

## COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140916

Accepting the recommendations of the Tax Increment Financing Commission as to the Arlington Road Tax Increment Financing Plan; approving the Arlington Road Tax Increment Financing Plan; and designating the Redevelopment Area.

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 City Council of Kansas City, Missouri by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, As Amended, passed on August 29, 1991, Ordinance No. 100089, As Amended, passed on January 28, 2010, and Ordinance No. 130986, passed on December 19, 2013, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, the Arlington Road Tax Increment Financing Plan (the "Redevelopment Plan") was proposed to the Commission; and

WHEREAS, the Redevelopment Plan is a comprehensive program intended to satisfy, reduce or eliminate those conditions, the existence of which qualify the redevelopment area (the "Redevelopment Area") as an economic development area, and to enhance the tax base within the Redevelopment Area through the implementation of projects ("Redevelopment Projects") and the adoption of tax increment financing; and

WHEREAS, the Commission has been duly constituted and its members appointed; and, after all proper notice was given, the Commission met in public hearing and after receiving the comments of all interested persons and taxing districts with respect to the Redevelopment Plan, closed said public hearing on October 8, 2014, and adopted its Resolution No. 10-C4B-14 (the "Resolution") recommending to the City Council the approval of the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan will include the construction of certain road and infrastructure improvements in an area generally bounded by Claycomo city limits on the north and on the east, Parvin Road on the south, and Worlds of Fun Avenue on the west in Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendation of the Commission concerning the Arlington Road Tax Increment Financing Plan as set forth in the Resolution is hereby accepted and the Redevelopment Plan is hereby approved and adopted.

Section 2. That 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 (the "Act").

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140916

Section 3. That the following described area is hereby designated a Redevelopment Area:

ABOVE-GROUND REDEVELOPMENT AREA:

All that part of Sections 1, 2 and 3, Township 50 North, Range 32 West, and Sections 34, 35, and 36, Township 51 North, Range 32 West, all being in Kansas City, Clay County, Missouri, being described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 34; thence North 89 degrees 16 minutes 17 seconds West, along the South line of said Southeast Quarter, 1,208.99 feet to the Southeast corner of Randolph Corners North 10th Plat, a subdivision in said Kansas City, Clay County, Missouri, said point being the Point of Beginning of the tract of land to be herein described; thence North 00 degrees 32 minutes 01 seconds East, along the East line of said Randolph Corners North 10th Plat and its Northerly prolongation, 2,043.36 feet; thence North 64 degrees 28 minutes 03 seconds East, 1,168.20 feet; thence South 89 degrees 54 minutes 49 seconds East, 682.66 feet; thence North 56 degrees 39 minutes 53 seconds East, 1,066.01 feet to a point on the Southwesterly right-of-way line of Norfolk and Western Railroad, as now established; thence Southeasterly, along said Southwesterly right-of-way line, along a curve to the left having an initial tangent bearing of South 39 degrees 06 minutes 44 seconds East with a radius of 2,274.31 feet, a central angle of 16 degrees 59 minutes 16 seconds and an arc distance of 674.31 feet; thence South 55 degrees 10 minutes 52 seconds East, continuing along said Southwesterly right-of-way line, 347.13 feet; thence North 35 degrees 18 minutes 42 seconds East, continuing along said Southwesterly right-of-way line, 58.00 feet; thence South 56 degrees 20 minutes 48 seconds East, continuing along said Southwesterly right-of-way line, 1,275.86 feet; thence North 41 degrees 11 minutes 20 seconds East, continuing along said Southwesterly right-of-way line, 10.48 feet; thence South 57 degrees 43 minutes 02 seconds East, continuing along said Southwesterly right-of-way line, 712.67 feet; thence Southeasterly, continuing along said Southwesterly right-of-way line, along a curve to the right having an initial tangent bearing of South 57 degrees 27 minutes 03 seconds East with a radius of 1,277.35 feet, a central angle of 14 degrees 25 minutes 22 seconds and an arc distance of 321.54 feet; thence North 45 degrees 48 minutes 23 seconds East, continuing along said Southwesterly right-of-way line, 49.51 feet; thence Southeasterly, continuing along said Southwesterly right-of-way line, along a curve to the right having an initial tangent bearing of South 40 degrees 45 minutes 16 seconds East with a radius of 1,193.13 feet, a central angle of 16°05'01" and an arc distance of 334.93 feet; thence South 25 degrees 08 minutes 32 seconds East, continuing along said Southwesterly right-of-way line, 480.56 feet; thence South 61 degrees 23 minutes 39 seconds West, continuing along said Southwesterly right-of-way line, 56.99 feet;

