

## **BILL NO. 20-248**

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AN ORDINANCE APPROVING THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN PARAGON STAR, LLC, AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE PARAGON STAR PROJECT.

WHEREAS, on October 10, 2016, the City Council approved Ordinance No. 7987 which approved the preliminary development plan for the sports complex portion of the Paragon Star Project, which was subject to the Developer entering into a development agreement with the City to provide for certain Public Improvements which are necessary for the development; and

WHEREAS, on June 11, 2019, the City Council approved Ordinance No. 8644 which approved the preliminary development plan for the Paragon Star Village portion of the Paragon Star Project (collectively with the development approved by Ordinance No. 7987, the "**Project**"), which was subject to the Developer entering into a development agreement with the City to provide for certain Public Improvements which are necessary for the Project; and

WHEREAS, Section 3.8 of Ordinance No. 7987 provides that the developer shall execute a development agreement with the City to address road improvements recommended in the Transportation Impact Analysis that was prepared for the project, and that no building permits shall be issued until written proof is provided to the City that the development agreement has been recorded with the Jackson County Recorder of Deeds; and

WHEREAS, Section 2.4 of Ordinance No. 8644 provides that the developer shall execute a development agreement with the City to address waterline improvements, the location and construction of pedestrian trails, and the road improvements recommended in the Transportation Impact Analysis that was prepared for the project, and that no building permits shall be issued until written proof is provided to the City that the development agreement has been recorded with the Jackson County Recorder of Deeds; and

WHEREAS, the original Development Agreement was approved by the City Council on July 7, 2020 through the adoption of Ordinance No. 8909; and

WHEREAS, in October 2020, the City of Kansas City undertook the resurfacing of View High Drive, and also unilaterally redesigned the lane configurations of View High from the Interchange at I-470 to the top of the hill to the south.

WHEREAS, these changes by Kansas City have complicated the DDI interchange design process and these changes have had a detrimental impact upon planned construction activities, and consequently the opening date of Paragon Star, and the City Council therefore desires to approve an Amended and Restated Development Agreement to provide for the construction of public improvements for the Project and address the impediments caused by Kansas City.

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

SECTION 1. The Amended and Restated Development Agreement for the Paragon Star Project which is attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), is hereby approved and the City Manager is authorized and directed to execute the Agreement in substantial compliance with the attached Agreement.

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SECTION 2. City officers and agents of the City are each hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the Development Agreement.

SECTION 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of January, 2021.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of January, 2021.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

EXHIBIT A

AMENDED AND RESTATED DEVELOPMENT AGREEMENT

[ATTACHED]