

BILL NO. 22-70

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE BAILEY ROAD MIDDLE SCHOOL BETWEEN THE LEE'S SUMMIT R-7 SCHOOL DISTRICT AND THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, on July 23, 2020, the Lee's Summit Planning Commission concluded a public hearing for Application #PL2020-134 - PRELIMINARY DEVELOPMENT PLAN - Lee's Summit R-7 Middle School #4, 1001 SE Bailey Rd; DLR Group, applicant, for the construction of a public middle school and associated facilities and improvements (the "Development") which will be located on approximately 51.7 acres of land generally lying south of SE Bailey Road and east of SE Dalton Drive; and,

WHEREAS, condition #5 of the Planning Commission approval provides that "The District shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the traffic-related improvements included in the Transportation Impact Analysis (TIA), off-site sanitary sewer improvements, future sanitary sewer and water main extensions to the plat boundary and a future box culvert. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office. All required public improvements, not future improvements, shall be substantially complete prior to any occupancy."; and,

WHEREAS, the Development Agreement was executed on November 11, 2020; and,

WHEREAS, the parties now desire to amend the Development Agreement to allow for limited occupancy of the school facilities while certain sewer improvements are being completed by the School District.

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

SECTION 1. The First Amendment to the Development Agreement which is attached hereto as Exhibit A and incorporated herein by reference (the "First Amendment"), is hereby approved and the City Manager is authorized and directed to execute the First Amendment in substantial compliance with the attached document.

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 Development Agreement, as amended.

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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

EXHIBIT A

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

[ATTACHED]