

ORDINANCE NO. 180124

Accepting the recommendations of the Tax Increment Financing Commission as to the 9th & Main Tax Increment Financing Plan; approving the 9th & Main Tax Increment Financing Plan; and directing the City Clerk to transmit copies of this ordinance.

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, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, passed on June 18, 2015 (collectively, the “Enabling Ordinances”), created the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”); and

WHEREAS, the 9th & Main Tax Increment Financing Plan (the “Plan” or “Redevelopment Plan”) was proposed to the Commission; and

WHEREAS, after all proper notice was given, the Commission met in a public hearing regarding the Redevelopment Plan on January 25, 2018, at which time, after receiving the comments of all interested persons and taxing districts, the Commission approved Resolution No. 1-14-18 (“Resolution”) recommending to the City Council the approval of the Redevelopment Plan and the Redevelopment Project described therein; and

WHEREAS, the Redevelopment Plan provides for the renovation and expansion of an office building located at 850 Main Street, Kansas City, Missouri for use as the headquarters for the McCown Gordon Construction Company. This will include the renovation of approximately 43,000 square feet and construction of approximately 6,500 square feet of new office space (the “Project Improvements”). The Plan further provides for the construction of such other public infrastructure improvements, which may consist of streetscape, signage, signaling, sidewalks and curbs and such other related public infrastructure improvements that support and enhance the Project Improvements; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission concerning the Redevelopment Plan as set forth in the Resolution are hereby accepted and the Redevelopment Plan is hereby approved and adopted as valid.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Section 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”).

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

All that part of Lot 194, Ross & Scarritt's Addition and a part of Government Lot 2 of the Northwest Quarter of Section 5, Township 49, Range 33, all being in Kansas City, Jackson County, Missouri, described as follows: Beginning at the Northwest corner of 9th Street and Main Street; thence South 90 ° 00' 00" West, along the North line of 9th Street, 133.51 feet; thence North 00 degrees 01 minutes 56 seconds West, 159.83 feet; thence North 89 degrees 58 minutes 04 seconds East 71.95 feet; thence North 00 degrees 01 minutes 56 seconds West 14.01 feet; thence North 89 degrees 58 minutes 04 seconds East, 22.89 feet; thence North 00 degrees 23 minutes 00 seconds East 101.66 feet to the South line of 8th Street; thence South 89 degrees 57 minutes 44 seconds East 19.31 feet to the Westerly line of Main Street; thence Southerly along a curve to the left, a radius of 448.00 feet and an arc length of 97.50 feet; thence South 07 degrees 03 minutes 36 seconds East 97.93 feet; thence Southerly along a curve to the right a radius of 699.00 feet and an arc length of 73.06 feet; thence South 01 degrees 04 minutes 17 seconds East, 8.21 feet to the Point of Beginning, and shown as Tract 2 on the Survey recorded July 20, 2011, as Document No. 2011E0066677, in Survey Book S-12 at Page 95.

Section 4. That the Council hereby finds that:

- (a) The Redevelopment Area as a whole is a conservation area, as defined by the Act. A Conservation Study undertaken by JLL Valuation & Advisory Services, LLC, attached as Exhibit 11 to the Redevelopment Plan, provides evidence that fifty percent (50%) or more of the structures in the Redevelopment Area have an age of thirty-five (35) years or more and the Redevelopment Area is not yet a blighted area but, nonetheless, is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of the following factors: obsolescence, overcrowding structures and community facilities, excessive land coverage, deleterious land layout and depreciation of physical maintenance and;
- (c) 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;
- (d) The Redevelopment Plan conforms with the City's current comprehensive plan (FOCUS Plan) and the implementation of the Redevelopment Plan will not change the existing zoning for the Redevelopment Project Area.

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The Redevelopment Project shall be subject to the applicable provisions of the City's Zoning Ordinance as well as other codes and ordinances as may be amended from time to time.

- (e) The area selected for the Redevelopment Project includes only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project improvements;
- (f) The estimated date of completion of the 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 adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area;
- (g) A plan has been developed for relocation assistance for businesses and residences;
- (h) A cost-benefit analysis showing the impact 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; and
- (i) The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

Section 5. That the Commission is authorized to issue obligations in one or more series of bonds secured by the 9th & Main 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 stake all such further actions as are reasonably necessary to achieve the objectives of the Redevelopment Plan pursuant to the power delegated to it in the Enabling Ordinances. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 and 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 6. That pursuant to the provisions of the Redevelopment Plan, the City Council approves the pledge of economic activity taxes generated from the Redevelopment Project that are deposited into the 9th & Main Account of the Special Association Fund to the payment of Redevelopment Project Costs identified by the Redevelopment Plan and authorizes the Commission to pledge such funds on its behalf.

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Section 7. That the City Clerk shall send a copy of this ordinance to the County Clerk and County Executive of Jackson County, Missouri.

Approved as to form and legality:

Brian Rabineau
Assistant City Attorney