

ORDINANCE NO. 190943

Approving the 4th Amendment to the Heart of the City Neighborhood Stabilization Tax Increment Financing Plan; and directing the City Clerk to transmit copies of this ordinance.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, 1986, as amended (the "Act"), the City Council of Kansas City, Missouri, by Ordinance No. 54556, passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, passed on January 28, 2010, and Committee Substitute for Ordinance No. 140823, As Amended, passed on June 18, 2015, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, the City Council, by passage of Ordinance No. 160979, accepted the recommendations of the Commission, approved the Troost Avenue Tax Increment Financing Plan, as modified, and renamed the same to be known as the Heart of the City Neighborhood Stabilization Tax Increment Financing Plan (the "Plan"); and

WHEREAS, the First Amendment to the Plan (the "First Amendment") was approved by the Council by Ordinance No. 170887, which established the guidelines of the Housing Program provided for by the Plan; and

WHEREAS, the Second Amendment to the Plan (the "Second Amendment") was approved by the Council by Ordinance No. 180212, which provided for changes to the budget of redevelopment project costs and provided that the Advisory Committee may make recommendations as to the funding of improvements contemplated by the Housing Program and the Commercial Façade and Improvements Program provided for by the Plan; and

WHEREAS, the Third Amendment to the Plan (the "Third Amendment"), which modified the composition of the Advisory Committee to include a representative of the housing target area, was approved by the Council by Ordinance No. 190828; and

WHEREAS, the Council wishes to adopt the parameters for the Commercial Façade and Improvements Program so that available tax increment financing can be made available to fund improvements contemplated thereby, which parameters are included in the Fourth Amendment; NOW, THEREFORE

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council hereby approves the Fourth Amendment to the Plan, a copy of which is attached hereto.

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Section 2. All terms used in this ordinance, not otherwise defined herein, shall be construed as defined in the Act.

Section 3. The Council hereby finds that:

- (a) Good cause has been shown for amendment of the Plan, and that the findings of the Council in Ordinance No. 160979 with respect to the Plan are not affected by the Fourth Amendment and apply equally to the Fourth Amendment;
- (b) The Redevelopment Area is a Conservation Area and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Plan. A conservation study is attached to the Plan which includes a detailed description of the factors that qualify the Redevelopment Area as a Conservation Area, along with an affidavit, signed by the developer, attesting that the provisions of this subdivision have been met;
- (c) The Plan, as amended, conforms to the comprehensive plan for the development of the City as a whole;
- (d) The areas selected for the Redevelopment Project include only those parcels of real property and improvements therein which will be directly and substantially benefited by the improvements contemplated by the Redevelopment Project;
- (e) The estimated dates of completion of the improvements contemplated by the Redevelopment Project and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Plan, as amended by the Fourth Amendment, and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area, provided that no ordinance approving a Redevelopment Project shall be adopted later than ten years from the adoption of the ordinance approving the Plan and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving the Redevelopment Project;
- (f) A relocation assistance plan for businesses and residences is incorporated and made a part of the Plan;
- (g) A cost-benefit analysis showing the economic impact of the Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area is attached to the Plan and the analysis demonstrates the impact on the economy if the Redevelopment Project is not built, and is built pursuant to the Plan under consideration and such analysis includes

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a fiscal impact study on every affected political subdivision, along with sufficient information from the developer for the Commission to evaluate whether the project, as proposed, is financially feasible; and

- (h) The Plan, as amended by the Fourth Amendment, does not include the initial development or redevelopment of any gambling establishment.

Section 4. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Heart of the City Neighborhood Stabilization Tax Increment Financing Plan Account (“Heart of the City TIF Account”) of the Special Allocation Fund to finance Redevelopment Project Costs within the Redevelopment Area and, subject to any constitutional limitations, to acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land or other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the Commission determines, to enter into such contracts and take all such further actions as are reasonably necessary to achieve the objectives of the Plan pursuant to the power delegated to it by the City. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 to 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. That pursuant to the provisions of the Plan, as amended by the Fourth Amendment, the City Council approves the pledge of all funds that are deposited into the Heart of the City TIF Account of the Special Allocation Fund to the payment of Redevelopment Project Costs identified by the Plan and permitted by the Act and authorizes the Commission to pledge such funds on its behalf.

Section 6. That the City Clerk shall transmit a copy of this ordinance to the County Clerk and County Executive of Jackson County, Missouri.

Approved as to form and legality:

Katherine Chandler
Senior Associate City Attorney