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220 SE Green Street  
Lee's Summit, MO 64063

Phone: 816.969.1500  
Fax: 816.969.1515

lspr@cityofls.net  
www.lspark.net



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LEE'S SUMMIT  
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August 9, 2018

Mr. Matt Pennington, Manager  
Streets of Pryor, LLC  
Drake Development Corporation  
12701 Metcalf Avenue, Suite 100  
Overland Park, KS 66213

Re: Memorandum of Understanding: Lowenstein Park and Streets of Pryor Development

Dear Matt:

Thank you for taking time to review your future plans for the Streets of Pryor development with our Lee's Summit Parks staff. We are enthusiastic about your vision for the project and your desire to integrate the mixed use plan with adjacent properties including Lowenstein Park.

The following is a response to your presentation to the Lee's Summit Parks and Recreation Board on Wednesday July 25<sup>th</sup>, 2018 which picks up from where we left off in LSPR discussions with Christie Development back in early 2017. The most recent proposal submitted by Drake Development was shared with the Lee's Summit Parks and Recreation Board at the March 27<sup>th</sup> meeting. Their comments have been included in our response. Conditions as stated in this Memorandum of Understanding (MOU) are subject to final review by both parties during the final design of the project, Final Development Plan, and development agreement with the City of Lee's Summit.

Sewer Easement

LSPR agrees to grant the developer an easement for the extension of a sanitary sewer main through park property. The extension of the sanitary sewer main from the proposed development will connect to the existing public main located on Chipman Road bisecting the park. The final alignment and depth of the sewer main is yet to be determined and subject to final review and approval of the City of Lee's Summit and LSPR. In order to minimize the impact of park usage, timing of construction will be critical therefore as a condition of permitting the construction, developer will provide and maintain safe and accessible conditions in the park area at all times including but not limited to fencing and signage. The developer also agrees to return the site to "like or better" conditions upon completion of the sewer line excavation including but not limited to proper trenching compaction, level grading, and sodding.

Developer will also need to repair or replace any utilities, site amenities, or trail that may be damaged during construction. The developer will pay all costs associated with design, planning, permitting, and approvals of the sewer line and easement. A separate agreement specific to the sewer line construction and easement will need to be drafted once final engineering is completed on this portion of the project and will need approval of the Park Administrator.

#### Additional/Existing Parking

Developer agrees to construct approximately 50 new parking spaces connecting the two existing parking lots as shown on preliminary drawings. The new parking lot shall be designed and constructed in accordance with the City's Unified Development Ordinance and Design and Construction Manual. Existing entry points to the new parking configuration shall be modified as required by City traffic engineering and coordinated with development ingress/egress on the north side of Lowenstein Drive. Developer also agrees to seal, crack fill, and restripe the existing parking areas to match the new parking configuration. Expansion of the parking lot shall be phased in a manner to allow for uninterrupted access into the park at all times. Developer will also be required to install LED parking lot lighting to provide security and safety for park patrons at night. Connection of the two parking lots with additional parking will require the removal of an existing park shelter. The developer will pay for the relocation of the park trail in conjunction with the parking lot improvements. The developer will pay all costs associated with design, planning, permitting, and approvals of the parking lot improvements.

#### Restrooms

Developer agrees to construct a restroom facility in a location to be determined within the park that is convenient to parking, shelters, trails, and utilities. The facility is to be equivalent to restroom facilities constructed by the Parks Department at Lea McKeighan and Miller J Fields Park. The facility will require adequate water and sewer service and be equipped with heating and ventilating to be fully functional year round. The developer will pay all costs associated with the design, planning, permitting, and approvals of the restroom facility.

#### Park Improvements

Developer agrees to contribute \$100,000 for park improvements as a condition of the MOU/agreement.

