

Request for Legislative Action

Res. #21556
Sponsor: Charlie Franklin
Date: February 26, 2024

Completed by County Counselor's Office			
Action Requested:	Resolution	Res.Ord No.:	21556
Sponsor(s):	Charlie Franklin	Legislature Meeting Date:	2/26/2024

Introduction
Action Items: ['Authorize']
Project/Title:
A RESOLUTION authorizing the County Executive to execute a permanent utility easement in favor of Evergy across a portion of the Rock Island Corridor, for a fee payable to the County.

Request Summary
We are requesting that the County Executive be authorized to execute a permanent utility easement with Evergy. The permanent easement is 1,656 square feet. Evergy has agreed to pay the \$2,000 administrative fee and the .40/square foot easment fee of \$662.40, bringing the total cost to \$2,662.40. The project will inot interrupt trail operations or cause any further disruption of Park Operations.

Contact Information			
Department:	Parks + Rec	Submitted Date:	2/13/2024
Name:	Matt Davis	Email:	mdavis@jacksongov.org
Title:	Rock Island Program Manager	Phone:	816-403-4849

Budget Information			
Amount authorized by this legislation this fiscal year:			\$ 0
Amount previously authorized this fiscal year:			\$ 0
Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
Single Source Funding:			
Fund:	Department:	Line Item Account:	Amount:
			!Unexpected End of Formula

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
Prior Resolution	

Request for Legislative Action

Resolution:	Resolution date:

Purchasing	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

Compliance	
Certificate of Compliance	
In Compliance	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: Contract is for real property	
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information
<ul style="list-style-type: none"> This legislative action does not impact the County financially and does not require Finance/Budget approval.

Request for Legislative Action

History

Submitted by Parks + Rec requestor: Matt Davis on 2/13/2024. Comments:

Approved by Department Approver Lisa Honn on 2/13/2024 3:33:47 PM. Comments: Approving for Susan due to technical issue. lh

Not applicable by Purchasing Office Approver Craig A. Reich on 2/16/2024 10:10:40 AM. Comments:

Approved by Compliance Office Approver Lisa Honn on 2/19/2024 11:59:03 AM. Comments: Approving for M Bolling due to technical issue. LH

Approved by Budget Office Approver David B. Moyer on 2/19/2024 12:05:11 PM. Comments:

Approved by Executive Office Approver Sylvya Stevenson on 2/20/2024 12:53:11 PM. Comments:

Approved by Counselor's Office Approver Jamesia Manning on 2/22/2024 11:41:41 AM. Comments:



18 January 2024

Michele Newman, Director
Jackson County Parks & Recreation
415 East 12th Street
Kansas City, MO 64106

Dear Michele,

Re: Evergy Rock Island Crossing easement on S.W. Longview Road

Evergy requests the grant of an easement across the property shown below for the purpose of installing, underground, fiber optic cable. The fiber optic cable installed as part of this project will allow Evergy to monitor and control its electrical facilities, including substations and powerlines. Evergy will not sub-lease or assign any capacity in this line to any third party for any use that is not directly related to electrical grid and facility monitoring and control.

Evergy agrees to pay for the easement of 1656 square feet at \$0.40 per foot, which equals \$662.40. Evergy agrees to pay the Administrative Fee of \$2000.00 for a total of \$2,662.40.

Please see the attached easement document with exhibits for a more precise description of the location.

Thank you for your prompt attention and consideration.

Sincerely,

**Derek A.
Ward**

Digitally signed by
Derek A. Ward
Date: 2024.01.18
09:21:44 -06'00'

Derek A. Ward
Manager, Right-of-Way
derek.ward@evergy.com

Enc: Proposed easement with sealed exhibit and description.

EASEMENT CONVEYANCE

THIS EASEMENT is made this _____ day of _____, 2024, by and between **County of Jackson, Missouri**, a governmental entity organized and existing under the laws of the State of Missouri a Corporation organized and existing under the laws of the State of Missouri, **Grantor**, and Evergy Missouri West, Inc., a Delaware corporation, whose mailing address is PO Box 418679, Kansas City, MO. 64141-9679, **Grantee**.

