



**TENTATIVE AGENDA
ECONOMIC DEVELOPMENT SUBCOMMITTEE MEETING**

City of Platte City, Missouri
City Hall Boardroom, 400 Main Street
November 14, 2017 at 6:00 p.m.

NOTICE OF MEETING: Public notice is hereby given that a meeting of the Economic Development Sub-Committee of the City of Platte City, Missouri will be held at City Hall in the City of Platte City, Missouri on November 14, 2017 at 6:00 p.m. to consider and act upon the matters on the following agenda and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Amy Edwards, City Clerk

I. GENERAL

- A. Call to Order
- B. Verification of a Quorum

II. PUBLIC HEARING OR PRESENTATIONS

- A. Public Hearing: None
- B. Presentation: None

III. PUBLIC COMMENT: Please complete a Citizen's Participation Card and return it to the City Clerk prior to speaking. This is the audience members opportunity to speak directly to the Chair of the Subcommittee. When the Chair asks for public participation you may stand up, approach the podium and ask permission to be heard. When recognized please state your name, address and topic you wish to address. Each speaker shall limit his address to five (5) minutes, unless further time is granted by the Chair.

IV. ITEMS FOR REVIEW AND DISCUSSION

- A. Discussion and Recommendation on a special ordinance authorizing the Mayor to enter into an agreement with McDonald's Corporation and the Francis M. Wilson Trust Estate and authorizing the expenditure of funds for the purchase of public rights of way at the nw quadrant of Kentucky Avenue and Missouri Highway 92.
- B. Discussion and Recommendation on a Resolution Authorizing the City Administrator to execute an agreement with Quik Trip Corporation for a Right of Way Use Agreement.

V. OTHER MATTERS BEFORE THE BOARD

- A. General Discussion
- B. Adjournment

Packets available for download at: www.plattec.org

In accordance with ADA guidelines, if you require accommodations (i.e. qualified interpreter, large print, and/or hearing assistance) please notify the City Clerks office at (816) 858-3716 no later than forty-eight (48) hours prior to the scheduled commencement of the meeting.

Posted Date: _____

Time: _____

Initials: _____

Staff Report

To: Economic Development Committee
From: D. J. Gehrt, City Administrator
Date: November 16, 2017
Subj: Kentucky Avenue Right of Way Cooperative Agreement and Right of Way Use Agreement

Summary: Staff recommends the Committee favorably forward to the Board of Aldermen a) an ordinance approving a Cooperative Agreement between the City, the F. M. Wilson Trust Estate and McDonald's Corporation for the acquisition of 13,831 square feet of right of way in the NW quadrant of Kentucky Avenue and Missouri Highway 92 at a cost of \$50,000 and b) a resolution approving a right of way use agreement with QuikTrip for the same property requiring QuikTrip to construct public improvements including an ADA compatible sidewalk, left turn lane and widening of fuel point access onto Kentucky Avenue as well as reimbursing the City the \$50,000 cost of right of way acquisition.

These agreements complete the actions previously authorized by the Board of Aldermen in closed session related to acquisition of additional rights of way/real property for access and public safety improvements. The two agreements are respectively attached in their entirety as exhibits to the relevant ordinance and resolution documents in the agenda packet.

Background: In the fall of 2015, the City, McDonald's Corporation, QuikTrip, the FM Wilson Trust, Platte County and MoDOT entered into a series of right of way and funding agreements which resulted in construction of a four way intersection at Kentucky Avenue and Missouri Highway 92 and other improvements to Highway 92 between Running Horse Road and Kentucky Avenue. This project was constructed to relieve traffic congestion at the Highway 92 and Prairie View Road intersection and to increase traffic throughput capacity to the Prairie View retail area as a prerequisite for significant investments by McDonald's and QuikTrip in renovating or replacing their existing facilities.

