

ORDINANCE NO. 180222

Accepting the recommendations of the Tax Increment Financing Commission as to the Seventh Amendment to the Winchester Center Tax Increment Financing Plan; approving the Seventh Amendment; repealing Section 5 of Committee Substitute for Ordinance No. 130155 and enacting a new section in its place; authorizing the execution of the First Amendment to the Intergovernmental Agreement by and among the Jackson County, Missouri, Kansas City, Missouri, Raytown School District, Mid-Continent Public Library and the Commission; and directing the City Clerk to send a copy of this ordinance to Jackson 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 created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on December 19, 1991, the City Council adopted Ordinance No. 911435, which accepted the recommendations of the Commission as to the Winchester Center Tax Increment Financing Plan ("Redevelopment Plan") and designated the Redevelopment Area described therein to be a conservation area; and

WHEREAS, the Redevelopment Plan has been amended 6 times; and

WHEREAS, the Sixth Amendment to the Winchester Center Tax Increment Finance Plan was proposed to the Commission provided for, inter alia, a neighborhood infrastructure program, a neighborhood improvement program and the termination of the Plan; and

WHEREAS, the neighborhood improvement program provides funding for improvements to residential housing stock in the Redevelopment Area; and

WHEREAS, the Winchester Housing Improvement Advisory Committee requested that the Commission consider extending the time for the neighborhood improvement program, as well as other modifications to the program; and

WHEREAS, the Seventh Amendment to the Plan incorporates the proposed changes to the program; and

WHEREAS, after all proper notice was given, the Commission met in public hearing and after receiving the comments of all interested parties and taxing jurisdictions affected, closed the public hearing on March 14, 2018, and approved its Resolution No. 3-11-18, recommending to the City Council that the Seventh Amendment be approved; and

WHEREAS, Section 5 of Committee Substitute for Ordinance No. 130155, which approved the Sixth Amendment, also provided for termination of the Plan; and

WHEREAS, it is appropriate to delay termination of the Plan until the neighborhood improvement program and the neighborhood infrastructure program are complete; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 5 of Committee Substitute for Ordinance No. 130155 is hereby repealed and a new section 5 is enacted in its place, to read as follows:

Section 5. That the City Council acknowledges receipt of (a) an Intergovernmental Agreement and Mutual Release executed by Jackson County, Missouri, Consolidated School District No. 2 (Raytown) and Mid-Continent Public Library and (b) a Cooperative Agreement – Soccer Facility Improvements executed by Jackson County, Missouri and hereby declares that the Winchester Center Tax Increment Financing Plan shall be terminated upon the expenditure of all funds in the special allocation fund for the Neighborhood Improvement Program and the Neighborhood Infrastructure Program, in accordance with the Plan. All funds in the special allocation funds in excess of \$2,832,000.00 are declared surplus funds and shall be distributed to the affected taxing jurisdictions in accordance with the Act.

Section 2. That the recommendations of the Commission regarding the Seventh Amendment to the Plan are hereby accepted and the Seventh Amendment, a copy of which is attached hereto as Exhibit “A”, is hereby approved.

Section 3. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”).

Section 3. That the Council hereby finds that:

- (a) Good cause has been shown for amendment of the Redevelopment Plan, and that the previous findings with respect to the Redevelopment Plan are not affected by the Seventh Amendment and apply equally to the Seventh Amendment;
- (b) The Seventh Amendment does not alter the Council’s previous finding that the Redevelopment Area is a blighted area, as a whole, 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 Redevelopment Plan, as amended, and the Seventh Amendment;
- (c) The Seventh Amendment does not alter the Council’s previous finding that the Redevelopment Area conforms to the FOCUS Plan for the comprehensive development of the City as a whole;

- (d) The Seventh Amendment does not alter the Council's previous finding that the areas selected for Redevelopment Projects include only those parcels of real property and improvements therein which will be directly and substantially benefited by the Redevelopment Project improvements;
- (e) The Seventh Amendment does not alter the Council's previous finding that 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 Redevelopment Plan, as amended, and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area, as amended;
- (f) The Seventh Amendment does not alter the Council's previous finding that a plan has been developed for relocation assistance for businesses and residences;
- (g) The Seventh Amendment does not alter the Council's previous finding that a cost benefit analysis showing the economic impact of all projects on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act;
- (h) The Seventh Amendment does not include the initial development or redevelopment of any gambling establishment; and
- (i) 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. That pursuant to the provisions of the Redevelopment Plan, as amended, the City Council approves the pledge of all funds generated from Redevelopment Projects that are deposited into the Special Association Fund established in connection with the Winchester Center Tax Increment Financing Plan to the payment of Redevelopment Project Costs within the Redevelopment Area, as amended, and authorizes the Commission to pledge such funds on its behalf.

Section 6. That the City Manager is hereby authorized to execute the First Amendment to the Intergovernmental Agreement by and among the Jackson County, Missouri, Kansas City, Missouri, Raytown School District, Mid-Continent Public Library and the Commission in connection with the Winchester Center TIF Plan, a form substantially the same as attached to this ordinance.

Section 7. That the City Clerk is directed to send a copy of this ordinance to Jackson County.

Approved as to form and legality:

Brian T. Rabineau
Assistant City Attorney