

COMMITTEE SUBSITUTE FOR ORDINANCE NO. 110603

Accepting the recommendations of the Tax Increment Financing Commission of Kansas City as to the Tenth Amendment to the KCI Corridor Tax Increment Financing Plan; and approving, as modified, the Tenth Amendment to the KCI Corridor 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"Act"), the City Council of Kansas City, Missouri, by Ordinance No. 54556 passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute to Ordinance No. 911076, as amended, passed on August 29, 1991, and Ordinance No. 100089, passed on January 28, 2010, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, in Ordinance No. 990256, the Council accepted the recommendations of the Commission and approved the KCI Corridor Tax Increment Financing Plan (the "Plan"); and

WHEREAS, a first amendment to the Plan ("First Amendment") was proposed to the Commission and the First Amendment, clarifying the procedures for acquisition of property necessary for construction of street and intersection improvements, was approved by the Commission on April 12, 2000, and April 12, 2004, and approved by the Council in Ordinance No. 040618; and

WHEREAS, a second amendment to the Plan ("Second Amendment") was proposed to the Commission and the Second Amendment, clarifying the procedures for collection and distribution of surplus payments in lieu of taxes, was approved by the Commission on September 12, 2001, and approved by the Council in Ordinance No. 040619; and

WHEREAS, a third amendment to the Plan ("Third Amendment") was proposed to the Commission and the Third Amendment, providing for revisions to road improvements within the Plan, was approved by the Commission on January 14, 2004, and April 12, 2004, and approved by the Council in Ordinance No. 040620; and

WHEREAS, a fourth amendment to the Plan ("Fourth Amendment") was proposed to the Commission and the Fourth Amendment, expanding the Redevelopment Area and providing for increased Commission expenses, was approved by the Commission on January 14, 2004, and April 12, 2004, and approved by the Council in Ordinance No. 040621;

WHEREAS, a fifth amendment to the Plan ("Fifth Amendment") was proposed to the Commission and the Fifth Amendment, providing for the design and construction of a portion of Skyview Avenue and revising the project costs in accordance with this

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additional public improvement, was approved by the Commission on January 12, 2005, and approved by the Council in Ordinance No. 050107; and

WHEREAS, a sixth amendment to the Plan (“Sixth Amendment”) was proposed to the Commission and the Sixth Amendment, revising Estimated Project Costs, was approved by the Commission on March 8, 2006, and approved by the Council in Ordinance No. 060326; and

WHEREAS, a seventh amendment to the Plan (“Seventh Amendment”) was proposed to the Commission and the Seventh Amendment, revising the estimated redevelopment costs, adding improvements to Tiffany Springs Road and improvements to Barry Road, including projected economic activity taxes for Projects 8-10, and removing the TIFC representative from the Advisory Committee and placing them as an ex-officio member, was approved by the Commission on February 13, 2008, and approved by the Council in Committee Substitute for Ordinance No. 080211; and

WHEREAS, an eighth amendment to the Plan (“Eighth Amendment”) was proposed to the Commission and the Eighth Amendment, revising the estimated redevelopment costs to include N. Polo Drive as a reimbursable project cost, was approved by the Commission on March 11, 2009, and approved by the Council in Ordinance No. 090260, which was amended by Ordinance No. 100497; and

WHEREAS, a ninth amendment to the Plan (“Ninth Amendment”) was proposed to the Commission and the Ninth Amendment, revising the estimated redevelopment costs to include the Roundabouts on Tiffany Springs Parkway at N. Ambassador and N. Skyview, as well as N.W. 88th Street, was approved by the Commission on December 16, 2010, and approved by the Council in Ordinance No. 101007; and

WHEREAS, a tenth amendment to the Plan (“Tenth Amendment”) was proposed to the Commission and the Commission, having been duly constituted and its members appointed, after proper notice was given, met in public hearing, on July 12, 2011, and after receiving the comments of all interested persons and taxing districts, closed the public hearings; and

WHEREAS, the Tenth Amendment proposes (a) expansion of the boundaries of the Redevelopment Area, (b) addition of Redevelopment Projects, (c) modifications to the Budget of Redevelopment Project Costs and (d) modification to the composition of the KCI Corridor Advisory Committee, and was approved by the Commission on July 12, 2011, by adoption of Resolution No. 07-08-11;

WHEREAS, the Council desires a modification to the proposed Tenth Amendment to provide for the Advisory Committee to be comprised of nine members, including a city staff person familiar with the City’s infrastructure; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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Section 1. That the recommendations of the Commission concerning the Tenth Amendment as set forth in the Resolution attached hereto as Exhibit A are hereby accepted and the Tenth Amendment, a copy of which is attached hereto as Exhibit B, is hereby approved and adopted as valid, with the following modification to Amendment No. 6:

Amendment No. 6: Delete the Section III. H. Advisory Committee, in its entirety, and replace the following in lieu thereof:

H. Advisory Committee. An advisory committee shall be created to provide advice to the TIF Commission regarding the use and disbursement of funds placed in the designated account, and to serve as liaison with taxing districts, city departments and other parties having an interest in and directly adjacent to the Redevelopment Area. The committee shall be comprised of nine members as follows: Two (2) city council members from the council district which includes the Redevelopment Area; one (1) city staff person, appointed by the Mayor, who is familiar with the City's infrastructure; one (1) representative of the Platte County commissioners; one (1) representative from the Park Hill School District; one (1) representative of the Platte County R-3 School District; two (2) representatives from the Platte County Economic Development Council; and one (1) representative from the Northland Regional Chamber of Commerce. In addition, one (1) representative from the Tax Increment Finance Commission; one (1) representative from the City Planning & Development Department Staff, and one (1) representative from the Platte County Economic Development Council Staff shall serve as ex-officio members of the committee. This committee shall serve in an advisory capacity to the TIF Commission.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865, RSMo.

Section 3. That the City Council hereby finds that good cause has been shown for the amendment of the Plan and that the findings of the Council in Ordinance Nos. 990256, 040618, 040619, 040620, 040621, 050107, 060326, Committee Substitute for Ordinance 080211, 090260, 100497 and 101007, are not affected by the Tenth Amendment and apply equally to the Tenth Amendment.

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 as a whole is an economic development area, as defined in Section 99.805(5) of the Act, 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. The lack of sufficient street improvements, interchanges, and other infrastructure has inhibited the development of the Redevelopment Area.

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- b. The Tenth 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 Tenth Amendment and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project within the Redevelopment Area.
- e. The Amendment includes a plan for relocation assistance for businesses and residences.
- f. A cost-benefit analysis showing the impact of the Tenth 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 Tenth Amendment does not include the initial development or redevelopment of any gambling establishment.
- h. A study has been completed and the findings of such study satisfy the requirements provided under subdivision (1) of Section 99.810, RSMo.

Section 5. That the new legal description for the Redevelopment Area is as follows:

The redevelopment area is an irregularly shaped area generally located Easterly of the centerline of Interstate Highway No. 29; Westerly of N. Platte Purchase Drive; Northerly of Missouri State Highway No. 152 in the middle and on the Easterly side; Southerly of Tiffany Springs Parkway on the Westerly side and Southerly of N.W. 108th on the Easterly side, and Westerly of the Easterly line of Platte County, all located in Kansas City, Platte County, Missouri, being bounded and described as follows:

Beginning at the intersection of the centerline of Tiffany Springs Parkway, as now established, and the centerline of N.W. Skyview Avenue, as now established; thence Southerly along the centerline of said NW Skyview Avenue to a point on the North line of the Northwest Quarter of Section 6, Township 51 North, Range 33 West; thence continuing Southerly along the centerline of said NW Skyview Avenue a distance of 1423.24 feet to a point perpendicular to the Northwest Corner of Tract 1, Tiffany Springs, Case No. 9831-GP-11, a Planned Development in Kansas City, Platte County, Missouri; thence perpendicular to the last described course a

