

## **BILL NO. 16-263**

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### **AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO SALES TAX REIMBURSEMENT AGREEMENT BETWEEN QUIKTRIP CORPORATION AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE QUIKTRIP #191 DEVELOPMENT**

WHEREAS, on January 7, 2016, the Lee's Summit City Council concluded a public hearing for Application #PL2015-143, for a preliminary development plan for a development located at the south of NE Mulberry Street and west of Missouri Highway 291, consisting of a 5,858 square foot convenience store with ten (10) fueling stations under a 23-foot high canopy, together with associated site improvements, on property which will be purchased by QuikTrip Corporation ("Developer"), which will be developed as a QuikTrip convenience store ("Development"); and

WHEREAS, following the public hearing for the Development, the City Council voted to approve the application for the Development subject to the Developer entering into a Sales Tax Reimbursement Agreement with the City to provide for certain public improvements, some of which are necessary for the Development and some which are desired by the City; and

WHEREAS, the City Council determined in order to mitigate the impact of the vehicular traffic patterns that will be generated by the Development and to protect the public health, safety and general welfare, the public improvements should be made in conjunction with the Development; and

WHEREAS, as part of consideration of the preliminary development plan, the City Council reviewed a traffic study submitted by the Developer and determined that there is a need for traffic improvements along Missouri Highway 291 and Mulberry Street and the City desires that the Developer construct Windsor Drive, south of Mulberry Street, so that it connects to the existing termination of Windsor Drive south of the Property; and

WHEREAS, on February 19, 2016, the City and Developer executed the Sales Tax Reimbursement Agreement for said Improvements which was recorded with the Jackson County Recorder's Office on February 22, 2016 as Document No. 2016E0014952 ("Agreement") in which the City agreed to reimburse Developer for certain Improvements as identified in the Agreement; and

WHEREAS, since the execution of the Agreement, Developer has encountered significant increased costs due to events outside of Developer's control, including regulations of the Federal Emergency Management Agency for the culvert crossing; and

WHEREAS, the City has reviewed the increased costs and determined that the Eligible Reimbursable Costs as defined in the Agreement should be amended to recognize the increased costs of the Eligible Improvements as defined in the Agreement and reimburse Developer for those increased costs; and

WHEREAS the City is authorized to enter into this Agreement with the Developer pursuant to the provisions of Section 70.210, et seq., RSMo.

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

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

SECTION 1. That the Sales Tax Reimbursement Agreement between QuikTrip Corporation and the City of Lee's Summit, Missouri, attached hereto and incorporated herein by reference, is hereby approved and the City Manager is authorized to execute the same on behalf of the City of Lee's Summit, Missouri.

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

PASSED by the City Council of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*