

AGENDA ITEM
September 2, 2014

Subject: Amendment 1 to Development Agreement for Atlantic Estates

Department: Planning & Zoning

Rodney Beard is the Developer for Atlantic Estates. The development agreement and plat were approved by City Council in July 2014. Once approved Mr. Beard bid out the infrastructure including construction of the road and installation of water and sewer lines. It was at this time the developer discovered that the construction of the road could not begin until early next spring.

Mr. Beard would like to construct another home before the road is built and is requesting an amendment to the development agreement to allow him construction on Lot 1. Mr. Beard understands that he can obtain a building permit but a certificate of occupancy will not be issued for this lot until the sewer line has been constructed and accepted by the City.

BILL NO. 2014-060

ORDINANCE NO. 8002

**A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, APPROVING
AMENDMENT 1 TO THE DEVELOPMENT AGREEMENT OF ATLANTIC ESTATES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI
THAT:**

Section 1. Amendment 1 to the Development Agreement of Atlantic Estates attached hereto as Exhibit A and incorporated herein by reference is approved.

Section 2. The Mayor and the City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Nevada, Missouri, and to affix the municipal seal thereto and attest the same.

Section 3. The City Clerk is hereby directed to have recorded, at the developer's expense, the Amendment 1 to the Development Agreement of Atlantic Estates in the Office of the Recorder of Deeds in Vernon County, Missouri.

This ordinance shall be in full force and effect after its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada, Missouri, this 23rd day of September, 2014.

Seth Barrett, Mayor

(seal)
ATTEST:

Bev Baker, City Clerk

**AMENDMENT 1
CITY OF NEVADA, MISSOURI
DEVELOPMENT AGREEMENT
“Atlantic Estates”**

This Amendment 1, is made and entered into this ____ day of _____, 2014, by and between the City of Nevada, Missouri, a third class Home Rule Charter municipality, 110 S. Ash Street, Nevada, MO 64772, hereafter referred to as “City”, and Rodney L. Beard and Mary K. Beard, husband and wife, 10292 S. 1900 Road, Walker, MO 64790, hereafter referred to as “Developer”.

The Development Agreement shall be amended as follows:

6. It is agreed that Lot 12, 13, and 15 of the subdivision face Atlantic Street, that utilities are presently available, and that these lots may be marketed at Developer’s discretion and are excepted from the Development Agreement for that purpose. It is additionally agreed that a Building Permit can be issued for Lot 1 as it will face Atlantic Street and water is currently available to this lot however a certificate of occupancy will not be issued until the sanitary sewer line has been installed and accepted by the City.

Except as set forth in this Amendment 1, the Development Agreement is unaffected and shall continue in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment 1 on the day and year first above written.

CITY OF NEVADA, MISSOURI

(SEAL)

By: _____
Seth Barrett, Mayor

ATTEST:

Bev Baker, City Clerk

DEVELOPER:

Rodney L. Beard

Mary K. Beard

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF VERNON)

On this ____ day of _____ 2014, before me appeared, Seth Barrett, Mayor, to me personally known, who being by me duly sworn, did say that he is the Mayor of the City of Nevada, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of the City of Nevada, Missouri, and that said instrument was signed and sealed in behalf of the City of Nevada, Missouri, by authority of its City Council as set forth in Ordinance No. _____, passed, approved and adopted on _____, _____, 2014, and further acknowledged said instrument to be the free act and deed of the City of Nevada, Missouri.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Nevada, Vernon County, Missouri, the day and year last above written.

(SEAL)

Notary Public, State of Missouri

ACKNOWLEDGMENT
Developer / Title Holder

STATE OF MISSOURI)
) ss.
COUNTY OF VERNON)

On this ____ day of _____ 2014, before me personally appeared Rodney L. Beard and Mary K. Beard, husband and wife, to me personally known, who, being by me duly sworn did say that they executed acknowledged the said instrument to be the free act and deed of said

corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Nevada, Missouri, the day and year first above written.

(SEAL)

Notary Public, State of Missouri