

ORDINANCE NO. 180526

Authorizing the negotiation, execution and the implementation of a Cooperative Agreement for an exchange and transfer of real property for the construction, location and maintenance of Project No. 81000623, “Upper Rush Creek and Weatherby Lake No. 2 Pump Stations”, in the vicinity of N.W. Westside Drive, in Weatherby Lake, Platte County, Missouri with the municipality of Weatherby Lake, Missouri, and Weatherby Lake Improvement Company, a Missouri nonprofit corporation; and recognizing an accelerated effective date.

WHEREAS, the City owns rights in certain real property generally described as 8508 N. Amity, Kansas City, Missouri (“Surplus Property”) and the City Council previously passed Ordinance No. 170713 on September 28, 2017 which declared such property surplus subject to proposed reserved easements to continue to serve the public purpose; and

WHEREAS, the City proposes to construct replacement pump stations on the east side and west side of, but further from, Weatherby Lake, and as a part of the surplus property process for the Surplus Property will request proposers to offer alternative land for such replacement pump stations; and

WHEREAS, the City, the municipality of Weatherby Lake, Missouri (“CWL”) and Weatherby Lake Improvement Company, a Missouri nonprofit corporation (“WLIC”), have negotiated the terms and conditions of a Cooperative Agreement between them to implement an exchange of property to facilitate the construction, operation and maintenance of replacement pump stations in the vicinity of Weatherby Lake; and

WHEREAS, the City has sought authority to condemn property interests necessary for the proposed West Side Pump Station in the form of Committee Substitute for Ordinance No. 180508 as introduced July 12, 2018, for the City Council’s consideration, and CWL and WLIC have requested the Cooperative Agreement so that they may protect the interests of their residents and members and include safeguards listed in the Cooperative Agreement, and such Cooperative Agreement may also serve as a settlement of the condemnation to be filed pursuant to Ordinance No. 180508; and

WHEREAS, WLIC have also requested that the City authorize this Cooperative Agreement so that it may be tendered by them in response to the request for proposals for the Surplus Property; and

WHEREAS, the Council finds that the Cooperative Agreement serves the public purpose for the construction, operation and maintenance of the “Upper Rush Creek and Weatherby Lake No. 2 Pump Stations” project in Weatherby Lake, Platte County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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Section 1. That the Director of the Water Services Department, or his designee, is hereby authorized to negotiate and execute on behalf of the City the Cooperative Agreement, substantially in the form of Exhibit A attached hereto, with the final signed form to be maintained on file with the Director, and such signed form of the Cooperative Agreement will be controlling, and with the express authorization given to such Director to modify, amend, and extend the terms and conditions of such Cooperative Agreement as deemed appropriate by the Director due to circumstances determined to exist.

Section 2. That the City Council determines that the exchange of the Surplus Property described in Ordinance No. 170713 passed on September 28, 2017, and the subsequent transfer upon completion of a solicitation of proposals serves the City's interests to ensure and enable the construction, operation and maintenance of the replacement sewer pump stations in the vicinity of Weatherby Lake, if WLIC offers in response to such request for proposals a signed form of the Cooperative Agreement, substantially in the form of Exhibit A.

Section 3. That the City Manager, or his designee, is hereby authorized to accept, on behalf of the City, special warranty deeds or other form of deeds, and various easements for all of the parcels of real property described in and contemplated by the Cooperative Agreement.

Section 4. That the Director of the General Services Department, or his designee, is hereby authorized to execute the Special Warranty Deed and all other closing documents related to the transfer and conveyance of the Surplus Property as set forth in the Cooperative Agreement.

Section 5. That this ordinance is recognized as having an accelerated effective date within the provisions of Section 503(a)(3)(D) of the City Charter in that it relates to the design, repair, maintenance, or construction of a public improvement, and shall take effect in accordance with that section.

Approved as to form and legality:

Amelia McIntyre
Associate City Attorney