

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 110665

Authorizing the Director of Water Services to execute a Funding Agreement with the Tax Increment Financing Commission for the construction of certain sanitary sewer mains in the First and Second Creek drainage basins in connection with the KCI Corridor Tax Increment Financing Plan.

WHEREAS, there are approximately 5,000 acres of developable property within the First Creek Watershed and 10,000 acres of developable property within the Second Creek Watershed, all generally located east of I-29, south of I-435, west of 169 Highway and north of 152 Highway; and

WHEREAS, the extension of sewers within these watersheds has been contemplated since 1962 when the this area was annexed into the City; and

WHEREAS, it is anticipated that the construction of a sanitary sewer system within the First and Second Creek Watersheds would allow for the construction of residential, recreational, institutional and commercial uses to support an increased population of up to 75,000 new residents; and

WHEREAS, on April 1, 2010, the Council passed Committee Substitute for Resolution No. 100175, as Amended, directing the City Manager to proceed with the preparation of a plan to implement and construct sanitary sewer infrastructure improvements in the First and Second Creek Watersheds and report back to the Council with a schedule of implementation; and

WHEREAS, on June 3, 2010, the Council adopted Second Committee Substitute for Resolution No. 100446, directing the City Manager to take all necessary steps to make operational the First and Second Creek sanitary sewer areas through the expenditure of \$20 million available through existing sanitary sewer bond authorization; and

WHEREAS, the current estimated cost to design and construct, in two phases, the necessary sanitary sewer infrastructure improvements in the First and Second Creek Watersheds is \$70 million; and

WHEREAS, the current estimated cost to design and construct the first of these two phases of the necessary sanitary sewer infrastructure improvements in the First and Second Creek Watersheds is approximately \$45.0 million, of which \$40 million shall be utilized for such purposes as directed by the Council pursuant to Second Committee Substitute for Resolution No. 100446, which shall include two (one interim and one permanent) pump stations, two force mains, and 22,550 l.f. of interceptor sewers, (“Phase I of the First Creek and Second Creek Watersheds”); and

WHEREAS, the City, through its Water Services Department, has proposed providing from the above-described issuances of sanitary sewer bonds \$26.0 million for construction of interceptor sewers; and

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WHEREAS, the City has proposed, subject to required City approvals, to provide an additional \$1.8 million in PIAC funds for the Platte Purchase Park branch sewer improvements; and

WHEREAS, pursuant to the Real Property Tax Increment Financing Allocation Act, Section 99.800 RSMo (1982), et seq., as amended (“TIF Act”), on March 11, 1999, the Council adopted Ordinance No. 990256, approving the KCI Corridor Tax Increment Financing Plan (“Original Plan”); and

WHEREAS, the Original Plan was subsequently amended on June 10, 2004 by Ordinance No. 040618, Ordinance No. 040619, Ordinance No. 040620, Ordinance No. 040621, on February 3, 2005 by Ordinance No. 050107, on March 30, 2006 by Ordinance No. 060326, on March 13, 2008 by Committee Substitute for Ordinance No. 080211, on April 16, 2009 by Ordinance No. 090260 (as partially repealed and amended on June 24, 2010 by Ordinance 100497), on December 16, 2010 by Ordinance No. 101007, and on September 1, 2011 by Committee Substitute for Ordinance No. 110603 (the Original Plan, as amended by these ordinances, is hereinafter referred to as the “Amended Plan”); and

WHEREAS, the Amended Plan provides for the implementation of interceptor sewers in the First Creek and Second Creek watersheds; and

WHEREAS, the Amended Plan provides for the reimbursement of certain costs related to the implementation of the collector sewers in the First Creek and Second Creek watersheds in an amount not in excess of \$3.8 million; and

WHEREAS, the City and the TIF Commission desire to work together to fund, design and construct Phase I of the First Creek and Second Creek Watersheds through a funding 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 a Funding Agreement with the Tax Increment Financing Commission for the construction of certain sanitary sewer mains in the First and Second Creek drainage basins in connection with the KCI Corridor Tax Increment Financing Plan. The Agreement, in substantial form, is on file in the Department of Water Services.

Approved as to form and legality:

Cecilia Abbott
Assistant City Attorney