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distance of 35.00 feet to the Easterly right-of-way line of Skyview Avenue, said point being the Northwest Corner of Tract 1 as shown on the Amended Preliminary Development Plan of Tiffany Springs, dated May 28, 2003; thence Easterly along the North line of Tract 1 on a curve to the left, having a radius of 1091.00 feet, an arc length of 614.18 feet; thence continuing North along the North line of Tract 1 a distance of 131.66 feet; thence continuing Easterly and Southerly along a curve to the right, being tangent to the last described course, having a radius of 1091.00 feet, and arc length of 2093.48 feet to a point on the South Line of the Northwest Quarter of said Section 6; thence East along said South line and along the North Line of the Southeast Quarter of said Section 6 and the South line of the Northeast Quarter of the said Section 6, to the East Line of said Northeast Quarter; thence North 00 degrees 25 minutes 39 seconds East along said East line, 52.26 feet to the North right of way line of Tiffany Springs Road and the South line of Tiffany Estates, a subdivision of land in said Kansas City, thence Northeasterly along the last said two lines along a curve to the left having an initial tangent bearing of North 80 degrees 02 minutes 34 seconds East with a radius of 660.00 feet, a central angle of 40 degrees 00 minutes 50 seconds and an arc distance of 460.93 feet; thence North 40 degrees 01 minutes 40 seconds East, along the last said two lines, 100.03 feet; thence Northeasterly along a curve to the right being tangent to the last described course, with a radius of 740.00 feet, a central angle of 30 degrees 35 minutes 56 seconds and an arc distance of 395.20 feet to the Northeast corner of said plat; thence South 88 degrees 12 minutes 46 seconds East along the Easterly extension of the North line of said plat, 1,799.17 feet to the West Line of the Northeast Quarter of Section 5, Township 51 North Range 33 West; thence North 00 degrees 24 minutes 47 seconds East, along said West line, 1,832.88 feet to the Northeast Corner thereof; thence North 90 degrees 00 minutes 00 seconds East along the South line of the Southwest Quarter of Section 32, Township 52 North, Range 33 West, 32.75 feet to the Southeast corner thereof; thence North 00 degrees 40 minutes 23 seconds East, along the East line of said Southwest Quarter 721.33 feet to a point on a line that is the Westerly extension of the North line of Genesis Place Estates; thence North 89 degrees 53 minutes 22 seconds East, along said Westerly extension line and along said North plat line 2,629.04 feet to the Northeast corner thereof, said point also being on the East line of the Southeast Quarter of last said Section 32; thence South 00 degrees 32 minutes 08 seconds West, along said East line, 718.91 feet to the Southeast corner of said Southeast Quarter; thence North 89 degrees 57 minutes 30 seconds East, along the South line of the Southwest Quarter of Section 33, Township 52 North, Range 33 West, 2,636.08 feet to the Southeast corner of said Southwest Quarter; thence North 00 degrees 31 minutes 20 seconds East, along the West line of the Southeast Quarter of said Section 33, 2,637.19 feet to the Northwest corner of said Southeast Quarter; thence North 00 degrees 15 minutes 51 seconds West along the West line of the

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Northeast Quarter of said Section 33, 2,638.27 feet to the Northwest corner of said Northeast Quarter; thence North 89 degrees 37 minutes 26 seconds East along the North line of said Northeast Quarter, 2,690.13 feet to the Northeast corner of said Northeast Quarter; thence North 00 degrees 32 minutes 08 seconds East, along the East line of the Southeast Quarter of Section 28, Township 52 North, Range 33 West, 2,639.75 feet to the Northeast corner of said Southeast Quarter; thence South 89 degrees 53 minutes 22 seconds East, along the North line of the Fractional Southwest Quarter of Section 27, Township 52 North, Range 33 West (Platte County), 634.01 feet to the Fractional Northeast Quarter of said Section 27 and a point on the East line of Platte County, Missouri and the West line of Clay County, Missouri; thence South 00 degrees 35 minutes 09 seconds West, along the East line of said Fractional Southwest Quarter and along last said County lines, 2649.60 feet to the Northeast corner of the Fractional Northwest Quarter of Section 34, Township 51 North, Range 33 West; thence South 00 degrees 35 minutes 09 seconds West, along the East line of said Fractional Northwest Quarter and along last said County lines, 2635.02 feet to a point on the North line of N.E. 100th Street (Maple Woods Parkway); thence South 89 degrees 44 minutes 54 seconds West, along said North line, 522.43 feet; thence Northwesterly along said North line, along a curve to the left having an initial tangent bearing of North 42 degrees 01 minutes 02 seconds West with a radius of 150.00 feet, a central angle of 29 degrees 30 minutes 51 seconds and an arc distance of 77.27 feet; thence North 89 degrees 19 minutes 31 seconds West, along said North line, 46.00 feet to the East line of the Northeast Quarter of aforesaid Section 33; thence North 00 degrees 36 minutes 36 seconds East, 1,156.61 feet; thence South 89 degrees 42 minutes 31 seconds West, 683.94 feet; thence South 00 degrees 15 minutes 00 seconds East, 1,298.72 feet to the South line of the Northeast Quarter of said Section 33; thence North 89 degrees 45 minutes 22 seconds East, along said South line, 664.44 feet to the Northeast corner of the Southeast Quarter of said Section 33; thence South 00 degrees 44 minutes 42 seconds West, along the East line of said Southeast Quarter and along the centerline of N. Platte Purchase Drive, 2,407.26 feet; thence Southerly along said centerline, along a curve to the right being tangent to the last described course with a radius of 351.33 feet, a central angle of 31 degrees 42 minutes 54 seconds and an arc distance of 194.47 feet; thence South 32 degrees 27 minutes 36 seconds West, along said centerline, 65.73 feet to the North line of the Fractional Northwest Quarter of Section 3, Township 51 North, Range 33 West (Platte County); thence North 89 degrees 44 minutes 04 seconds East, along said North line, 743.64 feet to the Northeast corner of said Fractional Northwest Quarter and a point on the East line of Platte County, Missouri and the West line of Clay County, Missouri; thence South 01 degrees 44 minutes 29 seconds West, along the East line of said fractional Northwest Quarter and along said County lines, 2,540.80 feet to the Northeast corner of the Fractional Southwest Quarter of said Section 3;

