement to provide safe sight distance on N.E. 104th Street for ingress and egress for the development and to allow BPI Midwest, LLC's private residential development of 58 single-family lots on approximately 21 acres to proceed in a timely manner producing \$41,470.00 in impact fees; and

WHEREAS, to maintain timely and simultaneous integration and coordination of the residential development and the N.E. 104th Street improvements, this project is best suited for a public-private partnership; and

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WHEREAS, the proposed street project is a high priority corridor that will experience a significant increase in vehicular traffic when the new Liberty North High School opens in the Fall of 2010; and

WHEREAS, the City wishes to work cooperatively with BPI Midwest, LLC using Code of Ordinances Section 2-1585, for implementation of the N.E. 104th Street and N. Huttig Avenue street improvements as a demonstration of public-private project; and

WHEREAS, the City Manager determined that it is in the City's best interest to waive the solicitation requirements and allow BPI Midwest to enter into an agreement with Siteworks Inc. pursuant to City Code section 2-1585(b); NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Director of City Development is hereby authorized to execute a Cooperative Public Infrastructure Agreement with BPI Midwest, LLC, for the construction of N.E. 104th Street at N. Huttig Avenue street improvement project. The agreement is approved in substantial form as attached hereto and incorporated herein by reference, subject to the receipt of all required approvals, from funds appropriated in Account No. 10-2430-648011-B-64010008.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Randall J. Landes  
Director of Finance

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney