

RESOLUTION NO. R-19-10

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION DOCUMENT REGARDING THE LAND DEVELOPMENT AGREEMENT AND RESTRICTIVE COVENANT FOR ENGLEWOOD VISTA SENIOR LIVING FACILITY.

WHEREAS, Highridge Costa Investors, LLC, owners of Englewood Vista Senior Living Facility located at 5700 North Main Street is subject to a restrictive covenant recorded in the office of the Clay County Recorder of Deeds on July 8, 2003, Book 4210, Page 770, attached as Exhibit A (the "Agreement"); and

WHEREAS, the Agreement allowed the City Council to require the construction of up to eighty-eight (88) parking spaces, if needed, to meet Englewood's parking demand; and

WHEREAS, Paragraph 3 Security Requirement of the Agreement required the deposit of a letter of credit or performance bond in the amount of \$50,000.00 with the City to secure the performance of constructing such additional parking; and

WHEREAS, the Agreement provided that the Property owner could withdraw the letter of credit or bond five years after the City issued a certificate of occupancy for Englewood Vista Senior Living Facility, which the City did in 2003; and

WHEREAS, it has been approximately ten (10) years since the security requirements lapsed and the City has not imposed any additional parking requirements; and

WHEREAS, Highridge Costa Investors, LLC requests and petitions for the termination of the Agreement by the City Council in accordance with Paragraph 18 Termination of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

THAT, the City Council of the City of Gladstone, Missouri approves of the termination of the Land Development Agreement & Restrictive Covent recorded in the Office of the Recorder of Deeds on July 8, 2003, Book 4210, Page 776.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 11TH DAY OF FEBRUARY, 2019.



Mayor Bill Garnos

Attest:



Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-19-10

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 1/31/2019

Department: Community Development

Meeting Date Requested: 2/11/2019

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Resolution terminating the Land Development agreement with Englewood Vista Senior Living Facility.

Background: Highridge Costa Investors, LLC, new owners of Englewood Vista Senior Living Facility located at 5700 N. Main Street has requested the City to terminate a land development agreement that addressed an additional eighty (80) parking stalls and a \$50,000.00 bond for the construction of the parking stalls if the City requested that they be constructed. The agreement allowed the owner to withdraw the agreement after five (5) years; it has been approximately 10 years since the agreement was approved.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: Staff sees no reason not to grant approval requested by Highridge Costa Investors, LLC.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan Napoli

PC

SW

Legal

City Manager

Community Development
Administrator/Building Official



Recording Date/Time: 02/14/2019 at 02:34:00 PM

Instr #: 2019003597

Book: 8363

Page: 115

Type: TERM

Pages: 1

Fee: \$24.00 \$ 20190003137

Katee Porter
Recorder of Deeds

1. Title of Document: LAND DEVELOPMENT AGREEMENT & RESTRICTIVE COVENANT - TERMINATION

2. Date of Document: 2/11/19

3. Grantor(s): City of Gladstone

4. Mailing Address(s): City of Gladstone, 7010 N. Holmes Street, Gladstone, Missouri 64118

5. Grantee(s): Highridge Costa Investors, LLC

6. Legal Description: GLADSTONE SENIOR APARTMENTS LT 1

7. Address: 5700 North Main Street, Gladstone, Missouri 64118

8. Resolve: **Whereas**, the City Council of the City of Gladstone, Missouri pursuant to Resolution R-19-10 has approved the termination of the Land Development Agreement & Restrictive Covenants recorded in the Office of the Recorder of Deeds on July 8, 2003 Book 4210 Page 770.

Scott C. Wingerson
City Manager

STATE OF MISSOURI }
CLAY COUNTY } ss.

On this 14 day of Feb 2019, before me a Notary for the State of Missouri, Clay County, personally appeared Scott C. Wingerson known to me to be the person, who executed the above, and acknowledged to me that he executed the same for the purpose therein stated.

(Seal)
Notary Public: Rebecca Jarrett

My Commission Expires: 11-11-22