thence South 27 degrees 05 minutes 16 seconds East, continuing along said Southwesterly right-of-way line, 55.33 feet; thence Southeasterly, continuing along said Southwesterly right-of-way line, along a curve to the left having an initial tangent bearing of South 28 degrees 52 minutes 48 seconds East with a radius of 884.39 feet, a central angle of 56 degrees 28 minutes 18 seconds and an arc distance of 871.67 feet; thence North 00 degrees 33 minutes 39 seconds East, continuing along said Southwesterly right-of-way line, 49.91 feet; thence Easterly, continuing along said Southwesterly right-of-way line, along a curve to the right having an initial tangent bearing of South 80 degrees 59 minutes 31 seconds East with a radius of 649.68 feet, a central angle of 22 degrees 37 minutes 21 seconds and an arc distance of 256.52 feet; thence Southeasterly, continuing along said Southwesterly right-of-way line, along a curve to the left having a common tangent with the last described course with a radius of 1,901.00 feet, a central angle of 04 degrees 01 minutes 13 seconds and an arc distance of 133.39 feet; thence Southeasterly, continuing along said Southwesterly right-of-way line, along a curve to the right having a common tangent with the last described course with a radius of 827.96 feet, a central angle of 09 degrees 04 minutes 57 seconds and an arc distance of 131.25 feet; thence North 89 degrees 34 minutes 23 seconds West, 468.11 feet; thence North 85 degrees 16 minutes 24 seconds West, 432.55 feet; thence South 34 degrees 44 minutes 37 seconds West, 260.09 feet; thence South 15 degrees 23 minutes 18 seconds West, 390.29 feet; thence South 52 degrees 48 minutes 00 seconds West, 1,373.05 feet; thence North 88°41'54" West, 916.96 feet; thence South 01 degrees 18 minutes 06 seconds West, 100.00 feet to the Northeast corner of Tract E, Hunt Midwest Business Park – Third Plat, a subdivision in said Kansas City, Clay County, Missouri; thence North 88 degrees 41 minutes 54 seconds West, along the North line of said Tract E and its Easterly prolongation, 312.15 feet; thence South 01 degrees 18 minutes 06 seconds West, 510.91 feet to the Northeast corner of Lot 18A, Minor Lot Consolidation, as recorded in Book H, at Page 53, in said Clay County, Missouri records; thence North 88 degrees 41 minutes 54 seconds West, along the North line of said Lot 18A, 655.33 feet; thence South 02 degrees 27 minutes 36 seconds East, continuing along said North line, 22.53 feet; thence South 69 degrees 00 minutes 33 seconds West, continuing along said North line, 353.66 feet; thence South 82 degrees 54 minutes 45 seconds West, continuing along said North line, 229.08 feet to a point on the East line of Tract D, Hunt Midwest Business Park – Second Plat, a subdivision in said Kansas City, Clay County, Missouri; thence North 11 degrees 42 minutes 35 seconds West, along said East line, 420.71 feet to the Northeast corner of said Tract D; thence South 52 degrees 54 minutes 38 seconds West, along the North line of said Tract D, 1,272.13 feet to the Northwest corner of said Tract D; thence South 60 degrees 11 minutes 05 seconds West, 60.00 feet to the Northeast corner of Tract C, said Hunt Midwest Business Park – Second Plat; thence South 71