In June of 2016, QuikTrip submitted a Site Plan to the City for a full reconstruction and reorientation of its site in the NW quadrant of Kentucky Avenue and Missouri Highway 92. The Planning and Zoning Commission approved the Site Plan at the June 2016 meeting contingent on the applicant complying with conditions to a) Construct an ADA compatible extension of the sidewalk on the NW side of Kentucky Avenue from the MoDOT right of way to the site access; b) Widen access from site fueling points onto Kentucky Avenue to mitigate traffic safety issues caused by tractor trailers turning across the street centerline, and c) either acquire needed right of way from the FM Wilson Trust/McDonald's Corporation or reimburse the City for any cost of right of way acquisition needed to construct the access and traffic safety improvements.

In the spring of 2017, McDonald's Corporation submitted a building permit application for an extensive renovation of the existing building. City plan review responses identified the requirement for an ADA compatible sidewalk on the SE side of Kentucky Avenue from the Modot right of way to the restaurant access point.

In May 2017, QuikTrip requested that the City facilitate negotiations with the underlying property owner, the FM Wilson Trust Estate and McDonald's Corporation to acquire right of way needed to construct the required sidewalk and traffic safety improvements, the underlying property owner and McDonald's Corporation.

Analysis: The City facilitated negotiations between the FM Wilson Trust Estate, the McDonald's Corporation and QuikTrip resulted in a linked series of agreements which result in a) McDonald's (lease holder) agreeing to the FM Wilson Trust Estate (underlying property owner) permanently granting approximately 13,831 square feet of right of way to the City in exchange for a payment of \$50,000 to McDonald's; b) McDonald's and FM Wilson Trust Estate granting the City a temporary construction easement for the required access and traffic safety improvements and c) QuikTrip entering into a right of way use agreement under which it will construct the required access and traffic safety improvements and will reimburse the City the \$50,000 payment to acquire the rights of way for these improvements. The City will own the improvements upon construction and acceptance.

Under the terms of the linked agreements, McDonald's is relieved of its obligation to construct a second ADA access sidewalk on the SE side of Kentucky Avenue and the permit for building expansion and renovation was issued. Construction work started in early October.

QuikTrip is required to construct the public access and traffic safety improvements as part of its property reconstruction project. QuikTrip will reimburse the City for \$50,000 in right of way costs concurrent with the issuance of the building permit. Construction work will start in late 2017 or early 2018 depending on weather.

The two agreements in this series requiring Governing Body consideration and action are the a) Cooperative Agreement between the City, FM Wilson Estate Trust and McDonald's Corporation and b) A Right of Way Use Agreement between the City and QuikTrip.

The Ordinance approving the Cooperative Agreement and the Resolution approving the Right of Way Use Agreement are attached to this staff report. The full text of each agreement is attached to the ordinance and resolution respectively. Both agreements have been signed by all other parties prior to submittal to the Board for consideration and approval.

Fiscal Impact: No net financial impact. City right of way acquisition costs of \$50,000 to McDonald's Corporation will be reimbursed by QuikTrip in accordance with the conditions of its Site Plan approval. Reimbursement will occur concurrent with City issuance of a building permit to QuikTrip.

Legal Impact: The Assistant City Attorney drafted all agreement documents and has approved them as to form and compliance with law. The series of agreements resolve all legal issues outstanding between all parties.

Recommendation: Staff recommends the Committee favorably forward the ordinance approving the Cooperative Agreement and the Resolution approving the Right of Way Use Agreement to the Board of Aldermen for consideration.

DRAFT

RESOLUTION R2017-61

CITY OF
PLATTE CITY

STATE OF
MISSOURI

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A RIGHT OF WAY USE AGREEMENT WITH QUIK TRIP CORPORATION FOR RIGHT OF WAY AT THE THE NW QUADRANT OF KENTUCKY AVENUE AND MISSOURI HIGHWAY 92

WHEREAS, In June 2016, QuikTrip Corporation submitted a site plan to the City for an expansion of its operations at Kentucky Avenue and Missouri Highway 92 and,

WHEREAS, as conditions of the Site Plan approval, QuikTrip is required to a) construct an ADA compatible pedestrian sidewalk on the NW side of Kentucky Avenue extend the existing sidewalk from the MoDOT right of way to the proposed entrance to new storefront and b) construct a left turn lane from northeast bound Kentucky Avenue into the proposed vehicle entrance to the new storefront and c) widen the existing entrance from fuel points onto SE bound Kentucky Avenue to reduce the practice of tractor trailers crossing the centerline of Kentucky Avenue when exiting the fuel points to the southwest and;

