

CEDAR CREEK LCRA REDEVELOPMENT PLAN

**LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF LEE'S SUMMIT, MISSOURI**

NOVEMBER 24, 2020

1. City's Previous Blight Finding

In June of 2014, the City Council adopted Ordinance 7472, which determined that certain real property within the Missouri Highway 291 and US Highway 50 corridors was blighted and designated a land clearance for redevelopment authority urban renewal area, to be known as the "US 50 / M-291 Highway Urban Renewal Area." Ordinance 7472 is attached hereto as Exhibit 1.

2. Purpose Of This Redevelopment Plan

This Redevelopment Plan has been prepared in accordance with the Land Clearance for Redevelopment Authority Act which is set forth in Sections 99.300 through 99.660 of the Revised Statutes of Missouri (the "LCRA Act") for the redevelopment of the property (the "Property") which is legally described on Exhibit 2 attached hereto and depicted on Exhibit 3 attached hereto. The Property is located within the "US 50 / M-291 Highway Urban Renewal Area." The purpose of this LCRA Redevelopment Plan is to:

- carry out the policy statement of the LCRA Act which is set forth in Section 99.310, RSMo, and more particularly to renovate, redevelop, and otherwise improve the Property to cure the blighted conditions which exist on the Property; and
- provide sales tax exemption on construction materials.

The mechanism to achieve these purposes is to establish public ownership during the construction of improvements on the Property and for Developer to receive and use a sales tax exemption certificate for the purchase of construction materials that are used in the construction of the improvements. This LCRA Redevelopment Plan satisfies the requirements of the LCRA Act, and the items set forth below follow and discuss the requirements of a "redevelopment plan" as defined in the LCRA Act.

3. Description of the Project

This LCRA Redevelopment Plan provides for the renovation, redevelopment, and improvement of the Property, which is generally located in the southwest and northwest quadrants of the SW 3rd Street and U.S. 50 intersection in Lee's Summit, Missouri. The Property is legally described on Exhibit 2 attached hereto and depicted on Exhibit 3 attached hereto. More specifically, the Project will consist of design, development, construction, and financing of site and building improvements to the Cedar Creek Shopping Center, which consists of approximately 70,000 square feet of inline commercial space and accompanying site improvements (the "Shopping Center"), and the vacant commercial building previously occupied by Pizza Hunt (located at 1103 SW Oldham Parkway) and accompanying site improvements (the "Outlot"). An initial site plan and renderings of portions of the Project are attached hereto as Exhibit 4. A general estimated Project budget is attached hereto as Exhibit 5.

4. Description of the Parties

The Developer and Affiliated Companies. Enterprises Cedar Creek, LLC and LSPH Investors LLC (collectively, the "Developer") are limited liability companies organized and existing under the laws of the State of Missouri. The benefitting companies will be the Developer and other affiliated entities of Developer. During the period of City ownership, the Developer will lease the Property from the City pursuant to a lease agreement (the "Lease Agreement") that will be approved by the City Council.

City of Lee's Summit, Missouri. The City is a constitutional home rule charter city and municipal corporation organized and existing under the laws of the State of Missouri. The City will lease the property to Developer during the construction period pursuant to the Lease Agreement.

5. Power and Authority Under the LCRA Act

The LCRA and the City are authorized and empowered pursuant to Section 99.420, RSMo, and other provisions of the LCRA Act, to exercise the following powers which are relevant to this LCRA Redevelopment Plan:

- The LCRA may prepare redevelopment plans and recommend approval to City Council – “To prepare or cause to be prepared and recommend redevelopment plans and urban renewal plans to the governing body” (99.420(2))
- Build and repair public improvements – “To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a land clearance project or urban renewal project” (99.420(3))
- Acquire, buy, sell, mortgage and lease real estate and execute contracts for real estate – (4) “Within its area of operation, to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest therein, including fee simple absolute title, together with any improvements thereon, necessary or incidental to a land clearance project or urban renewal project *** to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property and with other public agencies containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the redevelopment or urban renewal plan *** and to enter into any contracts necessary to effectuate the purposes of this law...” (99.420(4))
- Approve plans for redevelopment of existing structures – “To make plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements” (99.420(6))
- Hold public hearings – “Acting through one or more commissioners or other persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information” (99.420(9))
- Spend public funds – “To make such expenditures as may be necessary to carry out the purposes of this law” (99.420(12))
- City Council can exercise all LCRA powers after delegation by LCRA – “To delegate to a municipality or other public body any of the powers or functions of the authority with respect to the planning or undertaking of a land clearance project or urban renewal project in the area in which the municipality or public body is authorized to act, and the municipality or public body is hereby authorized to carry out or perform such powers or functions for the authority” (99.420(13))
- Exercise general municipal powers to implement the redevelopment plan – The LCRA has “all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this law” (Section 99.420, introductory clause) and may “exercise all powers or parts or combinations of powers necessary, convenient or appropriate to undertake and carry out land clearance,

redevelopment and urban renewal plans and projects and all the powers herein granted.”
(99.420(14))

