

BILL NO. 21-38

AN ORDINANCE APPROVING THE MEMORANDUM OF UNDERSTANDING FOR WATER SERVICES TO THE WOODLAWN ESTATES DEVELOPMENT BETWEEN THE CITY OF LEE'S SUMMIT, LAKE LOTAWANA AND THE LAKE LOTAWANA COMMUNITY IMPROVEMENT DISTRICT.

An Ordinance Approving the Memorandum of Understanding for Water Services to the Woodlawn Estates Development Between the City of Lee's Summit, Lake Lotawana and the Lake Lotawana Community Improvement District.

WHEREAS, on November 16, 2007 in the case of *Lone Summit Development Group, Inc. and Lone Summit Bank v. Public Water Supply District #14*, Case No. 516-CV351-84, a judgement entered in that case removed approximately 147 acres located at the southwest corner of the intersection of highways 50 & 7 from water service supplied by the district, and removing this area created a gap within the water service area; and,

WHEREAS, in March of 2020, Woods Custom Homes, LLC ("Developer") approached the City about providing service to approximately 103 acres of the ground which was detached in the lawsuit; and,

WHEREAS, in an effort to capture this service area and provide the logical system improvements that are needed, Lee's Summit Water Utilities negotiated with Developer to achieve a development agreement; and,

WHEREAS, on November 17, 2020, the City Council approved Ordinance No. 9006 which approved the "Development Agreement for a Development at Fifty and Seven State Highways" between Developer and the City of Lee's Summit, which was executed on December 20, 2020, which generally provides for the terms and conditions under which the Developer elected to receive water service the City of Lee's Summit pursuant to the circuit court order issued in 2007, and also provides that Lee's Summit would accept certain Water Line Improvements that are to be constructed to serve the project; and,

WHEREAS, the City of Lee's Summit, Lake Lotawana and the Lake Lotawana Community Improvement District seek to enter into an agreement to establish the terms and conditions under which the water service called for in the Development Agreement will be supplied by the City of Lee's Summit to the development.

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

SECTION 1. The Memorandum of Understanding which is attached hereto as **Exhibit A** and incorporated herein by reference (the "MOU"), is hereby approved and the City Manager is authorized and directed to execute the MOU in substantial compliance with the attached Agreement.

SECTION 2. 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 MOU.

BILL NO. 21-38

SECTION 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. 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 of the City of Lee's Summit, Missouri, this _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

EXHIBIT A

MEMORANDUM OF UNDERSTANDING

[ATTACHED]