

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING EXECUTION OF A CERTAIN TRANSFER OF PROPERTY AND IMPROVEMENTS AND ASSIGNMENT OF EASEMENTS AGREEMENT WITH THE THIRTY-NINTH STREET TRANSPORTATION DEVELOPMENT DISTRICT, AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CONSUMMATE THE AGREEMENT BETWEEN THE PARTIES.

WHEREAS, the City Council, pursuant to the advice and recommendation of the Director of Public Works, has deemed it advisable and in the public interest to accept certain improvements into the City's street system; and,

WHEREAS, the Thirty-Ninth Street Transportation Development District ("District") was formed to undertake a local road improvement project in Independence, Missouri, including: the expansion and improvement of portions of 39th Street from Lee's Summit Road to Crackerneck Road; the expansion and improvement of portions of 39th Street from Arrowhead Drive to Jackson Drive; the extension and realignment of 39th Street from Little Blue Parkway to R.D. Mize Road; the expansion and improvement of R.D. Mize Road from the proposed new alignment of 39th Street to Duncan Road; the improvement and enlargement of the existing right-of-way of Pink Hill Road from the point of the beginning of the proposed new alignment of 39th Street east of Little Blue Parkway to R.D. Mize Road; and the improvement of ingress and egress on public streets to and from the Independence Center shopping mall (collectively, the "Project"); and,

WHEREAS, the District and the City entered into a cooperative agreement dated September 5, 2002, as amended by the First Amended and Restated Cooperative Agreement dated July 30, 2003, and the Second Amended and Restated Cooperative Agreement dated February 28, 2006 (collectively, the "Cooperative Agreement"), to provide for the design, financing and construction of the Project; and,

WHEREAS, the District has completed construction of two phases of the Project in accordance with the Cooperative Agreement and the plans and specifications approved by City: (1) the extension and realignment of 39th Street from Little Blue Parkway to R.D. Mize Road ("39th Street Extension"); and (2) the expansion and improvement of portions of 39th Street from Lee's Summit Road to Crackerneck Road ("Lee's Summit Road Improvements"); and,

WHEREAS, the City has inspected and accepted the improvements into the City's street system; and,

WHEREAS, the District has executed a certain Transfer of Property and Improvements and Assignment of Easements Agreement, and a certain General Warranty Deed pursuant to said agreement; and,

WHEREAS, the City desires to consent to such transfer and assignment and to assume ownership and control of and accept the subject property, improvements and easements, together with any road, sewer, drainage, landscaping or other improvements in, under or through the easements constructed as part of the Project;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, is hereby authorized and directed to execute a certain Transfer of Property and Improvements and Assignment of Easements Agreement, substantially the same as the copy attached hereto, incorporated by reference herein and made a part hereof as if fully set out herein, and to consent to the conveyance of property as part of a certain General Warranty Deed pursuant to said agreement, substantially the same as the copy attached hereto, incorporated by reference herein and made a part hereof as if fully set out herein.

SECTION 2. That the City Manager is further authorized and directed to do all things necessary to consummate the agreement between the parties and to consent to the transfer and assignment and to assume ownership and control of and accept the subject property, improvements, and easements, together with any road, sewer, drainage, landscaping or other improvements in, under or through the easements constructed as part of the Project, including, but not limited to recording documents with Jackson County, Missouri.

PASSED THIS _____ DAY OF _____, 2019, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager