

BILL NO. 20-222

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN CMH PARKS, INC, A TENNESSEE CORPORATION, DOING BUSINESS AS SUMMIT HOMES, AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE STONEY CREEK WEST SUBDIVISION DEVELOPMENT.

WHEREAS, the City of Lee's Summit, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and,

WHEREAS, the City and CMH Parks, Inc., doing business as Summit Homes (formerly Summit Custom Homes) ("Developer") entered into a Development Agreement dated October 5, 2017 regarding the construction of public improvements for the Stoney Creek West development on approximately 54 acres of land generally lying at the northeast corner of SW Pryor Road and SW Country Line Road on property owned by Developer; and,

WHEREAS, Developer has requested certain amendments to the Development Agreement which would allow Developer to receive building permits for the construction of homes prior to the completion of these road improvements:

- Improvements to Pryor Road to meet or exceed the interim road conditions from the existing interim road section near Napa Valley Drive to County Line Road;
- A 200-foot, plus taper, southbound left-turn lane along Pryor Road at Georgetown Drive;
- Pryor Road shall be reconstructed north of the proposed Georgetown Drive intersection to mitigate the sight obstruction caused by the roadway vertical crest, which shall provide a minimum intersection sight distance for a 35 mph road along Pryor Road and at the intersection of Georgetown Drive; and,

WHEREAS, Developer has requested these amendments with the understanding that those road improvements will need to be completed prior to the issuance of a certificate of substantial completion for any of the homes that are commenced prior to the completion of these public improvements; and,

WHEREAS, the City is agreeable to these revisions to the Development Agreement under these conditions.

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 is hereby approved and the City Manager is authorized and directed to execute the Agreement 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.

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SECTION 3. 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 for the City of Lee's Summit, Missouri, this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of December, 2020.

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]