WITNESSETH, that the **Grantor**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it paid by the **Grantee**, the receipt and sufficiency of which is hereby acknowledged, does by these presents grant, bargain, sell, convey, and confirm unto said **Grantee**, its successors and assigns, a permanent and non-exclusive easement for the construction, operation, maintenance, repair, replacement and removal of underground electric and communication transmission and distribution lines, and appurtenances thereto, including the right and privilege at any time and from time to time to enter upon said easement, over, under, through, across, in and upon the following described lands in Jackson County, Missouri, hereinafter referred to as the "Easement Area", to-wit:

See Attached Exhibit "A" for Legal

GRANTEE, its successors and assigns, shall have the right of ownership, use and control of all underground electric and communication transmission and distribution lines, and all necessary appurtenances on the above described property and for all proper purposes connected with the installation, use, maintenance, and replacement of lines.

Should **GRANTEE'S** activities in Easement Area cause any disturbance of surface of Easement Area, **GRANTEE** shall restore all said surfaces to prior condition. **GRANTEE**, its successors and assigns, shall not interfere in any way with **GRANTOR'S** ongoing use and enjoyment of the surface of the Easement Area. **GRANTEE** shall notify **GRANTOR** before work is done within Easement Area, which may impact **GRANTOR'S** use of the surface area.

The **GRANTOR** herein agrees for itself and its heirs, successors or assigns, that the tract of land over which the Easement is being granted shall be kept free from buildings or any other structures or obstructions (except grass, shrubs, fences, sidewalks, roadways, pavement or curbs) that would interfere with the

GRANTEE in excavating upon said permanent easement for the purposes of laying, constructing, operating, maintaining or repairing underground electric and communication transmission and distribution lines and all appurtenances incidental thereto. The **GRANTOR** herein also agrees for itself and for its heirs, successors, or assigns, that the earth cover will not be increased without the written approval of the **GRANTEE'S** Evergy Missouri West, Inc..

GRANTEE agrees to relocate any underground electric and communication transmission and distribution lines and/or appurtenances thereto, within the Easement Area, at the request of **GRANTOR**, should **GRANTOR** require Easement Area for future improvements by **GRANTOR**, in the sole discretion of **GRANTOR**.

GRANTOR further states that it is lawfully seized of title to the land through which said easement is granted and that it has good and lawful right to convey said easements to the Grantee herein.

GRANTOR, to the fullest extent allowed by law, including, without limitation, section 527.188, RSMo 2016, hereby waives any right to request vacation of the easement herein granted. THIS GRANT and easement shall at all times be deemed to be and shall be, a continuing covenant running with the land and shall be binding upon the successors and assigns of the **Grantor**.

TO HAVE AND TO HOLD THE SAME, together with all appurtenances and immunities thereunto belonging or in any way appertaining, unto the Evergy Missouri West, Inc., a Delaware corporation, and to its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor, a political subdivision of the State of Missouri, has caused this instrument to be signed by its County Executive, and attested by its County Clerk, has caused these presents to be signed, this _____ day of _____, 2024.

JACKSON COUNTY

APPROVED AS TO FORM: JACKSON COUNTY, MISSOURI

By: _____
Bryan O. Covinsky, County Counselor

Frank White, Jr., County Executive

ATTEST:

By: _____
Mary Jo Spino, Clerk of the County Legislature

COUNTY ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this _____ day of _____, 20__, before me, a Notary Public, personally appeared Frank White Jr., to me personally known, who, being by me duly sworn, did say that he is the County Executive of Jackson County, Missouri, and that he executed the above and foregoing instrument on behalf of said Jackson County, Missouri, and acknowledged the execution of same as the free and voluntary act and deed of Jackson County, Missouri.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires:

