

RESOLUTION NO. 4716

A RESOLUTION OF THE CITY OF OVERLAND PARK, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF A JOINT PROPOSAL AND A CITY-STATE AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION RELATED TO THE CONSTRUCTION AND IMPLEMENTATION OF AN EXPRESS LANE TOLL FACILITY ON U.S. 69 WITHIN THE CITY.

WHEREAS, the City of Overland Park (the City) recognizes the importance of U.S. 69 to the quality of life an economic vitality to its residents, businesses, and travelers, making the modernization and expansion of this more-than-50-year-old facility the City’s most important transportation priority; and

WHEREAS, the City has entered into a working partnership with the Kansas Department of Transportation (KDOT) and the Kansas Turnpike Authority (KTA) to study the nature, funding, and feasibility of how best to improve U.S. 69’s operation and capacity;

WHEREAS, the City and its partners have determined that adding Express Toll Lanes on U.S. 69 with operations extending from 103rd Street south to 179th Street will add capacity to U.S. 69; will improve the operation of U.S. 69; and can be feasibly designed, constructed, operated, and funded in accordance with K.S.A. 68-20,120;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

Section 1. Authorization and Execution of Joint Proposal. The City is hereby authorized to enter into the joint proposal by and between KDOT and the City (the “Joint Proposal”) in substantially the form presented to and reviewed by the City Council at this meeting (copies of this document shall be on file in the records of the City), with such changes therein as shall be approved by the City Attorney, the City Manager, and the officials of the City executing such documents, such officials’ signatures thereon being conclusive evidence of their approval thereof and the same are hereby approved in all respects. The Mayor and City Clerk are hereby authorized and directed to execute, seal, attest and deliver the Joint Proposal and such other documents as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the City. The Mayor, City Manager, and City Attorney are hereby authorized and take any necessary steps for the Joint Proposal to be submitted to the Kansas Turnpike Authority and the State Finance Council for approval.

Section 2. Authorization to Negotiate City-State Agreements. The City Manager, City Attorney, and officials of the City are authorized to negotiate City-State agreements by and between KDOT outlining responsibilities of the parties through the U.S. 69 project development and other activities (the “City-State Agreements”) in furtherance of this Resolution.

Section 3. Authorization and Execution of City-State Agreements. The City is hereby authorized to enter into the negotiated City-State Agreements by and between KDOT and the City, and to support the proposed U.S. 69 project with a \$20 million local contribution for Phase 1 (103rd Street to 151st Street), and additional support for any expanded scope of the U.S. 69 project between 103rd Street and 179th Street resulting from receipt of additional state or federal funds, to be paid by the state collection of tolls levied on vehicles traveling in Express Toll Lanes until such time as cumulative net revenues reach \$20 million for Phase 1 and additional costs for any expanded scope of the project between 103rd Street and 179th Street, and the officials of the City executing the City-State Agreements and related documents, such officials' signatures thereon being conclusive evidence of their approval thereof and the same are hereby approved in all respects. The Mayor and City Clerk are hereby authorized and directed to execute, seal, attest and deliver the City-State Agreements and such other documents as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the City.

Section 4. Effective Date. This Resolution shall take effect and be in force from and after its adoption.

[Remainder of the page intentionally left blank. Signatures on the following page.]

ADOPTED by the City Council this 21st day of June, 2021.

APPROVED AND SIGNED by the Mayor on this 21st day of June, 2021.



CITY OF OVERLAND PARK, KANSAS

Carl Gerlach
Mayor

Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:

Michael Koss
Deputy City Attorney