

BILL NO. 23-253

AN ORDINANCE APPROVING THE NORTH AND EAST PROPERTY REAL ESTATE SALE AGREEMENT BETWEEN SOUTHWESTERN BELL TELEPHONE COMPANY AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR ACQUISITION OF PROPERTY FOR THE DOWNTOWN MARKET PLAZA PROJECT AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, the City has engaged in planning and preparation efforts to proceed with the Downtown Lee's Summit Market Plaza Project (the "Project") which is an area bounded by 2nd Street on the north, 3rd Street on the South, Green Street on the west and Johnson Street on the east, and extending across 3rd Street to include the parcel located at the southeast corner of 3rd Street and Green Street (the "Redevelopment Area"); and,

WHEREAS, on September 13, 2022, the City Council approved the Chapter 353 Redevelopment Plan for the Downtown Market Plaza Redevelopment Area (the "Redevelopment Plan") and approved a Redevelopment Agreement with the Lee's Summit Downtown Market Plaza Redevelopment Corporation for implementation of the Redevelopment Plan; and,

WHEREAS, the City and Southwestern Bell entered into the Real Estate Sale Agreement on June 7, 2023 for acquisition of the western parking lot property by the City for the Project, and this transaction was completed in August 2023; and

WHEREAS, the City Council passed Ordinance No. 9763 on October 10, 2023, which approved the amendment to the Agreement between the City and McCown Gordon Construction Company to set the guaranteed maximum price for phase 1 of construction for the Project in the amount of approximately \$5,648,000 (the "Construction Agreement"), and such Construction Agreement led to the establishment of a demolition and construction schedule which is currently in progress for the Project and should continue without interruption; and

WHEREAS, the City Council now desires to enter into a real estate sale agreement with Southwestern Bell Telephone Company for acquisition of the northern and eastern parcels of such property for the Project.

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

SECTION 1. The North and East Property Real Estate Sale Agreement, which is attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), is hereby approved and the Mayor is authorized and directed to execute the Agreement in substantial compliance with the attached version. The City Council hereby delegates authority to City staff to negotiate such changes to the Agreement and its exhibits as are necessary to complete the Agreement and carry out the purposes and intent of the Redevelopment Plan and advance the Project for the City. Such changes may include substantive changes to the Agreement, provided that the cash price paid for the property and the land described in Exhibit A does not change; other items which constitute the consideration for the transaction, and other terms and conditions of the Agreement, may be modified by staff as needed to complete the negotiations and finalize the 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 Real Estate Sale Agreement.

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

SECTION 4. The City Council hereby declares that this ordinance is an emergency and may be passed as an emergency measure on the day of its introduction because this ordinance deals with the immediate preservation of public peace, property, health, economic development, safety and morals as set forth in Section 3.13(f)(1) of the City Charter, in that demolition of structures in the Redevelopment Area has commenced under the Construction Agreement and acquisition of the property pursuant to the Agreement is necessary to acquire a structure that must be demolished in order to provide vehicular access to the Project property and allow for the construction of utilities to serve the Project, and to remain on schedule without interruption pursuant to the Construction Agreement in furtherance of the Redevelopment Plan.

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 of 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*

EXHIBIT A

NORTH AND EAST PROPERTY REAL ESTATE SALE AGREEMENT

[*ATTACHED*]