

Legislation Text

File #: BILL NO. 19-159, **Version:** 2

An Ordinance approving the First Amendment to the Development Agreement between Whispering Woods Land, LLC, and the City of Lee's Summit, Missouri for the Whispering Woods Development.

(Note: This ordinance was first read on July 9, 2019. Passed by unanimous vote.)

Issue/Request:

An Ordinance approving the First Amendment to the Development Agreement between Whispering Woods Land, LLC, and the City of Lee's Summit, Missouri for the Whispering Woods Development.

Key Issues:

On October 24, 2018, the City and Developer entered into the "Development Agreement Between Whispering Wood Land, LLC, and the City of Lee's Summit, Missouri for the Whispering Woods Development", (the "Agreement") which required, among other items, that Developer construct and pay for approximately 4,030 linear feet of 16 inch public water main along SW Pryor Road, connecting the existing water main located on the west side of SW Pryor Road to the existing 20 inch public water main located on the north side of SW Scherer Road (the "Water Line").

The parties desire to amend the Agreement to provide for the construction of a larger water line by Developer with a certain amount of the upsizing in the Water Line to be reimbursed to Developer by the City after construction is complete.

The City, pursuant to Article I of the City's Design and Construction Manual and Sections 32-5 and 32-8 of the City's Code of Ordinances, has determined that Developer should be compensated the sum of \$200,436.00 as the extra cost to enlarge the Water Line.

The parties have freely negotiated in good faith and this First Amendment reflects the desires of the parties.

Proposed City Council Motion:

I move for adoption of an Ordinance approving the First Amendment to the Development Agreement between Whispering Woods Land, LLC, and the City of Lee's Summit, Missouri for the Whispering Woods Development.

David Bushek, Chief Council for Economic Development and Planning

Recommendation: Staff recommends approval.