

ORDINANCE NO. 100420

Authorizing the Director of the Water Services Department to execute an agreement concerning the Blue River Channel Modification Project between the City of Kansas City, Missouri (“City”), the Department of the Army (“Government”), the Byram’s Ford Industrial Park Association, and the Monnett Battle of Westport Fund, Inc.; and recognizing an emergency.

WHEREAS, the Government has undertaken the development of a flood protection project known as the Blue River Channel Modification Project located in Kansas City, Missouri (the Project); and

WHEREAS, the City approved Ordinance 50734 on August 30, 1979, authorizing a Local Cooperation Agreement with the U. S. Department of the Army – Corps of Engineers to provide channel modifications for the Blue River between the Missouri River and 63rd Street; and

WHEREAS, in 1983, the existence and location of the Civil War battlefield site Byram’s Ford was confirmed within the limits of the Project; and

WHEREAS, the 17 acre tract lying partially within the limits of the Project in 1989 was listed on the National Register of Historic Places (NRHP) as Byram’s Ford Historic District (“Historic District”); and

WHEREAS, in 1992, an Alternate Dispute Resolution/Partnering Agreement (ADR) was executed in order to accommodate and protect the battlefield site and to minimize adverse effects by the Project; and

WHEREAS, the Government subsequently undertook a Value Engineering Study of the Project to identify less costly and less environmentally damaging alternatives to establish grade control at the upstream terminus of the Project; and

WHEREAS, as a result of these design changes, the effects of the Project on the Historic District associated with the original design and subject of the 1992 Memorandum of Agreement (MOA) have been eliminated and/or greatly reduced; and

WHEREAS, the City, in cooperation with the Government, is required by the Department of the Interior to mitigate wildlife habitat lost as a result of the Project, which includes restoration, preservation and management of land in the Byram’s Ford area as historical landmarks and natural areas; and

WHEREAS, in consideration for terminating the ADR, the City is willing to undertake different obligations under certain conditions; and

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WHEREAS, in order for the Government to obligate American Recovery and Reinvestment Act (ARRA) funding to be used for construction of the Project, termination of the ADR and execution of a New Partnering Agreement is required, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is hereby authorized to execute, on behalf of the City of Kansas City, Missouri, a Termination of Alternate Dispute Resolution/Partnering Agreement and New Partnering Agreement between the City, the Department of the Army, the Byram's Ford Industrial Park Association, and the Monnett Battle of Westport Fund, Inc. A copy of the agreement is on file in the Office of the Director of Water Services.

Section 2. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement, is recognized as an emergency measure within the provisions of Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with that section.

Approved as to form and legality:

Cecilia O'Connor Abbott
Assistant City Attorney