

BILL NO. 19-26

AN ORDINANCE APPROVING THE PETITION FOR ESTABLISHMENT OF THE SUMMIT ORCHARDS COMMUNITY IMPROVEMENT DISTRICT, AND APPROVING A COOPERATIVE AGREEMENT TO IMPLEMENT THE DISTRICT.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and,

WHEREAS, the City of Lee's Summit, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and,

WHEREAS, property owners within the proposed community improvement district have filed with the Lee's Summit City Clerk (the "City Clerk") a petition for the establishment of a community improvement district pursuant to the CID Act (the "Petition"), entitled the Petition for the Establishment of the Summit Orchards Community Improvement District (the "District"); and,

WHEREAS, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and ,

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and,

WHEREAS, all the real property included in the District is entirely located within the City of Lee's Summit; and,

WHEREAS, on February 19, 2019, the City Council held a public hearing, after notice in accordance with the CID Act, at which all persons interested in the formation of the District were allowed an opportunity to speak; and,

WHEREAS, the Petition to establish the District being fully heard before the City Council, the City now desires to establish the District and make such other findings as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

SECTION 2. The City Clerk has verified that the Petition substantially complies with all submission requirements of the CID Act.

SECTION 3. The District is hereby approved and shall be established within the City as a political subdivision of the State of Missouri, as provided in the Petition, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. The District includes the contiguous tracts of real estate as described in the attached Petition and shown on the map set forth in the attached Petition.

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SECTION 4. As set forth in the Petition, the District shall be governed by a board of directors consisting of five (5) members, with the initial members being named in the Petition and whose successors shall be appointed as provided in the Petition.

SECTION 5. The District's Board of Directors shall have authority to establish a sales tax within the District as set forth in the Petition and in conformance with the CID Act.

SECTION 6. The District shall have and possess such powers authorized under the CID Act, as limited in the Petition.

SECTION 7. The life of the District shall begin on the effective date of this Ordinance and shall continue until (i) reimbursement of all CID reimbursable costs with interest as set forth in the cooperative agreement that is approved by this Ordinance, or (ii) thirty (30) years from the date of this Ordinance. The District may be terminated prior to the stated expiration date in accordance with the provisions of the CID Act and the terms and conditions of a cooperative agreement between the City and the District.

SECTION 8. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the "Department") the report specified in subsection 6 of Section 67.1421 of the CID Act, substantially in the form provided by the Department.

SECTION 9. The Cooperative Agreement which is attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), is hereby approved and the City Manager is authorized and directed to execute the Agreement in substantial compliance with the attached Agreement.

SECTION 10. City officers and agents of the City are each hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 11. Ordinance No. 8404, which approved a previous community improvement district (the "2018 District") for certain property within the District, is hereby repealed and declared to be null and void. The Council hereby finds that Section 9 of Ordinance No. 8404, which required the execution of a cooperative agreement within 6 months after the effective date of that ordinance, was not satisfied and therefore serves as the basis to repeal Ordinance No. 8404. The City Clerk and other City employees and officials are hereby authorized to notify the Department about the repeal of Ordinance No. 8404 and the termination of the 2018 District for failure to take the steps needed to execute a cooperative agreement when required by Ordinance No. 8404, and to take all other actions as necessary to complete the termination of the 2018 District.

SECTION 12. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 13. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

**EXHIBIT A
CID PETITION**

[Attached]

EXHIBIT B
COOPERATIVE AGREEMENT

[Attached]