

BILL NO. 18-148

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN ABUNDANT LIFE BAPTIST CHURCH OF LEE'S SUMMIT AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR SIDEWALK IMPROVEMENT OBLIGATIONS RELATING TO THE PLAT ABUNDANT LIFE BAPTIST CHURCH LOT 1B DEVELOPMENT.

WHEREAS, on January 11, 2018, the Application #PL2018-009, for minor plat of approximately 17.14 acres of land and Application #PL2018-010, for construction of a 3,136 square foot structure, generally lying at the northeast corner of SE Jefferson Street and SE Persels Road, on property legally described in Exhibit A ("Property"), and shown in Exhibit B, owned by the Developer; and,

WHEREAS, The City's Unified Development Ordinance and Design and Construction Manual stipulates the Responsibility for Construction of a sidewalk is required adjacent to a buildable lot, sidewalks shall be constructed by the builder prior to occupancy of any structure on that lot; and,

WHEREAS, the City and the Developer acknowledge that the Sidewalk Improvements have not been completed as defined in Section 1.D below, and the City and Developer wish to enter into this Agreement to waive certain provisions of Unified Development Ordinance and Design and Construction Manual as to allow Developer to make a payment in lieu of constructing the required sidewalk improvements; and,

WHEREAS, the City and the Developer acknowledge that the Sidewalk Improvements would be removed by the planned Jefferson Street Capital Improvement Project in which the constructed sidewalk by the Developer would be replaced by said Capital project in conjunction with other infrastructure improvements; and,

WHEREAS, the Developer agrees to make payment in lieu of said public Sidewalk Improvements for an estimated cost of construction. This City will allocate these funds for public sidewalk improvements. Payment by the Developer will fulfill the intent of the sidewalk obligations for this development project; and,

WHEREAS, the parties agree that the obligations assumed by the Developer pursuant to this Agreement are reasonably related to the impact that will be caused by the Development on the public services provided by the City and other public jurisdictions and on facilities that are constructed and maintained by the City and other public jurisdictions; and,

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

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

SECTION 1. That the development agreement between Abundant Life Baptist Church of Lee's Summit and the City of Lee's Summit, Missouri, attached hereto and incorporated herein by reference, is hereby approved by the City Council and the City Manager is authorized to execute the same on behalf of the City of Lee's Summit, Missouri.

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SECTION 2. That this ordinance shall be in full force and effect from and after the date of its adoption, passage and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*