

ORDINANCE NO. 180075

Approving the 27th & Madison PIEA General Development Plan for an area of approximately 0.3 acre and generally located at the northeast corner of Madison Avenue and W. 27th Street; declaring the area blighted and insanitary and in need of redevelopment and rehabilitation pursuant to the Missouri Planned Industrial Expansion Law, Sections 100.300-100.620, RSMo; and authorizing abatement to the full extent authorized by applicable law pursuant to Section 9 of Second Committee Substitute for Ordinance No. 160383, as amended. (754-S).

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri (“Authority”) did prepare or cause to be prepared the 27th and Madison PIEA General Development Plan and recommended that the Council approve the finding of blight and approve the General Development Plan for the area; and

WHEREAS, the City Plan Commission has reviewed and recommended approval of the finding of blight of the 27th and Madison PIEA General Development Plan on December 19, 2017, as evidenced by its disposition of the case and its written recommendations submitted to the City; and

WHEREAS, Section 100.400, RSMo, authorizes the Council to make a finding that an area is a blighted area and approve a general development plan for such area if the Council finds that the plan is feasible and in conformity with the general plan for the development of the community as a whole; and

WHEREAS, on October 6, 2016, the City did pass Second Committee Substitute for Ordinance No. 160383, as amended, which Ordinance No. 160383, as amended, enacted guidelines on the City’s use of abated and exempted real property taxes in funding economic development projects; and

WHEREAS, Section 9 of Ordinance No. 160383, as amended, provides that notwithstanding the guidelines set forth therein, the Council retains its discretion to authorize the capture and redirection, or abatement or exemption, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council finds the 27th and Madison PIEA Planning Area, which area contains approximately 0.3 acres located at the northeast corner of Madison Avenue and W. 27th Street, and more specifically described by metes and bounds as follows:

Lots 5, 6, 7 and 8, Block 1, Lincoln Park, a subdivision in Kansas City, Jackson County, Missouri.

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to be a blighted area as defined in Section 100.310, RSMo, and more specifically finds that there is a predominance of defective and inadequate street layout, insanitary and unsafe conditions, deterioration of site improvements, and the existence of conditions which endanger life and property by fire and other causes in such planning area and as a result of the predominance of those conditions the planning area in its present condition and use constitutes an economic and social liability and a serious menace to the public health, safety, morals, and welfare.

Section 2. That the 27th & Madison PIEA General Development Plan prepared by the Authority and recommended to the Council is intended to and shall affect and be applicable to only the real property specifically described in Section 1 above and is hereby approved.

Section 3. That the 27th & Madison PIEA General Development Plan as approved and incorporated by Section 2 of this ordinance is amended by striking the paragraph denominated "Tax Abatement", located on Page 37 of such Plan, and replacing it with the amended language attached to this ordinance and made a part hereof.

Section 4. That the Council has duly made the findings necessary for compliance with Section 100.300-100.620, RSMo.

Section 5. That the 27th & Madison PIEA General Development Plan is hereby found to be feasible and in conformance with the general plan for the development of the community as a whole.

Section 6. That the ad valorem tax exemption benefits as authorized in Section 100.570, RSMo, and as supplemented in Second Committee Substitute for Ordinance No. 160383, As Amended, are hereby extended to the area included within the 27th & Madison PIEA General Development Plan to the extent and in the manner as provided for in said 27th & Madison PIEA General Development Plan, and subject to the execution of a development agreement with the Authority and developer.

Section 7. That pursuant to Section 9 of Second Committee Substitute for Ordinance No. 160383, as amended, the City Council hereby authorizes the abatement of ad valorem real property taxes to the full extent authorized by Section 100.570, RSMo with respect to any project qualifying for Jobs-Based or Site-Based "High Impact" designation as determined by the AdvanceKC Scorecard, derived from the City Council's Economic Development and Incentive Policy, or located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.

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I hereby certify that as required by Chapter 110, RSMo, as amended, all public notices have been given and public hearings held, as required by law.

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Secretary, City Plan Commission

Approved as to form and legality:

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Brian T. Rabineau  
Assistant City Attorney

## **Tax Abatement**

The provisions of Section 100.570 RSMo concerning the ad valorem tax exemption benefits contained in Chapter 353 (RSMo) and more specifically set forth in Section 353.110 and 353.150(4) RSMo shall be available to a Redevelopment Corporation designated by the Authority if the designated Redevelopment Corporation acquires fee simple interest in any real estate for redevelopment and redevelops and uses such real estate in accordance with this plan and if the Authority approves such acquisition. Such tax exemption benefits shall be available to any successor, assign, or purchaser or transferee of the designated Redevelopment Corporation provided such successor, assign, purchaser or transferee continues to use, operate and maintain such real estate in accordance with this Plan.

Notwithstanding the foregoing, this Plan shall be subject to the provisions of Second Committee Substitute for Ordinance No. 160383, As Amended, and as may be further amended from time to time, which was adopted by the City Council on or about October 6, 2016. The real estate shall not receive greater than a seventy-five percent (75%) abatement of real property taxes for the first ten years and thirty-seven and one-half percent (37.5%) abatement for the following fifteen years, and the real property taxes shall, for the entire term, be measured by the assessed valuation, inclusive of any improvements, as assessed by the applicable county assessor. In the event this provision is deemed unenforceable by reason that it conflicts with a provision of state law providing for a differing level of abatement for all or any portion of the term of the public incentives, or providing that the assessed valuation be determined by some other measure than is set forth herein, then the Authority and the developer shall, by contract or amendment to contract, require payments in lieu of taxes structured to achieve the objectives of this provision, such payments to be distributed pro rata to the affected taxing jurisdictions.

In the event that developer believes it should be granted an abatement in excess of that provided for herein with respect to any project, the developer may require that the Authority request the City Council waive the limitations of this provision if the City Council shall not have otherwise acted to do so. The City Council retains final discretion to authorize the abatement, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law. The City Council shall give particular consideration to the following exceptions in determining whether to authorize any abatement, or approve any development plan providing for incentives to be conveyed on a project-specific basis, at any level other than what has been provided for herein:

- A. Projects qualifying for Jobs-Based or Site-Based “High Impact” designation as determined by the AdvanceKC Scorecard, derived from the City Council’s Economic Development and Incentive Policy.
- B. Projects located in a severely distressed census tract that has continuously maintained such status for not less than ten (10) years immediately prior to the effective date of the request.