

## **BILL NO. 17-209**

---

AN ORDINANCE APPROVING A FIRST AMENDMENT TO A PARKING LICENSE AGREEMENT WITH VOGUE CONDOMINIUMS OWNERS ASSOCIATION, INC. REDUCING THE NUMBER OF PARKING SPACES FOR WHICH THE CITY SHALL PAY A LICENSE FEE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, by passage of Ordinance No. 7503, the City Council approved a Development Agreement by and between the City and CML-HOM HAF, LLC, for the completion of parking garage improvements of the Hartley Block Tax Increment Financing Redevelopment Plan which included the City licensing 28 spaces in the garage; and,

WHEREAS, Ordinance No. 7503 approved the form of the license which the City has entered into with the Vogue Condominiums Owners Association, Inc. (VCOA), the owner of the garage structure, as provided for in the Development Agreement; and,

WHEREAS, VCOA has requested an Amendment of the License Agreement to provide that the public and private parking spaces be more uniformly allocated which will result in the condominium residents gaining four additional parking spaces and the City four less parking spaces and that the spaces be designated; and,

WHEREAS, the City has the right to waive the total number of 28 spaces provided for in the Development Agreement and accept fewer with the ability to add or subtract from that number by amending the actual Parking License Agreement with the owner of the parking garage; and

WHEREAS, the license fee of \$30.00 per space is paid based on the number of the parking spaces the City has a right to use under the License Agreement; and,

WHEREAS, the City is desirous of waiving its right under the Development Agreement to 28 spaces and is willing to reduce that number to up to 24 spaces with the further ability to reduce or increase the number with an adjustment of the license fee to be paid with written mutual consent.

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

SECTION 1. That the Amended Parking License Agreement between the Vogue Condominiums Owners Association, Inc., a true and accurate copy being attached hereto as "Exhibit A" and incorporated herein by reference as though fully set forth, be and hereby is approved.

SECTION 2. That the City Manager is hereby authorized to execute said Public Service Agreement by and on behalf of the City of Lee's Summit, Missouri.

SECTION 3. 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

**BILL NO. 17-209**

---

SECTION 4. That should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Chief Counsel of Infrastructure and Planning  
*Nancy Kelley Yendes*