

BILL NO. 24-060

AN ORDINANCE APPROVING THE PETITION FOR ESTABLISHMENT OF THE BAYBERRY CROSSING COMMUNITY IMPROVEMENT 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 Bayberry Crossing 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WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and,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 March 26, 2024, 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 City Council hereby finds and reaffirms that the property within the District is a Blighted Area as defined in the CID Act.

A. The City Council passed Ordinance No. 7472 on June 5, 2014, declaring that certain properties along the Highways 50 and 291 arterial corridors in the City are blighted areas as that

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term is defined in the Land Clearance for Redevelopment Authority Act set forth in Chapter 99 of the Revised Statutes of Missouri. The definition of “blighted area” under the LCRA Act is identical to the definition of “blighted area” in the CID Act. The City Council hereby reaffirms the blight finding that was made through the adoption of Ordinance No. 7472, and finds that the property within the proposed District is a blighted area as defined in the CID Act.

B. The District may exercise the additional powers granted by the CID Act within the District to remediate the blighting conditions, which is to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner and to expend its revenues or loan its revenues pursuant to a contract entered into by the District to remediate the blighting conditions.

SECTION 4. 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.

SECTION 5. 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 6. 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 7. The District shall have and possess such powers authorized under the CID Act, as limited in the Petition.

SECTION 8. The life of the District shall begin on the effective date of this Ordinance and shall continue until the earlier of: (i) reimbursement of all CID reimbursable costs with interest as set forth in the cooperative agreement discussed in Section 9 below; or (ii) twenty-seven (27) years from the date that this ordinance is approved. The District may be terminated prior to the stated expiration date in accordance with the provisions of the CID Act.

SECTION 9. 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 10. Approval of the Petition and the District by this Ordinance is conditioned upon the District entering into a cooperative agreement with the City, upon terms and conditions mutually acceptable to the City and District, which provides for implementation of the District, maintenance of the public improvements that are funded by the District, the process for reimbursement of eligible District costs and expenses and other matters as mutually determined by the City and District. No payment or reimbursement of District costs and expenses shall occur and no disbursement of District revenues shall occur until the cooperative agreement is approved and executed by the City and the District. Failure of the District to enter into such agreement within six (6) months following the effective date of this Ordinance shall nullify and render void the approvals granted in this Ordinance upon such declaration by the City Council.

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SECTION 11. 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 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.

PASSED by the City Council for the City of Lee's Summit, Missouri, this _____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

Trisha Fowler Arcuri, City Clerk

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

**EXHIBIT A
CID PETITION**

[Attached]