EXHIBIT

A Ten (10) feet wide tract of land being located within the overlapping rights-of-way of Longview Road and the railroad formerly known as the Chicago, Pacific and Rock Island Railroad as each of said rights-of-way are now established, being situated in the Southeast Quarter of the Northwest Quarter of Section 12, Township 47 North, Range 32 West in the City of Lee's Summit, Jackson County, Missouri. Said Ten (10) feet wide tract of land being now more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of the Northwest Quarter of aforesaid Section 12; thence North 87°23'16" West along the South line of the Northwest Quarter of said Section 12, a distance of 292.58 feet to the point of intersection of the South line of the Northwest Quarter of said Section 12 with the Northeasterly right-of-way line of the railroad formerly known as the Chicago, Pacific and Rock Island Railroad as said right-of-way is now established; thence continuing North 87°23'16" West along the last described course, a distance of 165.39 feet to the point of intersection of the South line of the Northwest Quarter of said Section 12 with the Southwesterly right-of-way line of said railroad as now established; thence North 50°16'07" West along the Southwesterly right-of-way line of said railroad, a distance of 16.57 feet; thence South 87°23'16" East, a distance of 165.76 feet to a point on the Northeasterly right-of-way line of said railroad; thence South 49°27'59" East along the Northeasterly right-of-way line of said railroad, a distance of 16.27 feet to the Point of Beginning. This description having been prepared by Steven R. Whitaker, MO PLS-2005019220. MEC Corporate Certificate / License No. 201200935.

Containing 1,656 square feet, more or less.

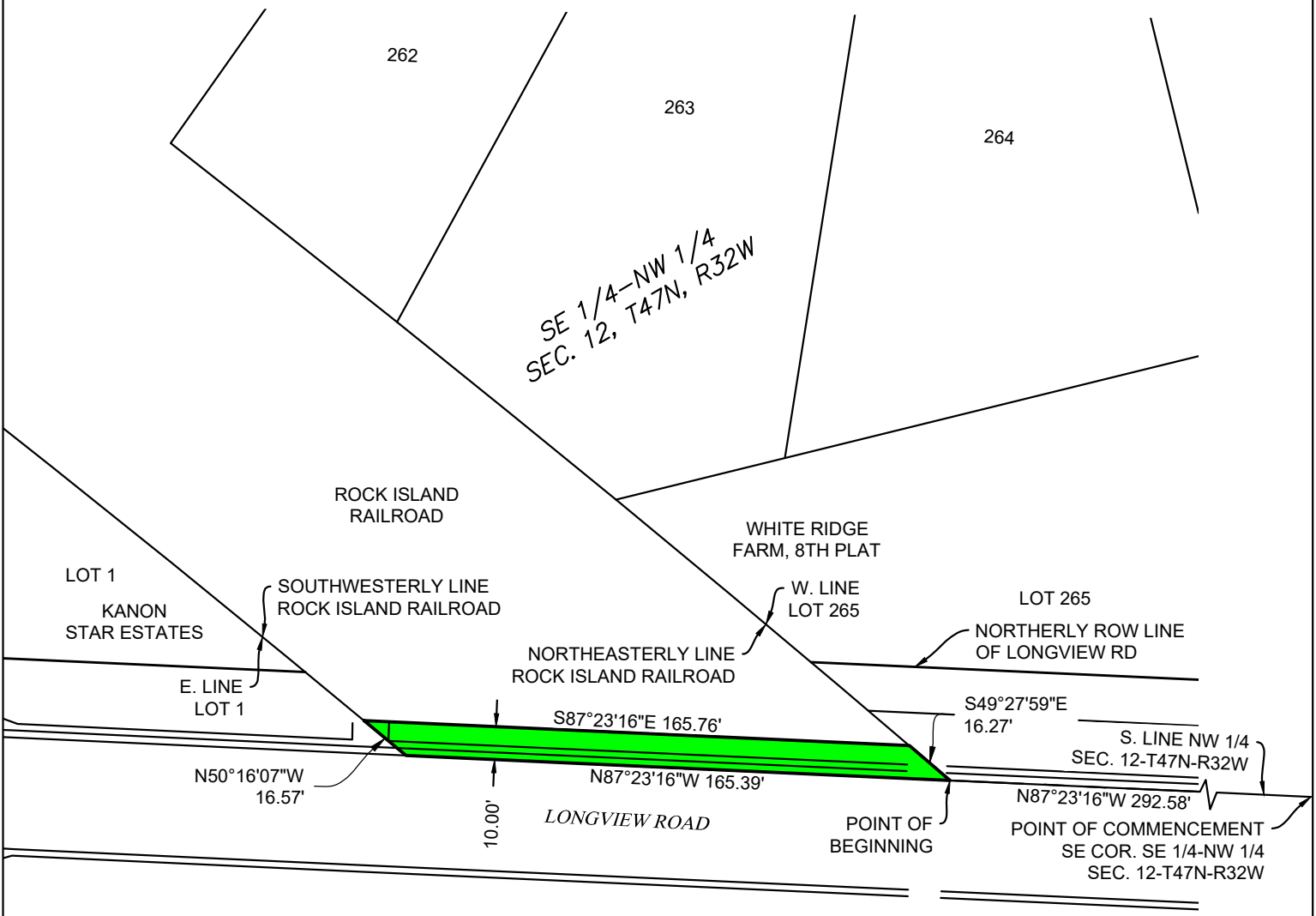
Basis of Bearings - Missouri State Plane Coordinate System, NAD 83, West Zone.



