

## Legislation Details (With Text)

---

**File #:** BILL NO. 23-104      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 4/26/2023      **In control:** City Council - Regular Session

**On agenda:** 5/16/2023      **Final action:** 6/6/2023

**Title:** An Ordinance approving the 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.  
(Note: First read by Council on May 16, 2023. Passed by unanimous vote.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A: Real Estate Agreement

| Date      | Ver. | Action By                      | Action                     | Result |
|-----------|------|--------------------------------|----------------------------|--------|
| 6/6/2023  | 1    | City Council - Regular Session | adopted and numbered       | Pass   |
| 5/16/2023 | 1    | City Council - Regular Session | advanced to second reading | Pass   |

An Ordinance approving the 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.  
(Note: First read by Council on May 16, 2023. Passed by unanimous vote.)

Issue/Request:

An ordinance approving a real estate sale agreement for the City to acquire the west parking lot from AT&T (property owned in the name of Southwestern Bell Telephone Company), and a strip of land adjacent to the AT&T building, for the Downtown Market Plaza Project.

Key Issues:

Acquisition of property for the Downtown Market Plaza Project in exchange for compensation in the form of providing off-site parking and other constructed improvements for the AT&T property.

Proposed City Council Motion:

I move for adoption of an Ordinance approving the 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.

Background:

The City has been engaged in planning and preparation efforts to proceed with the Downtown Lee’s Summit Market Plaza Project (the “Project”) for many years, 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”). The City has been in negotiations with AT&T (for property owned in the name of Southwestern Bell

Telephone Company) for about seven years to acquire property from AT&T in furtherance of the Project.

City staff has successfully negotiated a real estate sale agreement for acquisition of the west parking lot and a strip of land adjacent to the AT&T office building which will be the location of a public drive to serve the Project.

Impact/Analysis:

The City will not make a direct cash payments to the seller to acquire the land. Instead, the City will provide the following as compensation for receiving the property:

**(1) Parking Improvements**

The construction of thirty (30) accessible parking spaces for the exclusive use by AT&T (the “Replacement Parking Spaces”) at locations which are within 600 feet walking distance from the front door of the Central Office Building.

**(2) Access Improvements**

(a) Public Drive on West Side of Central Office Building. The construction of public right-of-way on the eastern edge of the West Lot and the eastern edge of the lot currently owned by the City at 200 SE Third Street, from Third Street on the south to the northern border of the West Lot. Such public right-of-way shall function as a public drive in the nature of an alley that provides access to the public improvements that will be constructed as part of the City’s Market Plaza Project.

(b) Northern Access on Johnson Street. The City will design, fund and construct improvements consisting of the widening of the existing driveway from the AT&T Property to Johnson Street (the “Northern Access Improvements”). Such widening improvements are intended to accommodate a truck with trailer, and shall include an automatic gate.

(c) Southern Access on Johnson Street. The City will design, fund and construct a second driveway for ingress and egress between the AT&T Property and Johnson Street, at a location south of the current driveway (the “Southern Access Improvements”). Such new driveway is intended to accommodate a truck with trailer, and shall include an automatic gate.

**(3) Zoning Actions**

(a) Rezoning and Preliminary Development Plan. The City shall prepare and process an application for rezoning and approval of a preliminary development plan in accordance with the requirements of the UDO. The approved preliminary development plan shall be the document that controls the location and placement of the initial Replacement Parking Spaces, the public drive on the west side of the Central Office Building, the northern access on Johnson Street and the southern access on Johnson Street that are part of the consideration for the Agreement.

(b) Platting. The property will be included in a replatting of the Project area. The PDP will serve as the preliminary plat.

**(4) Utility Relocation**

The relocation of any underground utilities which are currently present under the West Lot, which shall be relocated at the City’s cost and expense as part of the Downtown Market Plaza Project.

Timeline:

The agreement will take effect immediately upon execution and the City will enter a 90-day due diligence period, which may be shortened at the option of the City. The City will undertake an environmental review and title review during the due diligence period, and may thereafter close on the real estate transaction sometime during this calendar year.

Other Information/Unique Characteristics:

The City's compensation is in the form of (1) constructing certain parking improvements, (2) constructing certain access improvements, (3) and undertaking certain zoning and platting steps and (4) utility relocation actions, all as described above, rather than a cash payment.

David Bushek, Chief Counsel of Economic Development and Planning

Ryan Elam, Assistant City Manager