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thence South 00 degrees 47 minutes 24 seconds West, along the East line of said Fractional Southwest Quarter and along said County lines, 1,106.73 feet to a point on the Northerly right of way line of Missouri State Highway No. 152 as now established; thence South 75 degrees 32 minutes 42 seconds West, along said Northerly right of way line, 548.22 feet; thence South 47 degrees 36 minutes 56 seconds West, along said Northerly right of way line, 626.42 feet; thence South 41 degrees 07 minutes 10 seconds West, along said Northerly right of way line, 330.06 feet; thence Westerly along said Northerly right of way line, along a curve to the right having an initial tangent bearing of South 64 degrees 18 minutes 53 seconds West with a radius of 3,669.71 feet, a central angle of 26 degrees 28 minutes 49 seconds and an arc distance of 1,696.02 feet; thence North 89 degrees 12 minutes 18 seconds West, along said Northerly right of way line, 516.57 feet to the East line of the Southwest Quarter of Section 4, Township 51 North, Range 33 West; thence North 00 degrees 28 minutes 56 seconds East along said East line, 2,280.66 feet to the Northeast corner of said Southwest Quarter; thence North 89 degrees 44 minutes 57 seconds West along the North line of said Southwest Quarter, 2,005.06 feet to the Easterly line of Genesis Village First Plat, a subdivision of land in said Kansas City; thence South 00 degrees 05 minutes 27 seconds West, along said Easterly line, 280.31 feet to the Southeast corner thereof; thence North 89 degrees 44 minutes 03 seconds West along the Southerly line of said plat and the Westerly extension thereof, 250.00 feet to the Southwesterly right of way line of Tiffany Springs Road as now established; thence Northwesterly along said Southwesterly right of way line, along a curve to the right having an initial tangent bearing of North 52 degrees 07 minutes 00 seconds West with a radius of 3,080.00 feet, a central angle of 09 degrees 08 minutes 40 seconds and an arc distance of 491.57 feet; thence North 42 degrees 58 minutes 20 seconds West along said Southwesterly right of way line, 133.04 feet; thence Westerly along said Southwesterly right of way line, along a curve to the left being tangent to the last described course with a radius of 660.00 feet, a central angle of 72 degrees 18 minutes 30 seconds and an arc distance of 832.93 feet; thence South 64 degrees 43 minutes 10 seconds West along said Southwesterly right of way line, 72.01 feet; thence Westerly along said Southwesterly right of way line, along a curve to the right being tangent to the last described course with a radius of 990.00 feet, a central angle of 65 degrees 53 minutes 01 seconds and an arc distance of 1,138.39 feet; thence North 49 degrees 23 minutes 49 seconds West along said Southwesterly right of way line, 170.85 feet; thence Westerly along said Southwesterly right of way line, along a curve to the left being tangent to the last described course with a radius of 622.00 feet, a central angle of 40 degrees 36 minutes 29 seconds and an arc distance of 440.84 feet; thence North 89 degrees 35 minutes 13 seconds West along said Southwesterly right of way line, 5.01 feet to the Easterly right of way line of Green Hills Road as now established; thence

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South 00 degrees 24 minutes 38 seconds West along said Easterly right of way line, 1,589.32 feet to point on the Easterly extension of the North line of Autumn Ridge First Plat, a subdivision of land in said Kansas City; thence North 88 degrees 12 minutes 46 seconds West, 506.78 feet; to the Northeast corner of said plat; thence South 37 degrees 04 minutes 30 seconds East along the Easterly line of said plat, 689.06 feet to the Westerly right of way line of aforesaid Green Hills Road; thence South 06 degrees 44 minutes 57 seconds West, along said Westerly right of way line, 222.81 feet; thence South 00 degrees 24 minutes 33 seconds West, along said Westerly right of way line, 66.43 feet; thence South 13 degrees 31 minutes 45 seconds West, along said Westerly right of way line, 81.69 feet to the Southerly right of way line of N.W. 88th Street as now established; thence North 88 degrees 08 minutes 52 seconds West, along said Southerly right of way line, 475.42 feet; thence Westerly along said Southerly right of way line, along a curve to the left being tangent to the last described course with a radius of 1,420.00 feet, a central angle of 05 degrees 52 minutes 11 seconds and an arc distance of 145.47 feet; thence South 85 degrees 58 minutes 57 seconds West, along said Southerly right of way line, 51.95 feet; thence Westerly along said Southerly right of way line, along a curve to the right being tangent to the last described course with a radius of 1,380.00 feet, a central angle of 05 degrees 52 minutes 12 seconds and an arc distance of 141.38 feet; thence North 88 degrees 08 minutes 52 seconds West, along said Southerly right of way line, 118.25 feet to the Northeast corner of Lot 2, Prairie Hills North, a subdivision of land in said Kansas City; thence South 00 degrees 23 minutes 53 seconds West, along the Westerly line of said Lot 2, 352.57 feet to a point on the Northerly right of way line of aforesaid Missouri State Highway No. 152; thence South 80 degrees 17 minutes 58 seconds West, along said Northerly right of way line, 204.93 feet; thence North 89 degrees 10 minutes 47 seconds West, along said Northerly right of way line, 1,331.75 feet; thence North 89 degrees 01 minutes 13 seconds West, along said Northerly right of way line, 1,322.44 feet to a point on the East line of the West half of the Southeast Quarter of aforesaid Section 6, Township 51 North, Range 33 West; thence South 00 degrees 25 minutes 27 seconds West, along said East line, 160.32 feet to the centerline of said Missouri State Highway No. 152; thence North 89 degrees 00 minutes 06 seconds West, along said centerline, 1,322.65 feet to the East line of the Southwest Quarter of Section 7, Township 51 North Range 33 West; thence South along said East Line to the Northeast corner of the Northwest Quarter of Section 7; thence South along the East line of said Northwest Quarter to the Easterly Extension of the North Lot line of Lot 1, Boardwalk Square Second Plat, a subdivision of land in said Kansas City; thence North 90 degrees 00 minutes 00 seconds West on the North Line of said Lot 1, 295.00 feet to the Northwest corner of said Lot 1; thence South 00 degrees 34 minutes 35 seconds West on the West Line of said Lot 1, 265.00 feet to the North Line of Lot 8, Boardwalk Square; thence North 90 degrees 00

