

## COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170454

Authorizing the Director of Neighborhoods and Housing Services Department to execute a \$12,563,175.00 cooperative agreement with Linwood Boulevard Development, LLC, for construction and site improvements related to the Linwood Shopping Center Grocery Store; authorizing Linwood Boulevard Development to enter into construction and professional services contracts to complete the project; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the City acquired the real property commonly known as the Linwood Shopping Center, located at 3110 Prospect Avenue, for the purpose of its redevelopment as a shopping center with a full-service grocery store as its anchor; and

WHEREAS, redevelopment of the center supports the City Council's stated priority to create and implement aggressive neighborhood revitalization plans that are consistent with Kansas City's comprehensive, long-range economic and physical growth plans with special attention to sustainable development projects or projects in historically underdeveloped corridors and neighborhoods, resulting in job creation and revenue growth; and

WHEREAS, the City accepted the recommendations of the Tax Increment Financing Commission of Kansas City, Missouri ("Commission") for the Center's Tax Increment Financing Plan ("Plan"), approved the Plan and designated the Redevelopment Area and Redevelopment Projects for the Plan; and

WHEREAS, Linwood Boulevard Development, LLC, responded to the Commission's Request for Proposals to be a Redeveloper for the project, consisting of the construction of a grocery store, completion of site improvements, and completion of other exterior improvements within the center, and the Commission subsequently named Linwood Boulevard Development, LLC as the Redeveloper for the project; and

WHEREAS, Linwood Boulevard Development, LLC's development team consists of The RH Johnson Company, Lipari Brothers Inc. (an affiliate of Associated Wholesale Grocers), Yaeger Architecture, A.L. Huber General Contractor, Polsinelli PC, and Untersee & Associates PC; and

WHEREAS, Linwood Boulevard Development, LLC, as an affiliate of a member of Associated Wholesale Grocers, can realize substantial savings in the purchase of furniture fixtures and equipment by taking advantage of discounts available only to members of Associated Wholesale Grocers and their affiliates; and

WHEREAS, site improvements, façade improvements, provision of furniture, fixtures and equipment, and demolition and construction of the grocery store building were approved under the TIF plan; and

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WHEREAS, the City council adopted Ordinance No. 170145 authorizing a lease agreement with Lipari Brothers Inc., for operation of a grocery store at the Linwood Shopping Center; and

WHEREAS, City and Linwood Boulevard Development, LLC, have previously entered Cooperative Agreements for demolition, design, pre-construction and limited construction work related to the project; and

WHEREAS, City and Linwood Boulevard Development, LLC, have completed design of the grocery store and are ready to proceed with construction of the new store and other site improvements; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Neighborhoods and Housing Services Department is hereby authorize to execute a \$12,563,175.00 Cooperative Agreement with Linwood Boulevard Development, LLC, for the construction of the grocery store, including purchase and installation of furniture, fixtures and equipment from funds previously appropriated to Account No. 18-3436-577300-57020342. A copy of the cooperative agreement in substantial form is on file in the Neighborhoods and Housing Services Department and is incorporated herein by reference.

Section 2. That Linwood Boulevard Development, LLC, is hereby authorized to enter into a construction contract with A.L. Huber General Contractor for completion of construction of a new grocery store and completion of related site and other improvements within the Linwood Shopping Center.

Section 3. That Linwood Boulevard Development, LLC, is hereby authorized to enter into a purchasing agreement with Associated Wholesale Grocers for the purchase and installation of furniture, fixtures and equipment for the grocery store.

Section 4. That Linwood Boulevard Development, LLC, is hereby authorized to enter into a professional services contract with Polsinelli PC for legal services related to the project.

Section 5. That Linwood Boulevard Development, LLC, is hereby authorized to enter into a professional services contract with Untersee and Associates PC, for legal services related to the project.


Section 6. That it is in the City's best interest to authorize Linwood Boulevard Development, LLC, to sole source contracts for: (i) professional legal services, (ii) purchase and installation of furniture, fixtures and equipment, and (iii) construction work for the Project in accordance with all the terms and provisions of the cooperative agreement.

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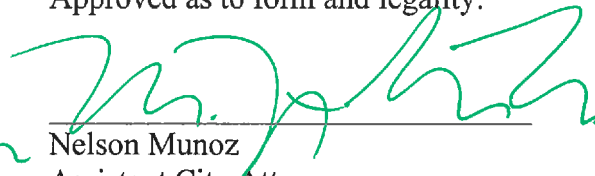
Section 7. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3) of the City Charter and shall take effect in accordance with Section 503 of the City Charter.

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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.

*for*   
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Randall J. Landes  
Director of Finance

Approved as to form and legality:

*for*   
\_\_\_\_\_  
Nelson Munoz  
Assistant City Attorney



Authenticated as Passed

  
Sly James, Mayor

  
Marilyn Sanders, City Clerk

JUN 29 2017

Date Passed