

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE  
STREETS OF WEST PRYOR DEVELOPMENT, LOT 7 AND TRACT C PROJECT**

This FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN STREETS OF WEST PRYOR, LLC, AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE STREETS OF WEST PRYOR DEVELOPMENT, LOT 7 AND TRACT C PROJECT (“**First Amendment**”) is made this \_\_\_\_ day of March, 2022, by and between Streets of West Pryor, LLC, a Missouri limited liability company (the “**Developer**”), and the City of Lee’s Summit, Missouri, a municipal corporation (“**City**”).

WHEREAS, \_\_\_\_, 2020, the City and Developer executed the Development Agreement (the “**Agreement**”) to establish the rights, duties and obligations of the parties for the construction of public improvements in connection with the Development;

WHEREAS, the parties desire to amend the Agreement to adjust the sequence of construction for certain public improvements for the Development and allow for the issuance of building permits prior to the construction of certain public improvements, provided that no certificates of occupancy for such structures will be issues until the designated public improvements are completed; and

WHEREAS, the parties have freely negotiated in good faith and this First Amendment reflects the desires of the parties.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

*All words and terms that are not defined in this First Amendment shall have the meanings assigned to them in the Agreement.*

1. **Section 3** of the Agreement shall be deleted and replaced with the following:

3. **Timing of Issuance of Building Permits and Certificates of Occupancy.** Temporary Certificates of Occupancy for the townhomes in the Project shall not be issued until the Improvements set forth in **Exhibit C** have been substantially completed, as memorialized by the City’s issuance of a Certificate of Substantial Completion for the Improvements. Final Certificates of Occupancy for the Project will not be issued until a Certificate of Final Acceptance has been issued for all Improvements described in **Exhibit C**.

2. **Exhibit C** shall be amended by deleting the second paragraph and replacing it with the following:

Improve Lowenstein Drive to urban standards that generally include curb and gutter, typical lane widths, enclosed storm sewer (as necessary), sidewalk, etc. from Black Twig to the westernmost property line of the subject development in compliance with the

Unimproved Road Policy. These improvements shall be substantially completed prior to the issuance of any certificates of occupancy (temporary or final) for structured on Tract C.

3. All other provisions of the Agreement are unaffected by this First Amendment and shall remain valid, binding and in full force and effect.

*[Remainder of this page intentionally left blank]*

IN WITNESS WHEREOF, this Agreement has been executed by the Parties hereto on the date first above written.

**CITY OF LEE’S SUMMIT, MISSOURI**

\_\_\_\_\_  
Stephen A. Arbo, *City Manager*

Attest:

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

Approved as to form:

\_\_\_\_\_  
David Bushek, *Chief Counsel of  
Economic Development & Planning*

Notary for City of Lee's Summit

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF JACKSON    )

BE IT REMEMBERED, that on this \_\_\_ day of March, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Stephen A. Arbo, the City Manager of the City of Lee's Summit, Missouri, a City duly incorporated and existing under and by virtue of the laws of the State of Missouri, who is personally known to me to be the same person who executed, as such official, the within instrument on behalf of and with the authority of said City, and such person duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

