

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN D & J REALTY HOLDINGS LLC AND THE CITY OF INDEPENDENCE, MISSOURI.

WHEREAS, on May 17, 2021, the City Council approved Ordinance No. 19215 approving the Preliminary Development Plan for the Cargo Largo on property at 3232 S. Noland Road; and,

WHEREAS, the ordinance required the developer to provide a form of surety to guarantee future street improvements to Noland Road, Weatherford Road, Lynn Court, and 33<sup>rd</sup> Street; and,

WHEREAS, D & J Realty Holdings LLC proposes to construct a commercial development comprised of a building with approximately 524,672 square feet consistent with all City Ordinances; and,

WHEREAS, on October 15, 2021 the developer submitted for approval of the final development plan; and,

WHEREAS, the City now desires to enter into a development agreement with D & J Realty Holdings LLC;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves, and the City Manager is hereby authorized and directed to execute on behalf of the City, the Development Agreement with D & J Realty Holdings LLC which shall be substantially in the form attached hereto as Exhibit A, with such changes therein as shall be approved by the City Manager or his designated representatives, and as may be consistent with the intent of this Ordinance.

SECTION 2. City staff are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scriveners Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager