

BILL NO. 17-272

AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN TOWNSEND SUMMIT, LLC AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE SUMMIT ORCHARD DEVELOPMENT

WHEREAS, on May 19, 2016, the City Council concluded a public hearing for Application #PL2016-039, for a preliminary development plan for the development of approximately 46.30 acres of land generally lying at the northeast corner of NW Ward Road and NW Chipman Road, on property owned by the Developer ("Property"), which will be developed as Summit Orchard ("Development"); and,

WHEREAS, following the public hearing for the Development, the Council voted to approve the application for the Development subject to the Developer entering into a development agreement with the City to provide for the certain Improvements necessary for the Development; and,

WHEREAS, on September 6, 2016, the City and Townsend Summit, LLC ("Developer") entered into a Development Agreement with the Memorandum of Development Agreement being recorded with the Jackson County, Missouri Recorder's Office as Instrument Number 2016E0083148; and,

WHEREAS, on December 7, 2017, the City approved an ordinance authorizing the execution of an agreement by and between the City of Lee's Summit, Missouri, and Emery Sapp & Sons, Inc., for the preliminary design services for NW Ward Road from NW Tudor Rd to NW Blue Parkway (RFQ No. 49832272-DB) which included design and construction of a traffic signal located at the intersection of NW Ward Rd and NW Tudor Rd.; and,

WHEREAS, RFQ No. 49832272-DB accounts for the design and construction of a traffic signal located at the intersection of NW Ward Rd and NW Tudor Rd and the City will be completing this particular infrastructure improvement rather than the Developer.

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

SECTION 1. That the First Amendment to the Development Agreement, a Memorandum of Agreement being recorded in the Jackson County, Missouri Recorder's Office as Instrument Number 2016E0083148, as shown on Exhibit "A" attached hereto and incorporated by reference is hereby approved such that Improvement Item 7, of Section 1.D of said Agreement is deleted. All other provisions of Section 1.D and the Development Agreement shall remain in full force and effect and are not intended to be amended, altered or released by the passage of this Ordinance.

SECTION 2. That the City Manager for the City of Lee's Summit is hereby authorized to sign for and on behalf of the City the First Amendment to the Development Agreement between the City and Townsend Summit, LLC, attached hereto as Exhibit "A".

SECTION 3. That this Ordinance shall be in full force and effect from and after the date of its adoption, passage and approval by the Mayor.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this ___ day of December, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney, *Brian W. Head*