

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 260449, AS AMENDED

Authorizing the City Manager to execute a Betterment and Improvement Funding Agreement with the Port Authority of Kansas City for the purposes of reimbursing certain water utility infrastructure to be constructed on the City's behalf, accepting certain rights-of-way and easements, granting certain easements, conveying certain property, waiving certain fees and pedestrian requirements, and authorizing the execution, delivery and recording of such documents as are required to effectuate the foregoing, all in furtherance of road and bridge work for the Missouri River Terminal Project.

WHEREAS, Port KC purchased certain property generally located at 8100 Norledge Avenue in Kansas City (the "**Port KC Property**") for the purpose of designing and constructing the Missouri River Terminal, a multimodal facility intended to serve as one of the primary intermodal facilities incorporating rail, road and river traffic for imports, exports and throughputs throughout the Kansas City Metro Area; and

WHEREAS, in furtherance of the Missouri River Terminal, Port KC is constructing a bridge extending across the Blue River and certain roads connected thereto (collectively, the "**Project**"); and

WHEREAS, the City owns certain real property generally located along the banks of the Blue River and bound by Interstate 435 on the west, the Port KC property on the south, the east property line of the Port KC property on the east, and 8400 Hawthorne Road, Kansas City 64120 on the north (the "**City Property**"); and

WHEREAS, the City Property is located in the area where the Project will be constructed (the "**Project Area**"), and is no longer needed for public use; and

WHEREAS, the Project will be constructed on and impact multiple properties, including the Port KC Property, the City Property, and certain properties owned by Bayer CropScience, LLC, ("**Bayer**"), Evergy Metro, Inc. ("**Evergy**"), and MDC EP Land No. 2, LLC, ("**MDC**"); and

WHEREAS, Bayer, Evergy and MDC have each conveyed or granted, or are in the process of conveying or granting, certain portions of their property for rights-of-way purposes and permanent drainage easements (the "**Rights-of-Way and Easements**"); and

WHEREAS, the Project will require that a water main be adjusted as a result of the relocation of North Century Avenue (the "**Improvement**"); and

WHEREAS, in light of Port KC's construction activities to be performed in furtherance of the Project, the City requested that Port KC construct and install certain water utility infrastructure that is over and above what is required for Port KC to construct the Improvement (the "**Betterment**"); and

WHEREAS, as demonstrated by the preceding recitals, the Project will provide public infrastructure, promote the continued development of the Project Area, allow for jobs to be

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generated and retained in the Project Area, generate tax revenues to the City from business operations and increased property values in the Project Area, and serve as a catalyst for additional investment in and further redevelopment and rehabilitation of the Project Area; and

WHEREAS, in recognition that Port KC is a political subdivision of the State of Missouri and in further recognition of the public purposes the Project will serve, it is appropriate that the City reimburse Port KC for the costs incurred for the Betterment, waive all development and permitting fees, and grant easements over certain property and convey the City Property to Port KC at no cost; and

WHEREAS, because the Project Area is primarily industrial and not currently conducive to pedestrian traffic, it is appropriate that the City waive any requirements that the bridge to be constructed as part of the Project provide sidewalks, pedestrian walkways, or other similar facilities associated with pedestrian traffic, with said facilities to be studied and incorporated into subsequent phases of development; and

WHEREAS, upon the Project's completion, Port KC will dedicate, assign, or otherwise transfer to the City, and the City will accept Port KC's interests in the Rights-of-Way and Easements, Improvement, and Betterment; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council does hereby authorize and approve the execution and delivery of a Betterment and Improvement Funding Agreement between the City and Port KC, in furtherance of the purposes as are set forth in the recitals herein.

Section 2. That the City Manager is hereby authorized to execute the Betterment and Improvement Funding Agreement on behalf of the City and to make such amendments thereto as may be necessary to correct minor inaccuracies which do not materially change the substance of the Betterment and Improvement Funding Agreement.

Section 3. That the City Manager is hereby authorized to execute, deliver and record, as applicable, such additional documents and make such filings on behalf of the City as may be required to effectuate and complete the Project and give effect to the obligations contained in the Betterment and Improvement Funding Agreement. A copy of the Agreement in substantial form is available in the City Manager's Office.



Authenticated as Passed


Quinton Lucas, Mayor


Marilyn Sanders, City Clerk

MAY 14 2026

Date Passed

Approved as to form:


Nicole Rowlette

Senior Associate City Attorney