

ORDINANCE NO. 190216

Approving the Fifteenth Amendment to the Shoal Creek Parkway Tax Increment Financing Plan and directing the City Clerk to send a copy of this ordinance to Clay County.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), the City Council of Kansas City, Missouri (the "Council") by Ordinance No. 54556 passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, passed on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, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, as amended, passed on June 18, 2015 (the "Authorizing Ordinances") created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on November 10, 1994, the Council passed Ordinance No. 941443, which accepted the recommendations of the Commission as to the approval of Shoal Creek Parkway Tax Increment Financing Plan (the "Redevelopment Plan" or "Plan") and the designation of the Redevelopment Area described thereby as an economic development area, and authorized the Commission to take all such action as may be needed to effectuate the Redevelopment Plan; and

WHEREAS, the First Amendment to the Plan, which provides for the expansion of the boundaries of the Redevelopment Area and provides for the use of tax increment financing revenues to assist in financing the construction of certain portions of Shoal Creek Parkway and sidewalks, street lights and appurtenances, was approved by the Council by Ordinance No. 971310, passed on October 2, 1997; and

WHEREAS, the Second Amendment to the Plan, which provides for the expansion of the Redevelopment Area to include two Redevelopment Project Areas, was approved by the Council by Ordinance No. 021283 passed on October 31, 2002, with the legal description revised by Ordinance No. 030545, passed on May 8, 2003; and

WHEREAS, the Third Amendment to the Plan, which provides for the construction of the Flintlock Flyover and construction of Shoal Creek Parkway from I-435 to Pleasant Valley Road, was approved by the Council by Ordinance No. 040457, passed on April 29, 2004; and

WHEREAS, the Fourth Amendment to the Plan, which provides (1) that 80% of the available economic activity taxes generated and collected within the Redevelopment Area be utilized to reimburse certain redevelopment project costs identified by the Fourth Amendment and the remaining 20% of the available economic activity taxes generated and collected within the Redevelopment Area be utilized for any other purpose permitted by the Act and (2) for revisions to the Budget of Redevelopment Project Costs, was approved by the Council by Ordinance No. 041218, passed on November 9, 2004; and

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WHEREAS, the Fifth Amendment to the Plan, which provides for modifications to the Budget of Redevelopment Project Costs and further provides for the expansion of the Redevelopment Area to include the proposed alignment of Maplewoods Parkway between Indiana and Brighton, was approved by the Council by Ordinance No. 060903, passed on August 31, 2006; and

WHEREAS, the Sixth Amendment to the Plan, which provides for modifications to the Budget of Redevelopment Project Costs and specifically for costs related to N. Brighton as well as Searcy Creek Parkway, was approved by the Council by Committee Substitute for Ordinance No. 061320, passed on December 14, 2006; and

WHEREAS, the Seventh Amendment to the Plan, which provides for (1) modifications to the Budget of Redevelopment Project Costs and specifically for costs related to the acquisition of property and (2) for the removal of the Commission Representative from the Advisory Committee, placing him/her as an ex-officio member, was approved by the Council by Ordinance No. 080419, passed on May 8, 2008; and

WHEREAS, the Eighth Amendment to the Plan, which provides for the expansion of the Redevelopment Area and the addition of Redevelopment Project Areas, modifications to the Budget of Redevelopment Projects Costs, and modifications to the estimated economic activity taxes generated during the time tax increment financing is authorized, was approved by the Council by Ordinance No. 081118, passed on November 20, 2008; and

WHEREAS, the Ninth Amendment to the Plan, which provides for modifications to the Budget of Redevelopment Project Costs and the acquisition of right-of way for road improvements for N. Eastern and NE 96th Street, was approved by the Council by Committee Substitute for Ordinance No. 090262, passed on April 16, 2009; and

WHEREAS, the Tenth Amendment to the Plan, which provides for modifications to the Budget of Redevelopment Project Costs, the issuance of bonds, modifications to the description of the Redevelopment Area, and the acquisition of right-of-way for road improvements, was approved by the Council by Ordinance No. 110073, passed on March 10, 2011; and

