

ORDINANCE NO. 090138

Authorizing Director of the Water Services Department to enter into a Cooperative Agreement between Kansas City Terminal Railway Company, Union Pacific Railroad Company, and Kansas City, Missouri to expend \$160,000.00 to obtain the rights provided in the related Longitudinal Pipeline Encroachment Agreement and Pipeline Crossing Agreement; and acknowledging a public purpose.

WHEREAS, Union Pacific Railroad Company ("UP") and Kansas City Terminal Railway Company ("KCT") are the owners of certain railroad tracks and right-of-way located generally to the north of North Terrace Park in Kansas City, Jackson County, Missouri; and

WHEREAS, as part of KCMO Water Services Department's Jackson-Cass Regional Transmission System Project, a new 54-inch underground water main is being constructed (the "Pipeline"), which Pipeline, when constructed will run generally in a north/south direction crossing under UP's and KCT's tracks and right-of-way, and will then run generally in a west/east direction on and under UP's right-of-way parallel to KCMO Parks' Property; and

WHEREAS, KCMO Water Services has requested that UP and KCT grant to KCMO Water Services the necessary agreements, including a Pipeline Crossing Agreement and Longitudinal Pipeline Encroachment Agreement in order to construct and maintain the Pipeline under UP and KCT's tracks and right-of-way at the crossing location and parallel to KCMO Parks' property and under UP's right-of-way at the parallel location; and

WHEREAS, KCMO Water Services Department and UP have reviewed appraisals for the value of the property rights involved and have negotiated the sum of \$160,000.00 which is fair and reasonable for acquisition of the rights provided in the Longitudinal Pipeline Encroachment Agreement and Pipeline Crossing Agreement; and

WHEREAS, UP has informed KCMO Water Services and KCMO Parks that it anticipates, at some time in the future, UP will construct an expansion of its facilities at this location, including adding an access road and a third rail line to the south of its currently existing railroad facilities at this location (the "UP Expansion"), which UP Expansion may require that the UP obtain the right to construct certain improvements and facilities on KCMO Parks' Property, which may include a drainage ditch, retaining wall and tie back system in certain areas, which will also benefit the Parks' property, and UP has requested that KCMO Parks cooperate with UP in connection with the UP Expansion and grant UP a Parks, Recreation and Boulevard License Agreement; and

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WHEREAS, KCMO Parks anticipates expansion of the Citywide trails system (“Trails”) in order to provide a safe mode of pedestrian travel and recreational opportunity along the Indian Creek and Blue River Greenway, connecting communities across two states, two counties and five cities. As a part of the Trails’ expansion, KCMO Parks will need to obtain the right to construct certain improvements and facilities on UP’s property and KCMO Parks has requested that UP cooperate with KCMO Parks in connection with the Trails expansion and grant New Pedestrian Crossing Grade Separation Agreements for the subject locations; and

WHEREAS, the parties have proposed a Cooperative Agreement in which each acknowledges that the other provides an important service to the citizens of the City of Kansas City, Missouri, that the Water Project and Trails Expansion are important projects to the citizens of the City of Kansas City, Missouri and agree to work together for the success of the parties respective projects as described therein; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Water Services is hereby authorized to execute, on behalf of Kansas City, a Cooperative Agreement between Kansas City Terminal Railway Company, Union Pacific Railroad Company, and Kansas City, Missouri. A draft copy of the agreement is on file in the offices of the Directors of Water Services and Parks and Recreation.

Section 2. That the Director of Water Services is hereby authorized to expend \$160,000.00 from funds previously appropriated in Account No. AL-8066-807530-E-631050, Jackson-Cass Transmission Main, in connection with the Cooperative Agreement.

Section 3. That upon completion of this contract, the Director of Finance is hereby authorized to return the unexpended portion of this appropriation to the Unappropriated Fund Balance from which it was derived.

Section 4. That the public improvements and improvements made on public land pursuant to the Cooperative Agreement are necessary to improve current water service and to meet future water demands in south Kansas City and adjacent areas; will provide for improvements which benefit public lands including the improved stabilization of certain slopes in North Terrace Park and improved drainage and erosion control on the perimeter of the park; and growth of the City’s trails system, and are therefore declared to have a public purpose.

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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.

Jeffrey A. Yates
Director of Finance

Approved as to form and legality:

Charlotte Ferns
Assistant City Attorney