

AN ORDINANCE OF THE CITY COUNCIL APPROVING EXECUTION OF AN AMENDMENT TO THE DEVELOPER AGREEMENT WITH REPUBLIC 63, LLC FOR THE CONTINUED DEVELOPMENT OF THE HANKINS FARM PLANNED DEVELOPMENT DISTRICT

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, Republic 63, LLC (“Developer”) is the owner and developer of real property located at 2561 South State Highway MM in Republic, Missouri, known as the Hankins Farm Business Park (“Property”); and

WHEREAS, pursuant to the PDD Development Plan for the Property, previously approved by City Council via Ordinance 22-07, Developer is currently developing the Property for future industrial purposes and use; and

WHEREAS, in or around November 2021, the City entered into a developer agreement with Developer, which the Council approved by Ordinance No. 21-68; and

WHEREAS, upon expiration of the initial agreement, the City entered into a new developer agreement with Developer, which the Council approved by Ordinance No. 22-47; and

WHEREAS, the current developer agreement (“Developer Agreement”) specifies that the City will pay for sanitary sewer improvements on the Property and be reimbursed for the same by the Developer; and

WHEREAS, pursuant to the Developer Agreement, the City completed the sanitary sewer improvement infrastructure on the Property and received reimbursement from Developer for the same; and

WHEREAS, in the course of performing its obligations under the Developer Agreement, the City determined that the sanitary sewer improvements made to the Property fell within the scope of Capital Improvement Project (CIP) #8 (the relocation of the Brookline Lift Station), for which the City had already budgeted using the City’s funds, and for which ARPA funds were additionally available; and

WHEREAS, the Parties mutually agree that the City (as opposed to Developer) is the appropriate party to bear the cost of the sanitary sewer improvements as they were part and parcel of the City’s own budgeted and approved capital improvement plan; and

WHEREAS, the City wishes to amend the Developer Agreement to reflect the changes described herein above as to the City being the responsible party for costs of the sanitary sewer improvements, which, with approval from Council via this Ordinance, will authorize the City to return the funds previously paid to the City as reimbursement by Developer for the sanitary sewer improvements; and

WHEREAS, the Council finds the First Amendment to the Developer Agreement is appropriate and necessary to reflect the terms of the agreement between the City and Developer as to payment for the sanitary sewer improvements.

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 execute an Amendment to the Developer Agreement with Republic 63, LLC for the public improvements referenced herein, in substantially the same form as "Attachment 1" to this Ordinance.
- 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