

ORDINANCE NO. 130387

Authorizing the execution and delivery of a Cooperative Agreement for Project Financing with the Tax Increment Financing Commission of Kansas City, Missouri, Country Club Plaza of Kansas City, Missouri Transportation Development District and Highwoods Realty Limited Partnership related to the issuance of bonds for the financing, acquisition, and design of certain projects.

WHEREAS, the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission") on March 12, 1997, approved the Country Club Plaza Tax Increment Financing Plan (the "Redevelopment Plan") pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 RSMo, as amended (the "TIF Act"), and recommended that the City Council do the same; and

WHEREAS, the City Council, on April 17, 1997, by Ordinance No. 970374, approved the Redevelopment Plan and found the area within the boundaries of the Redevelopment Plan (the "Redevelopment Area") to be a Conservation Area, as defined in Section 99.805(3) of the TIF Act; and

WHEREAS, Highwoods Realty Limited Partnership (the "Redeveloper") and the Commission entered into that certain agreement, dated October 22, 1997, governing the implementation of the Redevelopment Plan (the "Development Agreement"); and

WHEREAS, pursuant to the Transportation Development District Act, Sections 238.200 to 238.275, RSMo, as amended (the "TDD Act"), on July 12, 2001, Hon. Edith L. Messina, Circuit Judge of the Circuit Court of Jackson County, Missouri, entered a Final Order and Judgment certifying the creation of the Country Club Plaza of Kansas City, Missouri Transportation Development District (the "District") which includes certain property within the Redevelopment Area; and

WHEREAS, pursuant to the TDD Act, on August 10, 2001, the qualified voters of the District approved the imposition of a district-wide sales tax at a rate of ½ percent on all retail sales made in the District which are subject to taxation (the "TDD Sales Tax") under the provisions of Section 144.010 to 144.525, RSMo, as amended, with certain exceptions listed in the TDD Act; and

WHEREAS, the TDD Sales Tax was originally to be imposed for a period of twenty (20) years from the date on which such tax was first imposed for the purpose of paying the cost of the formation and operation of the District and the financing, acquisition, design and construction of a parking garage located to the southeast of the intersection at 47th Street and Pennsylvania Avenue in Kansas City, Jackson County, Missouri (the "Project"); and

WHEREAS, the District determined that it was in the best interest of the District to issue \$12,815,000.00 aggregate principal amount of Transportation Revenue Bonds, Series 2002 (the "Series 2002 Bonds") to finance costs related to the Project, fund a debt service reserve fund and pay costs related to the issuance of the Series 2002 Bonds; and

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WHEREAS, pursuant to the TDD Act, the question of extension of the TDD Sales Tax is intended to be submitted to the qualified voters of the District which, if passed, will extend said tax for a period of 30 years for the purpose of paying the cost of the operation of the District and the financing, acquisition, design and construction of additional projects as set forth in the Cooperative Agreement (the “New Projects”); and

WHEREAS, the District has determined that it is in the best interest of the District to issue Transportation Improvement and Refunding Revenue Bonds, Series 2013 (the “Series 2013 Bonds”) to finance costs related to the Project and the New Projects, refund the District’s outstanding Series 2002 Bonds in the outstanding principal amount of \$8,245,000.00, fund a debt service reserve fund and pay costs related to the issuance of the Series 2002 Bonds or the Series 2013 Bonds; and

WHEREAS, the District and Commerce Bank, successor to Commerce Bank, N.A. (the “Trustee”) entered into a Trust Indenture (the “Trust Indenture”) for the purpose of issuing and servicing the Series 2013 Bonds; and

WHEREAS, in accordance with the TIF Act, the Commission has agreed, subject to certain limitations provided in the Cooperative Agreement, to remit certain economic activity tax revenues to the Trustee, for the benefit of the District; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council does hereby authorize and approve the execution and delivery of a Cooperative Agreement for Project Financing with the Commission, the District and the Redeveloper in furtherance of such purposes as are set forth in the recitals herein. The Cooperative Agreement is approved in substantial form to that which is on file with the Director of City Development. The Director of City Development is hereby authorized and directed to execute the Cooperative Agreement on behalf of the City and is further authorized, upon advice of counsel, to make such technical amendments as may be necessary to correct minor inaccuracies which do not change the substance of the Cooperative Agreement without further approval of the Council.

Approved as to form and legality:

Brian T. Rabineau
Assistant City Attorney