



Legislation Text

File #: 220809, **Version:** 1

ORDINANCE NO. 220809

Approving and authorizing the City Manager to enter into a master agreement with the Missouri Highways and Transportation Commission, The Lamar Company, L.L.C., and TLC Properties, Inc. for the grant of permanent easements on City properties located in the vicinity of I-70 and Highway 40 for the public purpose of facilitating the construction of the Buck O'Neil Bridge replacement project; and authorizing City Manager to execute easement documents.

WHEREAS, the City of Kansas City, Missouri ("City") and Missouri Highways and Transportation Commission ("MHTC") entered into a Cost Apportionment Agreement, as authorized by Committee Substitute for Ordinance No. 200222, effective May 1, 2020; and

WHEREAS, City and MHTC were each responsible for fifty-percent of the cost of right-of-way acquisition for the Buck O'Neil Bridge replacement project ("Project"), including any cost overruns or underruns; and

WHEREAS, MHTC filed a condemnation action on 2 August, 2021, *State of Missouri ex rel. MHTC v TLC Properties, Inc., et al.*, Case No. 2116-CV16421, against TLC Properties Inc. and The Lamar Company, L.L.C., to acquire property interests necessary for the Project which included an easement and double-sided outdoor advertising sign with a tri-vision sign on one side; and

WHEREAS, the Condemnation Commissioners' Award for TLC Properties, Inc. and The Lamar Company, L.L.C. was \$850,000, and MHTC, TLC Properties, Inc., and The Lamar Company, L.L.C. all filed exceptions to the Commissioners' Award and requested a jury trial to determine the value of the property interests;

WHEREAS, the City owns a parcel of property located at 6411 E US 40 Hwy ("Access Property") and an adjacent parcel to the south ("Sign Property") on which The Lamar Company, L.L.C. currently operates an outdoor advertising sign ("Sign");

WHEREAS, under the terms of the Master Agreement, TLC Properties, Inc. and The Lamar Company, L.L.C. shall forego and/or return the Commissioners' Award, less attorney's fees and costs not to exceed \$75,000, which shall be deposited back into the Project fund accounts;

WHEREAS, the Council finds that granting a permanent easement for the location of the Sign and a permanent access easement under the terms of the Master Agreement is for the public purpose of reallocation of the Commissioners' Award for other Project improvements, distribution of fifty percent of any excess Project funds to the City, eliminating costs and risks of litigation and reducing City's exposure to cost overruns, and facilitating the expedient completion of the Project; and

WHEREAS, The Lamar Company, L.L.C. has met the requirements of Municipal Code § 88-445-14.5

(j), and may convert the Sign to back-to-back digital signs and said back-to-back digital signs may exceed the digital sign cap under § 88-445-14.5(m).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is authorized to enter into a Master Agreement with the Missouri Highways and Transportation Commission, The Lamar Company, L.L.C., and TLC Properties, Inc. for the conveyance of permanent easements on City property located in the vicinity of I-70 and Highway 40 for the public purpose of facilitating the construction of the Buck O'Neil Bridge replacement project.

Section 2. That the City Manager is authorized to execute permanent easement documents set forth in the Master Agreement.

Approved as to form and legality:

Matthew Cooper
Assistant City Attorney