

## Legislation Text

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**File #:** BILL NO. 16-240, **Version:** 3

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AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR MILL CREEK OF SUMMIT MILL, 4TH PLAT, LOTS 125-171 & TRACT T AND MILL CREEK OF SUMMIT MILL, 6TH PLAT, LOTS 173-177 SUBDIVISIONS BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

Issue/Request:

CMH Parks, Inc. ("Developer") is seeking approval of the final plats for 52 single family home residential lots known as the "Mill Creek of Summit Mill, 4<sup>th</sup> Plat, Lots 125-171 & Tract T" and "Mill Creek of Summit Mill, 6<sup>th</sup> Plat, Lots 173-177". In Section 16.330 of the City's Unified Development Ordinance (UDO) requires all subdivision-related public improvements must be completed prior to approval of the final plats unless the Developer provides satisfactory security pursuant to Section 16.340 of the UDO.

The Developer desires to establish security for the Subdivision Improvements by deposit of a cash escrow in the manner set forth in the attached Cash Escrow Deposit Agreement. The City is willing to approve the use of a cash escrow as security for the construction of the remaining subdivision-related public improvements in a manner provided for in the attached Cash Escrow Deposit Agreement.

Key Issues:

Proposed City Council Motion:

I move for second reading of AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR MILL CREEK OF SUMMIT MILL, 4TH PLAT, LOTS 125-171 & TRACT T AND MILL CREEK OF SUMMIT MILL, 6TH PLAT, LOTS 173-177 SUBDIVISIONS BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

I move for adoption of AN ORDINANCE APPROVING THE CASH ESCROW DEPOSIT AGREEMENT GUARANTEEING THE INSTALLATION OF SUBDIVISION IMPROVEMENTS FOR MILL CREEK OF SUMMIT MILL, 4TH PLAT, LOTS 125-171 & TRACT T AND MILL CREEK OF SUMMIT MILL, 6TH PLAT, LOTS 173-177 SUBDIVISIONS BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND CMH PARKS, INC. A TENNESSEE CORPORATION, D/B/A SUMMIT CUSTOM HOMES.

Background:

- January 21, 1997 - The City Council approved a development agreement entered into between the City and the developers of Summit Mill by Ordinance No. 4396.
- April 8, 2003 - The Planning Commission approved the Preliminary Plat (Application #2003-023) for *Mill Creek of Summit Mill*.
- November 6, 2003 - The City Council approved the final plat (Application #2003-202) for *Mill Creek of*

*Summit Mill, 1<sup>st</sup> Plat, Lots 1-41 and Tracts A-H* by Ordinance No. 5637.

- May 4, 2006 - The City Council approved the final plat (Application #2005-237) for *Mill Creek of Summit Mill, 2<sup>nd</sup> Plat, Lots 42-86 and Tracts K-CC* by Ordinance No. 6176.
- April 16, 2009 - The City Council approved the Amendment to Development Agreement, Settlement Agreement and Release of Claims by and between Lake Ridge, LLC, and the City of Lee's Summit by Ordinance No. 6782. The amendment was executed on May 15, 2009. The amendment to the development agreement required the developer to construct the outstanding Millstone Avenue sidewalk requirements in one phase prior to the issuance of any building permits for any future development beyond *Mill Creek of Summit Mill, 2<sup>nd</sup> Plat*.
- May 27, 2014 - The Planning Commission approved the preliminary plat (Application #2014-032) for Mill Creek of Summit Mill, Lots 87-176 and Tract F.
- May 7, 2015 - The City Council approved the final plat (Application #PL2014-078) for Mill Creek of Summit Mill, 3<sup>rd</sup> Plat, Lots 87-124 & Tract F by Ordinance No. 7617.
- May 7, 2015 - The City Council approved a Partial Waiver of Sidewalk Improvement Obligations under Agreement Relating to the Summit Mill Development by Ordinance No. 7621. The partial waiver allows the developer to construct the outstanding Millstone Avenue sidewalk requirements in phases at the time the abutting plat is developed. Construction of the sidewalk on the west side of Millstone Avenue would coincide with the development of Mill Creek of Summit Mill, 3rd Plat. Construction of the sidewalk on the east side of Millstone Avenue would coincide with the development of Mill Creek of summit Mill, 4th Plat.
- November 12, 2015 - The City Council approved the Second Amendment to Development Agreement and the Amendment to Settlement Agreement & Limited Release between MCDC Partners, LLC and the City of Lee's Summit by Ordinance No. 7745. The Second Amendment to the Development Agreement restructured the payments of the remaining sewer impact fee of the development by proportionally dividing out the remaining sewer impact fee based on developable acreage instead of gross acreage.

Impact/Analysis:

Timeline:

Start: \_\_\_\_

Finish: \_\_\_\_

Other Information/Unique Characteristics:

All common area sidewalks and sidewalks adjacent have been partially completed with the previously recorded Mill Creek of Summit Mill, 3rd Plat. All remaining sidewalks will be completed with the above referenced Mill Creek of Summit Mill, 4th and 6th Plats.

All required sewer impact fees have been paid in full by the applicant/developer.

Presenter:

Recommendation: Staff recommends approval of the Cash Escrow Deposit Agreement.

Committee Recommendation: