

CCO FORM: RW27

Approved: 06/97 (DPP)

Revised: 06/21 (BDG)

Modified:

COUNTY: JACKSON

ROUTE: US 50 SOR (Oldham)

TIF PROJECT# : _____

EAGREEMENT NO.: 2024-07-84841

QCD EAGREEMENT NO.: 2024-09-85375

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION ROAD RELINQUISHMENT AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Lee's Summit (hereinafter, "Agency").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to relinquish a portion of the state highway system to the Agency.

(2) LOCATION: The general location of the highway to be conveyed is as follows:

0.226 Miles of SOR US 50 Highway, also known as Oldham Road, and shown on the attached exhibit.

(3) RELINQUISHMENT: The Commission will convey to the Agency the portion of the State Highway which is the subject of this Agreement by a quitclaim deed releasing any and all interest the Commission has in the above-described property. The exact legal description of the highway shall appear in the quitclaim deed.

(4) SURVEY WORK BY AGENCY: Prior to any relinquishment or conveyance of the portion of herein state highway to the Agency, the Agency shall perform the following:

(a) The AGENCY shall prepare a Location Survey, Exhibit(s) A – Property Description, Exhibit(s) B – Tract Maps, suitable for use with a Deeds for recording with the County Recorder. The Location Survey shall meet the Current Missouri Standards for Property Boundary Surveys and consist of three (3) copies on paper and three (3) on Mylar.

(b) If the road relinquishment is a partial conveyance, the Project

Surveyor shall mark the new MHTC boundary as per EPG 238.2.14.1
Monuments to be set on Highway Corridors.

(5) CLAUSES IN THE DEED: The following clauses will be included in the quitclaim deed from the Commission to the Agency, where in the Commission is referred to as "Grantor" and the Agency is referred to as "Grantee":

The Grantee, by acceptance of this conveyance, covenants and agrees for itself, its successors and assigns, to allow known or unknown utility facilities currently located on the property, whether of record or not, to remain on the property, and to grant the current and subsequent owners of those facilities the right to maintain, construct and reconstruct the facilities and their appurtenances over, under, and across the land herein conveyed, along with the right of ingress and egress across the land herein conveyed to and from those utilities.

By conveyance through this quitclaim deed, the Missouri Highways and Transportation Commission makes no claim to the resulting title of the above-described property and is merely releasing whatever interest it has to the Grantee.

(6) ACCEPTANCE OF CONVEYANCE: By this Agreement, the Agency agrees to accept this Commission deed eAgreement # 2024-09-85375 from the Commission as noted in the document header, in accordance with Missouri Revised Statutes § 442.400. A copy of this agreement to be recorded with the deed shall be filed with the office of the recorder of deeds in the county where the highway is located, serving as notice thereof.

(7) MAINTENANCE BY COMMISSION: Prior to conveyance of the highway, the Commission will maintain the highway as part of the state highway system. Upon conveyance of the highway to the Agency, the Commission's responsibility to maintain the highway shall cease, and the highway will no longer be considered a part of the state highway system.

(8) MAINTENANCE BY AGENCY: Upon conveyance by the Commission as shown by the date on the quitclaim deed, Agency shall maintain the highway as part of Agency's system.

(7) COMMISSION REPRESENTATIVE: The Commission's district engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(8) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed

according to the laws of the State of Missouri. The Agency shall comply with all state and federal laws and regulations relating to the performance of this Agreement.

(9) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

[Remainder of Page Intentionally Left Blank. Signatures Appear on Following Page.]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Agency on October 22, 2024 (DATE).

Executed by the Commission on November 26, 2024 (DATE).

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

E. J. Dwyer

Title: Assistant Chief Engineer

**CITY OF LEE'S SUMMIT
A MUNICIPAL CORPORATION**

By: W. B. Bair

Title: Mayor

ATTEST:

[Signature]
Secretary to the Commission

Approved as to Form:

[Signature]

Commission Counsel

ATTEST:

By: [Signature]
Title: City Clerk

Approved as to Form:

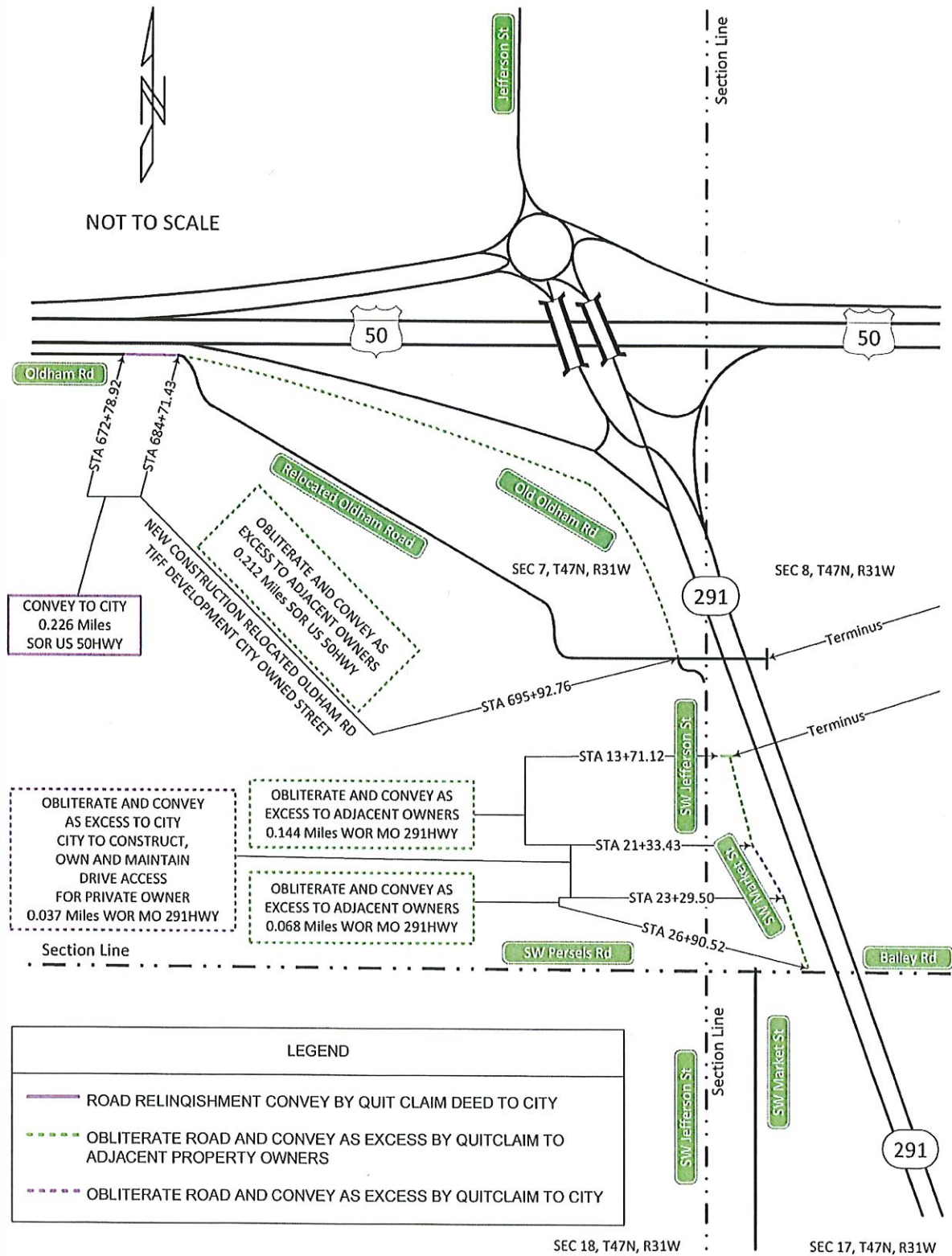
[Signature]