#### Lake Design

Lake Design Requirements: The design of the water feature area in the southeast corner of the Streets of West Pryor will include the following considerations:

1. Maximum slope on the western slope of the dam will be 1 foot vertical to 5 feet horizontal.
2. The Developer will provide a geotechnical investigation in order to confirm that the lake can be constructed as represented on the Developer's Preliminary Development Plan. The geotechnical study will be completed subsequent to approval of the Preliminary Development Plan by the City of Lee's Summit.
3. Developer shall review plans for lake overflow structure with Parks staff. Both parties agree to review these plans in concurrence with design and engineering of the overall project.
4. 10 Feet wide walking trails will be situated along the bank of the water feature and connected to the existing park trail system. The trail will be 10 feet wide and constructed of 4 inch thick non reinforced concrete on 4 inches of crushed stone.
5. The water feature's wet perimeter will be fortified with stone to enhance appearance and protect against erosion of the bank areas.
6. Install guard rail as defined by the 2012 International Building Code and three Victor Stanley seating benches equivalent to benches used by LSPB in other park areas, provided with brick

- paver bases and strategically placed around the perimeter of the water feature on the water side of the walking trail discussed above. Guard rail shall be metal and decorative in nature.
7. Install Pavers and Landscaping on western slope of dam. Design and scope to be agreed upon prior to submittal of final development plan.
  8. Twenty low level pedestrian lights as selected by the developer and mutually agreed upon by LSPR will be placed along the water feature perimeter and walking trails. Pedestrian lighting will be powered by the Park's electric service included in the restroom construction described above.
  9. 20 upper story 3 inch caliper deciduous trees will be placed within Lowenstein Park along the water feature perimeter and as otherwise located by the Park Board.
  10. A maintenance agreement shall be drafted and negotiated in which outlines each of the parties on going obligations as it relates to the maintenance and insurance of the lake to be located on a portion of both Developer's and LSPR's land.

#### Black Twig Improvements

Improvement to Black Twig Drive is a requirement of the city's unimproved road policy, consequently there may be improvements that impact the park. The specifics of the improvements required are yet to be determined. LSPR agrees to cooperate with any road improvements required. All work outside of Black Twig right of way shall be subject to LSPR review and approval which shall not be unreasonably withheld. The pedestrian connection from the park trail to Summerfield Drive shall be maintained. Any additional relocation of the existing park trail shall be at expense of the developer.

#### Lowenstein Drive Improvements

The City's development division requires the improvement of Lowenstein Drive to commercial collector standards including the addition of a center turn lane along park property frontage. The additional lane is expected to improve traffic. However, a strip of five feet in width is required in order to install the new water main outside the new pavement limits. LSPR will cooperate as required by the City of Lee's Summit to make available land area required to complete the Lowenstein Drive and water main improvements. It is anticipated that some modification to the existing parking area will be required to complete these improvements. All work within the parks property shall be subject to review and approval of engineered plans. Said review and approval shall not be reasonably withheld. The developer will pay for all costs associated with the design, planning, permitting, and approvals of these improvements.

#### Private Multi Use Trails

The developer shall construct the private multi-use trails in mutually agreeable locations and in the same manner as required by the City of Lee's Summit Unified Development Ordinance and Design and Construction manual for multi-use trails.

All of the above scope of work will be incorporated into the developer's preliminary development plan package to the City. As a result, LSPR will provide concurrence with the proposed plan the City of Lee's Summit Division of Development Services as required to properly process the development application.

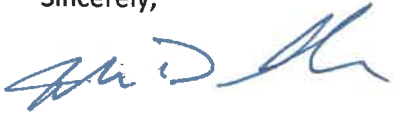
The developer and LSPR will maintain proper liability insurance consistent with industry standards for property owned by the developer and City of Lee's Summit respectively.

Please note that LSPR will be completing our own due diligence by seeking feedback from neighboring residents. Based on your comments at the Parks and Recreation Board in July we anticipate minimal concern from the public. However, should there be significant concerns our position moving forward could change.

Thank you for the opportunity to work with you collaboratively on this exciting project for the city of Lee's Summit. We believe this is a mutually beneficial plan for both Lowenstein Park and the Streets of Pryor development. If this meets with your approval, we can have a formalized agreement drafted and executed directly.

We look forward to hearing from you. Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Snook".

Joe Snook  
Administrator of Parks  
Lee's Summit Parks and Recreation