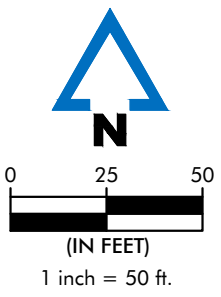
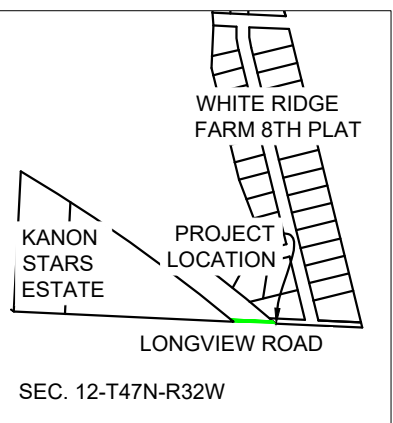
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REV.		DESCRIPTION		North of Longview Road	
4 of 6		10' WIDE EVERGY EASEMENT		80100687	
DRAWING NO		DRAWN BY	CHECKED BY	NAME	DATE:
2023000050-063		A.BRIGHT	S.WHITAKER	Rock Island Trails	8/16/23
					SHEET NO.
			LEE'S SUMMIT, JACKSON, MISSOURI		1 of 2

EXHIBIT



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Steven B. Whitaker

 08/16/2023

REV.	DESCRIPTION
5 of 6	10' WIDE EVERGY EASEMENT

DRAWING NO 2023000050-063	DRAWN BY A. BRIGHT	CHECKED BY S. WHITAKER
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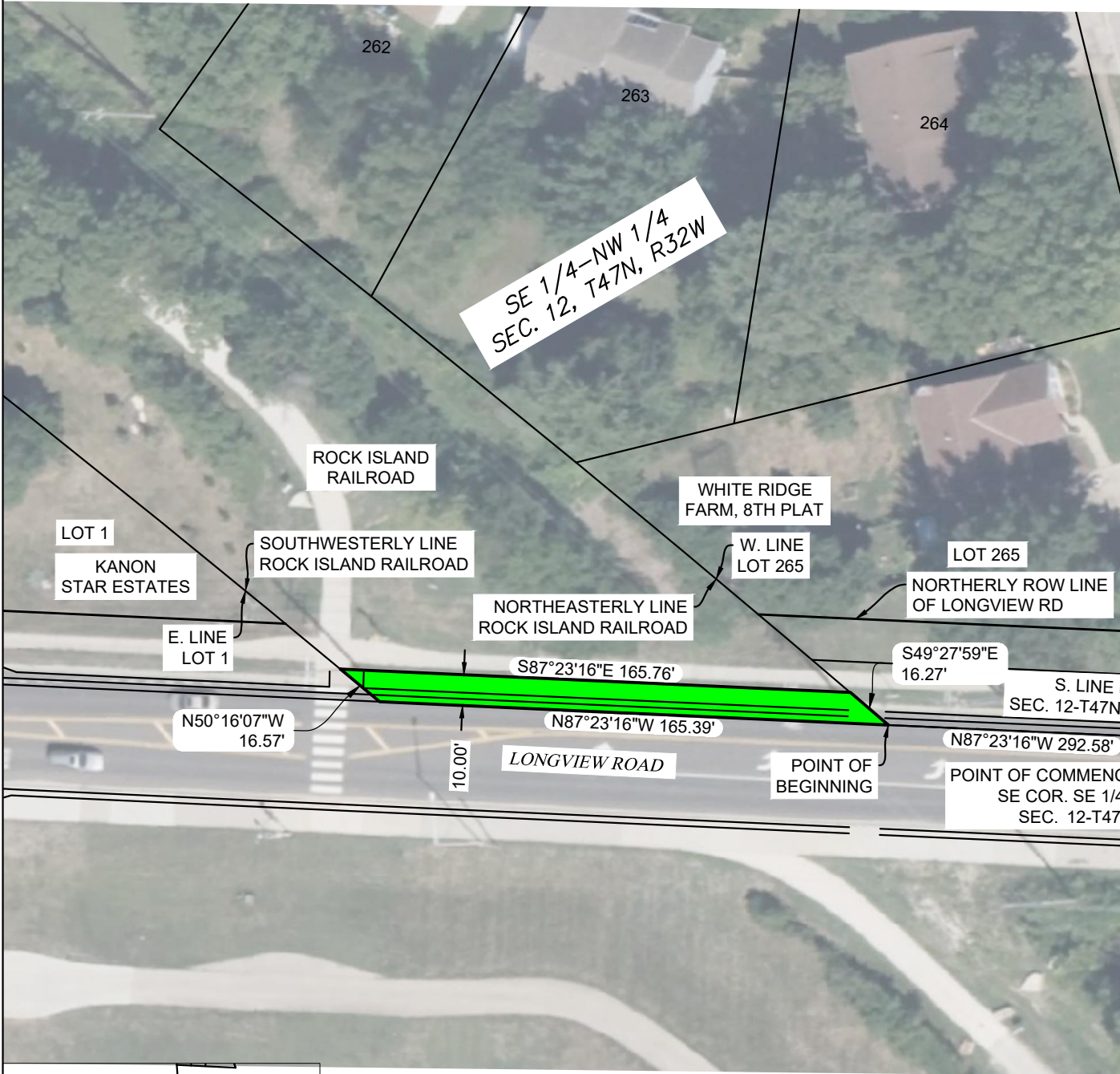