City Attorney

Ordinance No. 10005

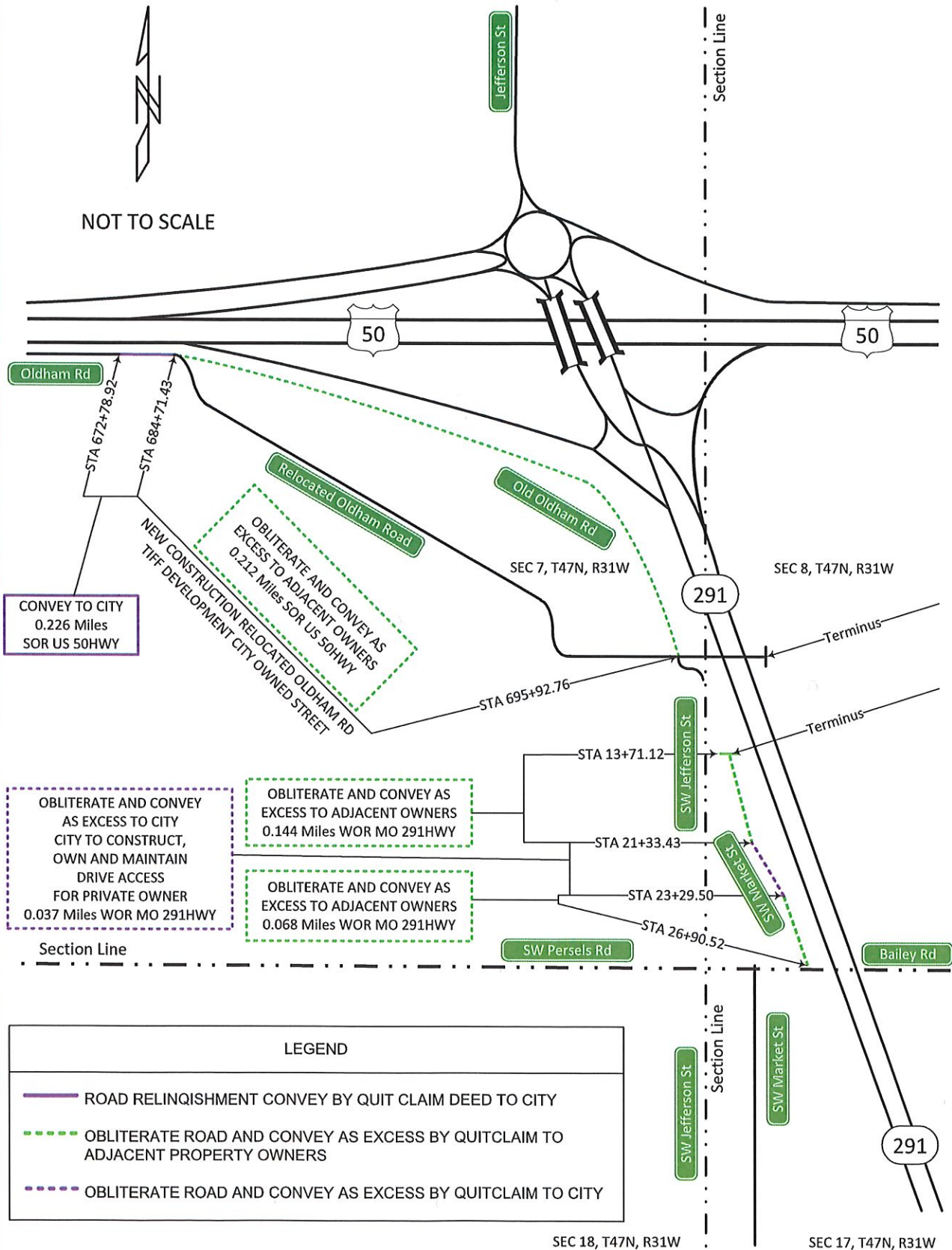
(If the Agency is a City, a copy of the ordinance which authorizes execution of this Agreement is needed.)