WHEREAS, a further condition of Site Plan approval requires QuikTrip to compensate the City for the cost of any public right of way acquisition required to construct the public safety improvements of the ADA sidewalk, left turn lane and increased turn access, and

WHEREAS, the City, the Francis M Wilson Trust Estate and McDonald's Corporation have entered into a Cooperative Agreement for the transfer of rights of way to the City for the purposes of constructing an ADA sidewalk extension and traffic safety improvements on at the NW quadrant of Kentucky Avenue and Missouri Highway 92, at a cost to the City of \$50,000 and;

WHEREAS, the City and QuikTrip have negotiated a right of way use agreement for approximately 13,831 square feet of property at the NW quadrant of Kentucky Avenue and Missouri Highway 92 including construction of the public improvements required by the conditional Site Plan approval. Said improvements located on the public right of way will be owned by the City upon acceptance by the Board of Aldermen and;

WHEREAS, the proposed agreement requires QuikTrip to perform the final Site Plan condition by reimbursing the City its \$50,000 cost to acquire rights of way, such payment to occur concurrent with issuance of a building permit for the site.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PLATTE CITY, MISSOURI, AS FOLLOWS:

SECTION 1. Authorizes the City Administrator to execute a Right of Way Use agreement with Quik Trip Corporation; said agreement is hereby incorporated herein as though fully set forth

SECTION 2. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED THIS _____ DAY OF November, 2017.

Frank Offutt, Mayor

ATTEST:

Amy Edwards, City Clerk

DRAFT

BILL NO. S2017-19

CITY OF
PLATTE CITY

ORDINANCE NO. 1856

STATE OF
MISSOURI

A SPECIAL ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH MCDONALD'S CORPORATION (A DELAWARE CORPORATION) AND THE FRANCIS M WILSON TRUST ESTATE (A MISSOURI TRUST) AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF PUBLIC RIGHTS OF WAY AT THE NW QUADRANT OF KENTUCKY AVENUE AND MISSOURI HIGHWAY 92

WHEREAS, the Cooperative Agreement recognizes the need for public ownership of approximately 13,831 square feet of property in the NW quadrant of Kentucky Avenue and Missouri Highway 92 as public rights of way in order to provide health and safety to the public residents by the provisions of roadway improvements and improvements ancillary to public roadways, including sidewalks, curbing, guttering and improvements facilitating ingress and egress to and from public roadways; and

WHEREAS, the Cooperative Agreement recognizes that the Francis M Wilson Trust Estate is the fee owner of the property to be granted to the City as public rights of way and that the McDonald's Corporation is the lessee of the property to be granted to the City as public rights of way, and;

WHEREAS, the Cooperative Agreement recognizes that property owner and lessee have a fiduciary responsibility to the trust and corporation respectively to remain financially whole as result of the grant of rights of way to the City, and

WHEREAS, the Cooperative Agreement provides a mechanism for property owner and lessee to mutually agree to grant the property to the City as rights of way while stipulating the terms under which all parties meet their respective fiduciary responsibilities.

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PLATTE CITY, MISSOURI AS FOLLOWS:

SECTION 1. The Mayor of Platte City, Missouri be authorized to enter into an agreement with McDonald's Corporation (A Delaware Corporation) and The Francis M. Wilson Trust Estate (A Missouri Trust) , said agreement is hereby incorporated herein as though fully set forth.

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SECTION 2. The expenditure of \$50,000 is approved for the purchase of public rights of way in accordance with this agreement and the City Administrator is directed to process a payment in this amount to McDonald's Corporation, a Delaware Corporation for this purpose.

SECTION 3. That this bill is a Special Ordinance and is not to be incorporated into the Platte City, Missouri, Code.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED THIS _____ DAY OF NOVEMBER 2017

Frank Offutt, Mayor

ATTEST:

Amy Edwards, City Clerk

APPROVED THIS _____ DAY OF NOVEMBER 2017.

Frank Offutt, Mayor