

BILL NO. 23-090

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO 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 Amended and Restated Development Agreement for the Project was executed on January 5, 2021 (the "Development Agreement"), which controls the completion of public improvements in relation to the construction and opening of the Village and the Sports Complex in the Paragon Star project; and

WHEREAS, the parties desire to amend the Development Agreement to revise the conditions which are applicable to opening the Sports Complex and athletic fields and make other revisions which account for the current conditions and status of construction of the Village and Sports Complex.

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

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

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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 _____, 2023.

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

FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT

[ATTACHED]