EXHIBIT A – CITY OF LEE'S SUMMIT TIF PROJECT
 CONTRACT BETWEEN MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 -AND-
 CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI



CITY OF LEE'S SUMMIT

EXHIBIT A – CITY OF LEE’S SUMMIT TIF PROJECT
 CONTRACT BETWEEN MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 -AND-
 CITY OF LEE’S SUMMIT, JACKSON COUNTY, MISSOURI



CITY OF LEE’S SUMMIT

AN ORDINANCE APPROVING THE ROAD RELINQUISHMENT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, AND A ROAD MAINTENANCE AGREEMENT WITH OLDHAM INVESTORS, LLC, TO FACILITATE THE OLDHAM VILLAGE REDEVELOPMENT PROJECT.

WHEREAS, on May 14, 2024, the City Council heard a conceptual presentation from Oldham Investors, LLC, which is a single purpose entity created by Drake Development, Inc. ("Developer") to pursue the Oldham Village project, consisting of numerous types of incentives for the redevelopment project, and thereafter the Council provide positive non-binding feedback to Developer regarding the incentive request; and,

WHEREAS, on September 10, 2024, the City Council approved an ordinance which approved a Real Estate Sale Agreement between Oldham Investors, LLC, special purpose entity formed by Developer for the Oldham Village Redevelopment Project (the "Project"), and the City for the purchase of approximately 8.5 acres of property by the City for the placement of a fieldhouse to be constructed and operated by the Lee's Summit Parks and Recreation Department, as a component of the Project; and,

WHEREAS, Developer has requested that the City approve a Road Relinquishment Agreement with the Missouri Highways and Transportation Commission ("MHTC") to facilitate the realignment of Oldham Road and other roads within the Project; and,

WHEREAS, the City Council has been requested by Developer to consider and act on the Road Relinquishment Agreement prior to the date that the Council considers the zoning and incentive applications for the Project in order to facilitate MHTC's timely consideration of the same agreement at the MHTC November 2024 meeting; and,

WHEREAS, the City has negotiated a Road Maintenance Agreement with Developer to provide multiple forms of security to the City in exchange for executing the Road Relinquishment Agreement prior to the date that the City Council takes other potential actions for rezoning and incentives for the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The Road Relinquishment Agreement which is attached hereto as Exhibit A and incorporated herein by reference (the "Road Relinquishment Agreement"), is hereby approved and the City Manager is authorized and directed to execute the Road Relinquishment Agreement in substantial compliance with the attached Agreement.

SECTION 2. The Road Maintenance Agreement which is attached hereto as Exhibit B and incorporated herein by reference (the "Road Maintenance Agreement"), is hereby approved and the City Manager is authorized and directed to execute the Road Maintenance Agreement in substantial compliance with the attached Road Maintenance Agreement.

SECTION 3. 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 and the Agreement.

BILL NO. 24-179

ORDINANCE NO. 10005

SECTION 4. All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. 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 of the City of Lee's Summit, Missouri, this 8th day of October, 2024.

ATTEST:


City Clerk Trisha Fowler Arcuri




Mayor William A. Baird

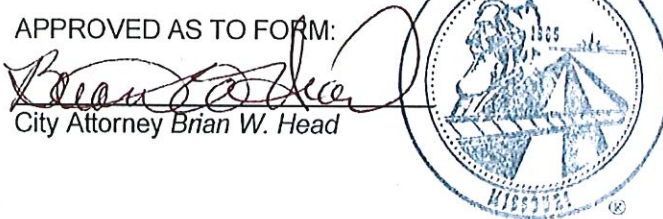
APPROVED by the Mayor of said city this 9th day of October, 2024.


Mayor William A. Baird

ATTEST:


City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:


City Attorney Brian W. Head

