

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 101014

Authorizing the Director of Water Services to execute an \$11,252,500.00 agreement between the Tax Increment Financing Commission of Kansas City, Missouri and the City of Kansas City, Missouri, through its Department of Water Services, for the construction of certain storm water improvements as provided for by the Universal Floodwater Detention Tax Increment Financing Plan; authorizing the Director of Water Services to expend up to \$11,252,500.00 from funds appropriated to the project; designating requisitioning authority; authorizing the Director of Finance to return unexpended appropriations to the appropriate account; authorizing the Director of Water Services to execute the Tax Increment Financing Contract Partial Satisfaction and Mutual Release of Obligations Agreement; and directing the City Clerk to record this ordinance and agreement.

WHEREAS, pursuant to the Real Property TIF Allocation Act, Section 99.100, RSMo. 1988, et seq., as amended (“Act”), on April 18, 1991, the City Council approved Ordinance No. 910047, approving the Universal Floodwater Detention Tax Increment Financing Plan (“Plan”) and designated the area described therein as a redevelopment area (the “Redevelopment Area”); and

WHEREAS, the Plan was amended three times and approved by Council under Ordinance No. 911507 (the “First Amendment”) on December 19, 1991, Ordinance No. 000777 (the “Second Amendment”) on July 20, 2000, and Ordinance No. 100476 (the “Third Amendment”) passed on July 1, 2010; and

WHEREAS, the Plan provides, among other things, for the design and construction of certain storm water detention improvements (the “Storm Water Improvements”) in the Northeast Industrial Park area of Kansas City, Missouri generally bounded by Front Street on the south, the Missouri River levee on the north, I-435 on the east and Chouteau Trafficway on the west in lieu of construction of a pump station; and

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WHEREAS, the Storm Water Improvements are intended *inter alia* to replace the need for construction of a pump station under the Plan while still achieving the same level of flood relief and blight remediation as contemplated under the Plan.

WHEREAS, the Water Services Department has agreed to implement the Storm Water Improvements pursuant to the Plan, subject to the Water Services Department's reimbursement by the Commission of certain costs related thereto in accordance with the terms and conditions of this Agreement; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Water Services is hereby authorized to execute an \$11,252,500.00 Agreement between the Tax Increment Financing Commission of Kansas City, Missouri ("TIF"), and the City of Kansas City, Missouri, through its Water Services Department, for the design and construction of certain storm water improvements as provided for by the Universal Floodwater Detention TIF Plan and to ensure that such Storm Water Improvements promote the goals and objectives of the Plan.

Section 2. That the Director of Water Services is hereby authorized to execute the Tax Increment Financing Contract Partial Satisfaction and Mutual Release of Obligations Agreement between the TIF Commission of Kansas City, Missouri and the City of Kansas City, Missouri, through its Water Services Department, and Universal Land Development Co. L.P.

Section 3. That the City Clerk is hereby directed to file copies of this ordinance, together with the Agreement for construction of certain storm water improvements in the Office of the Recorder of Deeds of Jackson County, Missouri.

Section 4. That revenue in the following account is hereby estimated in the following amount:

11-8200-800000-480560	Contribution-TIF Distr	\$11,252,500.00
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Section 5. That the sum of \$11,252,500.00 is appropriated from the Unappropriated Fund Balance of the Stormwater Fund to the following account:

11-8200-807760-B-82000088	Stormwater Construction	\$11,252,500.00
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Section 6. That the Director of Water Services is hereby designated as requisitioning authority for Account No. 11-8200-807760.

Section 7. That upon completion of the final costs of this contract, the Director of Finance is hereby authorized to return the unexpended portion of this appropriation to the Unappropriated Fund Balance from which it was derived.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Randall J. Landes  
Director of Finance

Approved as to form and legality:

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Mark P. Jones  
Assistant City Attorney