

EXHIBIT A

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN  
CITY OF LEE'S SUMMIT AND TOWNSEND SUMMIT, LLC  
INSTRUMENT NO. 2016E0083148**

WHEREAS, on May 19, 2016, the City Council of the City of Lee's Summit ("City") concluded a public hearing for Application #PL2016-039, for a preliminary development plan for the development of approximately 46.30 acres of land generally lying at the northeast corner of NW Ward Road and NW Chipman Road, on property owned by the Developer ("Property"), which will be developed as Summit Orchard ("Development").

WHEREAS, following the public hearing for the Development, the Council voted to approve the application for the Development subject to the Developer entering into a development agreement with the City to provide for the certain Improvements necessary for the Development; and

WHEREAS, on September 6, 2016, the City and Townsend Summit, LLC ("Developer") entered into a Development Agreement with Memorandum of Development Agreement being recorded with the Jackson County, Missouri Recorder's Office as Instrument Number 2016E0083148; and

WHEREAS, on December 7, 2017, the City Council approved an ordinance authorizing the execution of an agreement by and between the City of Lee's Summit, Missouri, and Emery Sapp & Sons, Inc., for the preliminary design services for NW Ward Road from NW Tudor Rd to NW Blue Parkway (RFQ No. 49832272-DB) which included design and construction of a traffic signal located at the intersection of NW Ward Rd and NW Tudor Rd.; and

WHEREAS, RFQ No. 49832272-DB accounts for the design and construction of a traffic signal located at the intersection of NW Ward Rd and NW Tudor Rd and the City will be completing this particular infrastructure improvement rather than the Developer.

**IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:**

That the Development Agreement entered into between the City of Lee's Summit, Missouri and Townsend Summit, LLC, recorded in the office of the Jackson County Recorder's Office as Instrument No. 2016E0083148 is hereby amended to delete from Section 1.d, item 7, requiring the construction and design of a traffic signal located at the intersection of NW Ward Road and NW Tudor Road. Summit Townsend shall perform any and all acts requested of It to allow the City to complete the project for design and construction of such traffic signal and to allow the City's contractor to complete its task including timing of Summit Townsend work or provision of easements for construction and maintenance of such signal.

All other provisions of such Agreement shall remain in full force and effect and shall not be deemed to be waived, altered or released by the execution of this First Amendment thereto.

**CITY OF LEE'S SUMMIT, MISSOURI**

By: \_\_\_\_\_

City Manager Steve Arbo

**ATTEST:**

\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

**APPROVED AS TO FORM:**

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*Nancy K. Yendes,*  
Chief of Counsel of Infrastructure and Planning

**TOWNSEND SUMMIT, LCC**

BY: \_\_\_\_\_  
Name: David Townsend, Managing Partner