WHEREAS, the Eleventh Amendment to the Plan, which provides for modifications to the Budget of Redevelopment Project Costs and modifications to the Land Acquisition & Disposition Exhibit to include additional properties for right of way acquisition, was approved by the Council by Ordinance No. 130532, passed on July 25, 2013; and

WHEREAS, the Twelfth Amendment to the Plan, which provides for modifications to the Budget of Redevelopment Project Costs, the addition of certain public improvements and the expansion of the Redevelopment Area, was approved by the Council by Ordinance No. 160592, passed on August 25, 2016; and

WHEREAS, the Thirteenth Amendment to the Plan, which provides for modifications to the Budget of Redevelopment Project Costs and the addition of certain

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public improvements, was approved by the Council by Ordinance No. 170327, passed on May 18, 2017; and

WHEREAS, the Fourteenth Amendment to the Plan provides for modifications to the Budget of Redevelopment Project Costs and modifications to the Sources of Funds for all redevelopment project costs, was approved by the Council by Ordinance No. 180583, passed on August 23, 2018; and

WHEREAS, the Fifteenth Amendment to the Plan provides for (1) a modification to the boundaries of the Redevelopment Area, (2) modifications to the boundaries of Redevelopment Project Areas F, N and O, (3) the removal of Redevelopment Project Areas C, E, H, I, Q, S, T, U, V, W, X, Y, AA, and BB, (4) modifications to the description of the public improvements, (5) modifications to the Budget of Redevelopment Project Costs and (6) modifications to the Sources and Uses; and NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission concerning the Fifteenth Amendment as set forth in the Resolution attached hereto as Exhibit "A" are accepted and the Fifteenth Amendment, a copy of which is attached as Exhibit "B", is approved and adopted as a valid amendment to the Redevelopment Plan, which continue to set forth in writing a general description of the program to be undertaken to accomplish the objectives of the Redevelopment and includes the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the Redevelopment Area .

Section 2. That all terms used in this Ordinance, not otherwise defined herein, shall be construed as defined in the Act.

Section 3. That the Council finds that:

- (a) Good cause has been shown for the Fifteenth Amendment to the Redevelopment Plan, and that the findings of the City Council in Ordinance Nos. 941443, 971310, 021283, 040457, 041218, 060903, 061320, 080419, 081118, 090262, 110073, 130532, 160592, 170327, and 180583 with respect to the Redevelopment Plan are not affected by the Fifteenth Amendment and apply equally to the Fifteenth Amendment;
- (b) The Redevelopment Area, as amended, is an economic development area, as a whole, 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 Redevelopment Plan, as

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amended by the Fifteenth Amendment, and the utilization of tax increment financing;

- (c) The areas selected as Redevelopment Projects include only those parcels of real property and improvements which will be directly and substantially benefited by the public improvements described by the Redevelopment Plan, as amended by the Fifteenth Amendment;
- (d) The Redevelopment Plan, as amended by the Fifteenth Amendment, and each Redevelopment Project, conform to the comprehensive plan for the development of the City as a whole;
- (e) The estimated dates of completion of the improvements contemplated by the respective Redevelopment Projects and retirement of any obligations incurred to finance Redevelopment Project Costs have been stated in the Redevelopment Plan, as amended by the Fifteenth Amendment, and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project authorized by the Plan, as amended;
- (f) The Fifteenth Amendment does not contemplate that any property located within a Redevelopment Project Area will be acquired by eminent domain later than five (5) years from the adoption of the Ordinance approving such Redevelopment Project.
- (g) A plan has been developed for relocation assistance for businesses and residences;
- (h) The Fifteenth Amendment does not alter the cost-benefit analysis previously incorporated within the Redevelopment Plan.
- (i) The Fifteenth Amendment does not include the initial development or redevelopment of any gambling establishment; and
- (j) A study has been completed and the findings of such study satisfy the requirements set out in subdivision (1) of Section 99.810, RSMo.

Section 4. The City Clerk is hereby directed to send a copy of this ordinance to the appropriate public official for Clay County, Missouri.

Approved as to form and legality:

Galen P. Beaufort
Senior Associate City Attorney