

AN ORDINANCE OF THE CITY COUNCIL APPROVING EXECUTION OF A DEFERRED INFRASTRUCTURE DEVELOPER AGREEMENT WITH BESTER PROPERTIES, LLC

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, Bester Properties, LLC (the “Developer”) is the owner and/or developer of the Harper Ridge Phase 1 Subdivision (formerly known as the Emerald Valley Phase 2A.1 Subdivision) in Republic, Missouri (the “Development”); and

WHEREAS, on or about October 26, 2021, via Resolution 21-R-49, the Council approved the Preliminary Plat for Phase Two (II) of the Development; and

WHEREAS, the Developer is currently constructing Phase II of the Development and the City desires to enter into a Deferred Infrastructure Developer Agreement (“Developer Agreement”) with Developer pursuant to which the City will defer the construction of approximately 1,593 linear feet of required sidewalk infrastructure until such time as the twenty-five (25) lots identified on the Notated Phasing Plan (attached as Exhibit C to the proposed Developer Agreement), are completed; and

WHEREAS, under the proposed Developer Agreement, the Developer is required to provide the City with a letter of credit for Seventy One Thousand Seven Hundred Twenty Four Dollars and Ninety Seven Cents (\$71,724.97), representing the total estimated cost of deferred sidewalk infrastructure; and

WHEREAS, the Council finds the proposed Developer Agreement is in the City’s best interest as it help to ensure that all required infrastructure for the Development is constructed in the most timely and efficient manner possible, and advancing the continued economic growth and development in the City with as little interruption or inconvenience as possible to the members of the community.

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

- Section 1:** The City Administrator or his/her designee, on behalf of the City, is authorized to enter into a Deferred Infrastructure Developer Agreement with Bester Properties, LLC for the public improvements referenced herein, in substantially the same form as that attached hereto and labeled “Attachment 1”.
- Section 2:** The City Administrator, or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 3:** The WHEREAS clauses above are specifically incorporated herein by reference.
- Section 4:** The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 5:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri,
this _____ day of _____, 2023.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: