

RESOLUTION NO. 120713

Consenting to the minor modification of the Blue Valley Area General Development Plan by the Planned Industrial Expansion Authority of Kansas City, Missouri.

WHEREAS, the Planned Industrial Expansion Authority of Kansas City, Missouri is a public body created pursuant to Ordinance No. 34677 (“Authority”) adopted by the City Council of Kansas City, Missouri (“Council”) on February 9, 1968, in accordance with Section 100.300-100.620, RSMo (the “PIEA Law”); and

WHEREAS, pursuant to the PIEA Law, the Authority did prepare and approve the Blue Valley General Development Plan (“Plan”) for the 2,620 acres of property generally bounded by the Big Blue River on the north, 43rd Street (extended) on the south, I-435 and the City of Independence on the east, and the Big Blue River and Missouri Pacific Railroad on the west (“Plan Area”); and

WHEREAS, on October 29, 2009, the Council did, by its Ordinance No. 090818 approve said Plan; and

WHEREAS, as adopted by the Council, the Plan contained provisions limiting RSMo Chapter 353 tax abatement incentives until such time as a Community Improvement District was approved in the Plan Area and also restricted the Authority’s use of its power of eminent domain; and

WHEREAS, considering the extraordinary redevelopment challenges that the Plan Area poses, the provisions of the Plan that limit tax abatement incentives and the Authority’s powers of eminent domain act as a deterrent to efforts to redevelop the Plan Area, cure blight and promote the public health and safety; and

WHEREAS, on May 30, 2012, the Authority adopted Resolution No. 1501 authorizing modifications to the Plan to remove the restriction limiting RSMo Chapter 353 tax abatement under the Plan, delete requirements for the establishment of a Community Improvement District, and remove limitations and restrictions on the Authority’s use of eminent domain; and

WHEREAS, the Council concurs with and consents to the modification of the Plan by the Authority; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council hereby states its concurrence with and consent to the modification of the Blue Valley Area General Development Plan by striking the following paragraphs on page 36 of the Plan:

“An incentive program combining the creation of a community improvement district (CID) and tax abatement aims to further enhance the

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possibility for successful revitalization of the Planning Area by increasing private investment through a self-imposed property tax or assessment and/or a sales tax that could be used for necessary services and improvements within the Planning Area.

For the first three years after the Plan is approved, and before the CID is approved, a representative from Blue Valley Association shall be required to present a status report on the progress of the CID process every six months. Should the CID not be established within three years of Plan approval, all future tax abatement assistance from the PIEA will be limited to a maximum of 50% for ten years thereafter, unless the Plan is amended otherwise by the PIEA. Upon establishment of the CID, the potential maximum amount of tax abatement allowed under the PIEA law shall be made available.”

Section 2. That the City Council hereby states its concurrence with and consent to further modification of the Blue Valley Area General Development Plan by striking the following paragraphs on page 37 of the Plan:

“The PIEA does not anticipate exercising the power of eminent domain within the Planning Area, except possibly to clear title, and will limit the use of eminent domain to five (5) years from the date of approval of the Plan. Should eminent domain be necessary to acquire real property in the future, the Plan shall be amended and require approval of the PIEA and the City Council”.

and adding a new Paragraph in its place, to read as follows:

“The PIEA will use eminent domain to acquire property and clear title. The use of eminent domain will be limited to a term of five (5) years from the date of approval of the Plan or any subsequent modifications to the Plan by the City Council. Should eminent domain be necessary to acquire real property beyond that time frame, the Plan shall be amended and require approval of the PIEA and the City Council”.

Section 3. That the Council finds that this modification is minor and does not substantially change the Plan as previously approved by the PIEA or the City Council, or the nature of the contemplated development.

Section 4. That this Resolution takes effect immediately upon its adoption.