North of Longview Road	
80100687	

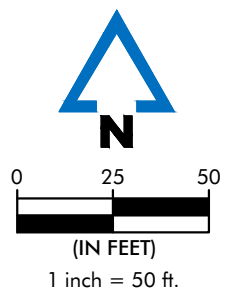
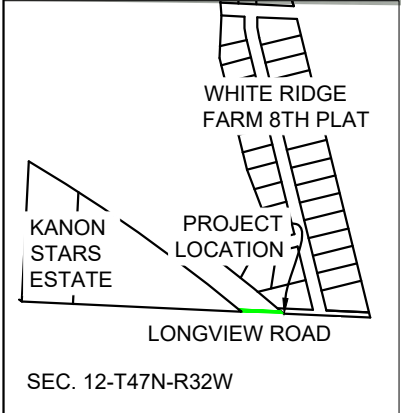
NAME Rock Island Trails	DATE: 8/16/23
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LEE'S SUMMIT, JACKSON, MISSOURI	SHEET NO. 2 of 2
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EXHIBIT



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REV.	DESCRIPTION
6 of 6	10' WIDE EVERGY EASEMENT

DRAWING NO 2023000050-063	DRAWN BY A. BRIGHT	CHECKED BY S. WHITAKER
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McCLURETM
making lives better.



North of Longview Road	
80100687	

NAME <i>Rock Island Trails</i>	DATE: 8/16/23
<i>LEE'S SUMMIT, JACKSON, MISSOURI</i>	

SHEET NO. 1 of 1