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140916

degrees 00 minutes 47 seconds West, along the North line of said Tract C, 716.88 feet to the Northeast corner of Lot 15, said Hunt Midwest Business Park– Second Plat; thence North 89 degrees 17 minutes 59 seconds West, along the North line of said Lot 15, 534.66 feet to the Northwest corner of said Lot 15; thence North 06 degrees 32 minutes 07 seconds East, 377.50 feet; thence North 00 degrees 36 minutes 49 seconds East, 2,507.65 feet to a point on the South line of said Southeast Quarter; thence South 89 degrees 16 minutes 17 seconds East, along said South line, 50.45 feet to the Point of Beginning. Containing 24,905,778 square feet or 571.76 acres, more or less. All lying above the Winterset Ledge of limestone rock.

BELOW-GROUND REDEVELOPMENT AREA:

All that part of Sections 2 and 3, Township 50 North, Range 32 West, all being in Kansas City, Clay County, Missouri, being described as follows: Commencing at the Northeast corner of the Southeast Quarter of said Section 2; thence South 00 degrees 37 minutes 50 seconds West, along the East line of said Southeast Quarter, 2,000.61 feet; thence North 89 degrees 22 minutes 10 seconds West, 1,373.64 feet to the Point of Beginning of the tract of land to be herein described; thence North 89 degrees 01 minutes 45 seconds West, 3,107.23 feet; thence South 01 degrees 24 minutes 27 seconds West, 597.17 feet; thence North 89 degrees 13 minutes 05 seconds West, 606.30 feet; thence North 89 degrees 03 minutes 18 seconds West, 285.42 feet; thence North 00 degrees 30 minutes 36 seconds East, 4,844.60 feet; thence South 88 degrees 55 minutes 12 seconds East, 3,593.30 feet; thence South 01 degrees 05 minutes 43 seconds West, 390.61 feet; thence South 00 degrees 33 minutes 24 seconds West, 1,621.88 feet; thence North 90 degrees 00 minutes 00 seconds East, 102.89 feet; thence South 00 degrees 33 minutes 24 seconds West, 879.94 feet; thence North 90 degrees 00 minutes 00 seconds East, 192.43 feet; thence South 00 degrees 00 minutes 00 seconds East, 587.19 feet; thence South 88 degrees 53 minutes 31 seconds East, 126.71 feet; thence South 00 degrees 58 minutes 15 seconds West, 763.53 feet to the Point of Beginning. Containing 16,345,311 square feet or 375.24 acres, more or less. All lying below the bottom of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88).

Section 4. That in accordance with the recommendations of the Commission as set forth in the Resolution, the City Council hereby finds that:

(a) The Redevelopment Area described in the Redevelopment Plan is an economic development area and the redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will discourage commerce, industry or manufacturing from moving their operations to another state; or result

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140916

in increased employment in the municipality; or result in preservation or enhancement of the tax base of the municipality.

(b) The Redevelopment Area 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;

(c) The Redevelopment Plan conforms to FOCUS, the comprehensive plan for the development of the City as a whole;

(d) The area selected for the Redevelopment Projects include only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project improvements;

(e) The estimated dates of completion of each respective Redevelopment Project and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project within the Redevelopment Area;

(f) A plan has been developed for relocation assistance for businesses and residences;

(g) A cost-benefit analysis, in this case a tax impact analysis, showing the impact of the implementation of the Redevelopment Plan on each taxing district at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act;

(h) The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment; and

Section 5. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Arlington Road Account of the Special Allocation Fund to finance Redevelopment Project Costs identified by the Redevelopment Plan 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 by the City. 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.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 140916

Section 6. That pursuant to the provisions of the Redevelopment Plan, the City Council approves the pledge of all funds that are deposited into the Arlington Road 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.

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Approved as to form and legality:

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Brian T. Rabineau  
Assistant City Attorney