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minutes 00 seconds West on said North Line, 264.55 feet; thence South 51 degrees 30 minutes 00 seconds West on said North Line, 208.83 feet; thence North 90 degrees 00 minutes 00 seconds West on the North Line of Lots 7 and 8, Boardwalk Square, 493.39 feet; thence North 69 degrees 24 minutes 02 seconds West, 284.23 feet to an angle point on the North line of said Lot 7; thence North 90 degrees 00 minutes 00 seconds West on said North Line and its Westerly prolongation to the centerline of Interstate Highway No. 29; thence North and Northwesterly along the centerline of Interstate Highway No. 29 to the intersection with the Southwesterly extension of the Northwest lot line of Lot 12J, Block 12, Executive Hills North Blocks 12 and 26, thence Northeasterly along said Southwesterly extension and along said Northwest Lot line to the Northeastern Lot line of said Lot 12J; thence Southeasterly 138.27 feet along the Northeasterly Lot line of said Lot 12J to the Northwesterly Lot line of Lot 12H, said Block 12, Executive Hills North Blocks 12 and 26; thence Northeasterly along said Northwestern Lot line to the Northern Lot line of said Lot 12H; thence Southeasterly and Northeasterly along the Northern Lot line of said Lot 12H to the centerline of N Executive Hills Boulevard as now established; thence Northwesterly and Northeasterly along said centerline to the centerline of Tiffany Spring Parkway as now established; thence Easterly along the centerline of Tiffany Springs Parkway to the Point of Beginning, said point being the intersection of the centerline of Tiffany Springs Parkway and the centerline of NW Skyview Avenue.

Except all property that is included in the following plats located within the above description: Autumn Ridge First Plat, Autumn Ridge Second Plat, Autumn Ridge Third Plat, Autumn Ridge Fourth Plat, Autumn Ridge Fifth Plat, Autumn Ridge 6th Plat, Autumn Ridge Seventh Plat, Autumn Ridge Eighth Plat, Prairie Hills North, Genesis Place Estates First Plat, Genesis Crossing First Plat, Genesis Village First Plat, Genesis Trails First Plat, Genesis Place First Plat, Fountain Hills First Plat, Fountain Hills Fourth Plat, Fountain Hills Sixth Plat, Fountain Hills Seventh Plat, Tiffany Place First Plat and Tiffany Place Second Plat.

Section 6. That the Commission is authorized to issue obligations in one or more series of bonds secured by the KCI Corridor Tax Increment Financing 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

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Sections 99.800 to 99.865 of the Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 7. That the City Council approves the pledge of all funds that are deposited into the KCI Corridor 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:

Cecilia Abbott
Assistant City Attorney