

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 070088

Accepting the recommendations of the Tax Increment Financing Commission as to and approving the Third Amendment to the 19th Terrace and Central 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"Act"), the City Council of Kansas City, Missouri, by Ordinance No. 54556, passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, the 19th Terrace and Central Tax Increment Financing Plan was approved by Committee Substitute for Ordinance No. 990702 on June 3, 1999 ("the Plan"); and

WHEREAS, the Commission, having been duly constituted, its members appointed, and after all proper notice was given, met in public hearing on March 8, 2000, and, after receiving the comments of all interested persons and taxing districts, approved Resolution No. 3-4-00 recommending to the City Council the approval of the First Amendment to the Plan; and

WHEREAS, the Council accepted the recommendations of the Commission by passage of Ordinance No. 000778, approving the First Amendment to the Plan; and

WHEREAS, the Second Amendment to the Plan was approved by Ordinance No. 040871 on August 5, 2004; and

WHEREAS, the Commission, having been duly constituted, its members appointed, and after all proper notice was given, met in public hearing on July 14, 2004, and, after receiving the comments of all interested persons and taxing districts, approved Resolution No. 7-7-04 recommending to the City Council the approval of the Second Amendment; and

WHEREAS, the Third Amendment to the Plan ("Third Amendment") was presented to the Commission; and

WHEREAS, the Commission, having been duly constituted, its members appointed, and after all proper notice was given, met in public hearing on December 13, 2006, and, after receiving the comments of all interested persons and taxing districts, approved Resolution No. 12-41-06 (the "Resolution") recommending to the City Council the approval of the Third Amendment; and

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WHEREAS, the Third Amendment (a) provides for changing the use of the property in Project 2 from commercial space and related parking to residential condominiums/retail/office and related parking, (b) divides the existing Project Area 2 into three separate Project Areas, (c) clarifies that PILOTS and EATS from Projects 2a, 2b and 2c may be used in other project areas, (d) sets out the redevelopment project costs for Project 2a, (e) changes the use of the property in Project 12 from residential condominiums to commercial space, and (f) revises the Redevelopment Project costs for Project 12; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The recommendations of the Commission concerning the Third Amendment as set forth in the Resolution attached hereto as Exhibit "A" are hereby accepted and the Third Amendment, a copy of which is attached hereto as Exhibit "B," is hereby approved and adopted as valid and the Redevelopment Project(s) contained therein are hereby authorized.

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 good cause has been shown for amendment of the Redevelopment Plan, and that the findings of the City Council in Committee Substitute for Ordinance No. 990702, Ordinance No. 000778, Ordinance No. 040871, with respect to the Redevelopment Plan, as amended, are not affected by the Third Amendment and apply equally to said Third Amendment. The Council further finds that:

- A. The Redevelopment Area qualifies as a Conservation Area and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be redeveloped without the adoption of the Third Amendment.
- B. The Third Amendment conforms to the comprehensive plan for the development of the City as a whole.
- C. The areas selected for Redevelopment Projects include only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project Improvements.
- D. The estimated dates of completion of the Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs have been stated in the Third Amendment and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area.

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- E. The Third Amendment includes a plan for relocation assistance for businesses and residences.
- F. A cost-benefit analysis showing the impact of the Third Amendment on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act.
- G. The Third Amendment does not include the initial development or redevelopment of any gambling establishment.

Section 5. The Commission is authorized to issue obligations in one or more series of bonds secured by the 19th Terrace and Central Tax Increment Plan Account of the Special Allocation Fund to finance Redevelopment Project Costs within the 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 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. The City Council approves the pledge of all funds that are deposited into the 19th Terrace and Central Tax Increment Financing Plan Account of the Special Allocation Fund to the payment of Redevelopment Project Costs within the Redevelopment Area and authorizes the Commission to pledge such funds on its behalf.

Approved as to form and legality:

Heather A. Brown
Assistant City Attorney