

ORDINANCE NO. 080141

Accepting the recommendations of the Tax Increment Financing Commission as to and approving the Sixth Amendment to the Chouteau I-35 Tax Increment Financing Plan.

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"Act"), the City Council of Kansas City, Missouri, by Ordinance No. 54556, passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute to Ordinance No. 911076, as amended, passed on August 29, 1991, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on April 23, 1998, the Council passed Ordinance No. 980426 accepting the recommendations of the Commission as to and approving the Chouteau I-35 Tax Increment Financing Plan (the "Plan") and designating a Redevelopment Area; and

WHEREAS, on June 12, 2002, the Commission recommended approval of the first amendment to the Redevelopment Plan (the "First Amendment") which provided for the separation of Project 3 into two new project areas, improvements of N. Chouteau Trafficway between I-35 and Highway 210 and Winn Road as well as a neighborhood housing and infrastructure improvement program; and

WHEREAS, on July 18, 2002, the Council passed Ordinance No. 020784, accepting the recommendations for the Commission as to and approving the First Amendment; and

WHEREAS, on December 11, 2002, the Commission recommended approval of the second amendment to the Redevelopment Plan (the "Second Amendment") which provided for the expansion of the boundaries of the Redevelopment Area to include the Winnwood-Sunnybrook and Chaumiere Neighborhoods and allow the establishment of a housing program in those neighborhoods; and

WHEREAS, on January 16, 2003, the Council passed Ordinance No. 030022, accepting the recommendations for the Commission as to and approving the Second Amendment to the Redevelopment Plan; and

WHEREAS, on December 10, 2003, the Commission recommended approval of the third amendment to the Redevelopment Plan (the "Third Amendment") which incorporated the redevelopment schedule for the improvements to North Chouteau Trafficway between I-35 and Missouri Highway 210; and

WHEREAS, on February 5, 2004, the Council passed Ordinance No. 040097, accepting the recommendations for the Commission as to and approving the Third Amendment to the Redevelopment Plan; and

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WHEREAS, on March 8, 2006, the Commission recommended approval of the fourth amendment to the Redevelopment Plan (the "Fourth Amendment") which provides for revisions to the budget of the redevelopment project costs; and

WHEREAS, on March 30, 2006, the Council passed Ordinance No. 060324, accepting the recommendations for the Commission as to and approving the Fourth Amendment to the Redevelopment Plan; and

WHEREAS, on June 13, 2007, the Commission recommended approval of the fifth amendment to the Redevelopment Plan (the "Fifth Amendment") which provides for revisions to the budget of the redevelopment project costs and updates the representatives on the Chouteau Area Advisory Committee; and

WHEREAS, on October 4, 2007, the Council passed Ordinance No. 070995, accepting the recommendations for the Commission as to and approving the Fifth Amendment to the Redevelopment Plan; and

WHEREAS, on January 9, 2008, the Commission recommended approval of the sixth amendment to the Redevelopment Plan (the "Sixth Amendment") by adoption of Resolution No. 01-13-08 (the "Resolution"), after proper notice was given and public hearings were held; and

WHEREAS, the Sixth Amendment provides for certain revisions to the budget of the Redevelopment Project Costs and to update the representatives on the Chouteau Area Advisory Committee; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The recommendations of the Commission concerning the Sixth Amendment to the Redevelopment Plan as set forth in the Resolution attached hereto as Exhibit "A" are hereby accepted and the Amendment to the Redevelopment Plan, a copy of which is attached hereto as Exhibit "B", is hereby approved and adopted as valid and the Redevelopment Projects contained therein are hereby authorized. Good cause has been shown for amendment of the Redevelopment Plan, and the findings of the Council in Ordinance No. 980426, Ordinance No. 020784, Ordinance No. 030022, Ordinance No. 040097, Ordinance No. 060324 and Ordinance No. 070995 with respect to the Redevelopment Plan are not affected by the Sixth Amendment and apply equally to the Sixth Amendment.

Section 2. All terms used in this Ordinance shall be construed as defined in Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended.

Section 3. In accordance with the recommendations of the Commission as set forth in the Resolution, the City Council hereby finds that:

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- (a) The Amended Redevelopment Area as a whole is a conservation area;
- (b) The following factors are hereby found to exist in the Amended Redevelopment Area, to-wit:
  - (i) The median age of 50% of the structures in the census tracts within the area is 35 years or older.
  - (ii) There is evidence of dilapidation, obsolescence, illegal use of structures, excessive vacancies and other potentially blighting factors referenced in Section 99.805(3), RSMo.
- (c) The Amended Redevelopment 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 and such fact is acknowledged in an affidavit included in the Plan as Exhibit 15 thereto;
- (d) The Amended Redevelopment Area includes only those parcels of real property directly and substantially benefited by the proposed Redevelopment Projects;
- (e) The Sixth Amendment to the Redevelopment Plan conforms to the Briarcliff-Antioch-Davidson Area Plan and to FOCUS, the comprehensive plan for the development of the City as a whole;
- (f) The estimated dates of completion of the respective Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Sixth Amendment to the Redevelopment Plan and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Amended Redevelopment Area;
- (g) A plan has been developed for relocation assistance for businesses and residences;
- (h) A cost benefit analysis showing the economic impact of the Fourth Amendment to the Redevelopment Plan on each taxing district at least partially within the boundaries of the Redevelopment Area has been prepared;
- (i) The Sixth Amendment to the Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

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- (j) A blight study has been completed and the findings of such study satisfy the requirements provided under subdivision (1) of Section 99.805, RSMo.

Section 5. The Commission is authorized to issue obligations in one or more series of bonds secured by the Chouteau I-35 Account of the Special Allocation Fund to finance Redevelopment Project Costs within the Amended 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 Fifth Amendment to the Redevelopment Plan pursuant to the power delegated to it in Ordinance No. 54556. 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 6. Pursuant to the provisions of the Sixth Amendment to the Redevelopment Plan, the City Council approves the pledge of all funds that are deposited into the Chouteau I-35 Account of the Special Allocation Fund to the payment of Redevelopment Project Costs within the Amended Redevelopment Area and authorizes the Commission to pledge such funds on its behalf.

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Approved as to form and legality:

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Heather A. Brown  
Assistant City Attorney