

ORDINANCE NO. 071212

Accepting the recommendations of the Tax Increment Financing Commission as to the Second Amendment to the West Edge Tax Increment Financing Plan and approving the Second Amendment to the West Edge Tax Increment Financing Plan.

WHEREAS, 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, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on April 17, 2003, the City Council passed Ordinance No. 030397 which accepted the recommendations of the Commission as to the West Edge Tax Increment Financing Plan (the "Redevelopment Plan");

WHEREAS, on June 30, 2005, the City Council passed Committee Substitute for Ordinance No. 050776 which (1) terminates the existing Project Area 1; (2) adds a new Project Area 1 to provide for approximately 228,000 square feet of class A office space (which includes approximately 203,000 square feet of occupied office space, an eight-floor atrium, an approximately 261-seat auditorium, and an icon museum) and approximately 26,785 square feet of retail space; (3) adds a new Project Area 4 to provide for a 100-135 room boutique hotel and approximately 9,100 square feet of retail space; (4) provides for an approximately 1056-space underground parking garage for Project Areas 1 and 4 as well as for use by the surrounding neighborhoods; and (5) revises the budget and other information within the plan that are inconsistent with the First Amendment; and

WHEREAS, a second amendment to the Redevelopment Plan entitled the Second Amendment to the West Edge Tax Increment Financing Plan (the "Second Amendment") was proposed to the Commission; and

WHEREAS, said 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, closed said public hearing on October 10, 2007, adopted Resolution No. 10-19-07 (the "Resolution") recommending that the City Council approve the Second Amendment; and

WHEREAS, the Second Amendment alters the plan by amending the estimated redevelopment costs as approved in the First Amendment by adjusting the line items therein; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The recommendations of the Commission concerning the Second Amendment as set forth in the Resolution attached hereto as Exhibit A are hereby accepted and the Second Amendment, a copy of which is attached hereto as Exhibit B, is

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hereby approved and adopted as valid and the Redevelopment Projects contained therein is hereby authorized.

Section 2. 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").

Section 3. The Council hereby finds that:

- (a) Good cause has been shown for amendment of the Redevelopment Plan, and that the findings of the Council in Ordinance No. 030397 and Committee Substitute for Ordinance No. 050776 are not affected by the Second Amendment and apply equally to the Second Amendment;
- (b) The Redevelopment Area is a conservation area, as a whole, and 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, as amended, and the Second Amendment;
- (c) The Redevelopment Plan, as amended, confirms to the comprehensive plan for the development of the City as a whole;
- (d) The areas selected for Redevelopment Projects include only those parcels of real property and improvements therein which will be directly and substantially benefited by the Redevelopment Project improvements;
- (e) The estimated dates of completion of the respective Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan, as amended, and are not more than 23 years from the adoption 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 showing the impact of the Second 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;
- (h) The Second Amendment does not include the initial development or redevelopment of any gambling establishment.
- (i) A blight study has been completed and the findings of such study satisfy the requirements provided under subdivision (1) of Section 99.805, RSMo.

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Section 4. The Commission is authorized to issue obligations in one or more series of bonds secured by the West Edge Account of the Special Allocation Fund to finance Redevelopment Project Costs within the Redevelopment Area, as amended, 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, as amended, 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 Sections 99.800 and 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. Pursuant to the provisions of the Redevelopment Plan, as amended the City Council approves the pledge of all funds generated from Redevelopment Projects that are deposited into the West Edge Account of the Special Association Fund to the payment of Redevelopment Project Costs within the Redevelopment Area, as amended, and authorizes the Commission to pledge such funds on its behalf.

Approved as to form and legality:

Heather A. Brown
Assistant City Attorney