

BILL NO. 18-63

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN DYMON WOOD AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR SIDEWALK IMPROVEMENT OBLIGATIONS RELATING TO THE PLAT HEARNE'S ADDITON, LOTS 18A, 18B, AND 18C DEVELOPMENT

WHEREAS, on January 25, 2018, the Application #PL2018-016 was submitted, for minor plat, of approximately 0.94 acres of land generally lying at the southwest corner of NE Main Street and NW Orchard Street, owned by Dymon Wood ("Developer"), which will be developed as the "Hearne's Addition, Lots 18A, 18B, and 18C" the proposed plat ("Development"); and,

WHEREAS, the City and the Developer acknowledge that the Sidewalk Improvements have not been completed as defined in the Development Agreement, and the City and Developer wish to enter into this Agreement to satisfy certain provisions of Unified Development Ordinance and Design and Construction Manual as to allow Developer to make a payment in lieu of constructing the required sidewalk improvements; and,

WHEREAS, the City and the Developer acknowledge that the Sidewalk Improvements are premature for this area, considered extraordinary for the unimproved road conditions, and conceivably will be removed by a future undetermined Capital Improvement Project in which any constructed sidewalk would be replaced by said Capital project in conjunction with other infrastructure improvements; and,

WHEREAS, the Developer agrees to make payment in lieu of said public sidewalk improvements for an estimated cost of construction. This City will allocate these funds for public sidewalk improvements. Payment by the Developer will fulfill the intent of the sidewalk obligations for this Development; and,

WHEREAS, in satisfaction of the City Council's condition of approval, the Developer and the City now desire to enter into this Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the development agreement between Dymon Wood and the City of Lee's Summit, Missouri, attached hereto and incorporated herein by reference, is hereby approved by the City Council and the City Manager is authorized to execute the same on behalf of the City of Lee's Summit, Missouri.

SECTION 2. That this ordinance shall be in full force and effect from and after the date of its adoption, passage and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2018.

Mayor *Randall L. Rhoads*

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ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2018.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*