

ORDINANCE NO. 200785

Authorizing the City Manager to enter into a Cooperative Agreement with the Kansas City Area Transportation Authority for the City's acquisition of the Country Club Right of Way; and recognizing an accelerated effective date.

WHEREAS, the Country Club Right of Way, consists of property conveyed by James G. Ashley, Jr., and Pamela C. Ashley, to the Kansas City Area Transportation Authority ("KCATA") pursuant to that certain Quit-Claim Deed, dated October 27, 1981, and recorded on the same date with the Jackson County, Missouri, Recorder of Deeds, as Document No. K504120, in Book K 1108 at Page 1143, hereinafter called the "Country Club Right of Way"; and

WHEREAS, the City funded the acquisition of the Country Club Right of Way by the KCATA and in exchange obtained an exclusive option and right of purchase as set forth in that certain Irrevocable Option to Purchase and Right of First Refusal by and between the City and the KCATA dated October 21, 1981 (the "Option to Purchase"); and

WHEREAS, on November 27, 2019, the City exercised its exclusive option and right of purchase for the Country Club Right of Way from the KCATA; and

WHEREAS, in accordance with the Option to Purchase, the City requested that the KCATA convey the property currently constituting the Country Club Right of Way to the City by executing a Quit Claim Deed naming the City as grantee; and

WHEREAS, the KCATA and the City have entered into further negotiations as directed by Resolution No. 191049 passed on December 19, 2019; and

WHEREAS, multiple municipal purposes will be served through the acquisition of the Country Club Right of Way, including better storm water control, improved access to the Trolley Track Trail located in such Right of Way from existing nearby parks, and parks facilities, as well as neighborhoods, and collaboration along the Country Club Right of Way with the KCATA and the Kansas City Streetcar Authority ("Streetcar Authority") in the planning and development of the extension of the Downtown Streetcar to approximately 51st and Brookside Boulevard (the "Streetcar Extension"), a portion of which will be located on the Country Club Right of Way; and

WHEREAS, the City and the KCATA desire that the KCATA continue to operate transit facilities, as further provided in the Cooperative Agreement; and

WHEREAS, the City and the KCATA desire to expedite the conveyance of the North Corridor of the Country Club Right of Way to the City for the purposes of submitting the Streetcar Extension project for further Federal funding, by (i) conveying the North Corridor to the City within sixty (60) days following the Effective Date of this Ordinance to increase the likelihood of receiving further Federal funding more quickly,

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and (ii) conveyance of the remainder of the Country Club Right of Way by quit-claim deed of the South Corridor to the City no later than December 31, 2020; NOW, THEREFORE,

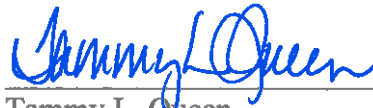
BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby authorized to enter into a Cooperative Agreement with the KCATA for the acquisition of the Country Club Right of Way at the expense of \$50,000.00 of legal and other due diligence costs payable to the KCATA from funds previously appropriated to the Street Maintenance Fund, Account, No. 21-2060-891000-B, for which the appropriating authority is held by the Director of the Public Works Department. A copy of the Cooperative Agreement in the form of Exhibit A attached hereto is on file in the City Manager's Office.

Section 2. Subject to the receipt of Federal Funds for the Streetcar Extension, the City commits to set aside from those funds upon receipt an additional amount of \$25,000.00 to reimburse the KCATA for expenses related to the transfer of KCATA's rights on the North Corridor.

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

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.



Tammy L. Queen
Director of Finance

Approved as to form and legality:



Amelia McIntyre
Assistant City Attorney



Authenticated as Passed



Quinton Lucas, Mayor



Marilyn Sanders, City Clerk

SEP 24 2020

Date Passed