BILL NO. 23-145

AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE REAL ESTATE SALE AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND ARCHVIEW PROPERTIES, LLC, FOR THE SALE OF CITY PROPERTY AT 15 AND 25 NW TUDOR ROAD.

WHEREAS, the City of Lee's Summit, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and,

WHEREAS, the pursuant to the general authority granted in Article 6, Section 19(a) of the Missouri Constitution and Section 2.1 of the City Charter, the City has the ability to buy and sell property; and,

WHEREAS, the City holds fee simple title to property located at 15 and 25 NW Tudor Road (the "Property"), which was originally purchased as part of a larger parcel for the purpose of constructing and operating a police and municipal court facility; and,

WHEREAS, the police and municipal court facility continues to be operated today on the north side of Tudor Road, and the Property on the south side of Tudor Road is not needed for the original purpose of its acquisition; and,

WHEREAS, the City Council passed Ordinance No. 9337 on February 22, 2022, which approved a Real Estate Sale Agreement between the City and Archview Properties, LLC ("Archview"), for the sale of the Property, which was executed by the parties on February 23, 2022 (the "Agreement"); and,

WHEREAS, the City Council passed Ordinance No. 9461 on July 12, 2022, which approved the First Amendment to the Agreement, which was executed by the parties on July 13, 2022 (the "First Amendment"); and,

WHEREAS, the City Council passed Ordinance No. 9635 on March 21, 2023, which approved the Second Amendment to the Agreement, which was executed by the parties on March 21, 2022 (the "Second Amendment"); and,

WHEREAS, the "Approvals Period," as defined in the Agreement as amended, is currently set to expire on June 28, 2023; and,

WHEREAS, Archview has requested an additional extension of the Approvals Period to expire at the latest on December 11, 2023; and,

WHEREAS, the parties desire to execute a Third Amendment to the Agreement to accommodate the request by Archview.

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

SECTION 1. The City Council finds that the Property is no longer needed by the City, the Property is surplus property which may be sold by the City, and the City Council therefore desires to sell the Property for fair market value.

SECTION 2. The Third Amendment to Real Estate Sale Agreement which is attached hereto as Exhibit A and incorporated herein by reference is hereby approved and the Mayor is authorized and directed to execute the Third Amendment in substantial compliance with the attached document. The purchase price for the Agreement shall remain a closed record pursuant to Section 610.021(2) of the Revised Statutes of Missouri, until the City is legally required to disclose the purchase price after closing in accordance with the Sunshine Law.

SECTION 3. All prior ordinances of the City or any parts thereof in conflict with any or all of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. 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 attached Agreements.

SECTION 5. 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 for 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 _____, 2023.

_____
Mayor *William A. Baird*

ATTEST:

_____
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

_____
City Attorney *Brian W. Head*

<u>**EXHIBIT A**</u>

THIRD AMENDMENT TO REAL ESTATE SALE AGREEMENT

[*ATTACHED*]