Other grants of power and authority under the LCRA Act may become applicable to the implementation of this LCRA Redevelopment Plan. The LCRA Act defines “redevelopment plans” and “urban renewal plans” and the definition of these terms in Section 99.320, RSMo, each cross-reference the other definition. All of the procedural requirements and legal authority for each type of plan apply to LCRA redevelopment plans.

6. Requirements of the LCRA Act

Section 99.430, RSMo, requires that each LCRA redevelopment plan must contain certain data and information. This section sets forth the several statutory requirements for a redevelopment plan under the LCRA Act along with information to satisfy such requirements.

Relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements.

Appropriate land uses. The Property will continue to be used as a commercial shopping center and outlet building, consistent with the City’s Comprehensive Plan.

Improved traffic. The Project includes reconfiguring the parking lot and associated private drives of the Shopping Center which are designed to provide more efficient traffic circulation.

Public transportation. The Project is not anticipated to have any effect on public transportation.

Public utilities. The replacement of the Shopping Center’s parking lot lighting with LED fixtures will increase the lighting’s energy efficiency and thereby reduce the Property’s electrical consumption.

Recreational and community facilities and other public improvements. The Project includes activating a tract of open space in the southwest corner of the Shopping Center as an outdoor amenity space for the public when patronizing the Shopping Center (or possibly one particular tenant within the Shopping Center, to be determined by the Developer).

Boundaries of the land clearance or urban renewal project area, with a map showing the existing uses and condition of the real property therein

See Exhibit 2 and Exhibit 3 attached hereto.

A land use plan showing proposed uses of the area

All land uses within the Property will continue to be restaurant, retail, services, and other commercial uses. An aerial of the Property is attached hereto as Exhibit 3, and an initial site plan is attached hereto as Exhibit 4.

Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment or urban renewal

The Project does not affect these items.

Statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances

Other than reconfiguring the parking lot and associated private drives of the Shopping Center which are designed to provide more efficient traffic circulation, the Project does not propose changes to any of these items.

Statement as to the kind and number of additional public facilities or utilities which will be required in the area after redevelopment or urban renewal

No additional public facilities or utilities will be required in the area after redevelopment or urban renewal.

A schedule indicating the estimated length of time needed for completion of each phase of the plan

The Project will occur in a single phase. The anticipated commencement date for construction of the project is early 2021, with a completion target in early 2022.

Submission to the City's planning agency for a determination as to whether the Redevelopment Plan is consistent with the Comprehensive Plan

A proposed revised Final Development Plan has been submitted to the City's Development Services Department.

The City's Comprehensive Plan identifies the Property as "retail," which the Project will continue to utilize as the predominant land use, along with restaurant, services, and other commercial uses.

A statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment or urban renewal of the land clearance or urban renewal project area

Developer had purchased the Property.

The estimated proceeds or revenues from its disposal to redevelopers

The Property will initially be acquired by Developer and then transferred for nominal consideration to the City for the Lease Agreement period. As a result, the LCRA and the City will not be disposing of the Property to other redevelopers.

A statement of the proposed method of financing the project

The Project is anticipated to be initially financed with private debt and equity. Over time, CID sales tax revenues will then reimburse Developer for a portion of the Project costs.

A statement of a feasible method proposed for the relocation of families to be displaced from the land clearance or urban renewal project area

Not applicable to this Project.

7. Statement of Financial Benefit; Estimated Cost to City of Sales/Use Tax Exemption

The total cost of the Project is estimated to be approximately \$3,496,000 (exclusive of land and permanent financing costs). Building materials purchased for the construction of the Project are expected to be exempt from sales and use tax pursuant to the provisions of Section 144.062, RSMo. The estimated sales tax exemption benefit that would be the result of this LCRA Redevelopment Plan is set forth below:

Est. Project Hard Costs	\$2,780,000
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Est. Materials Portion	\$1,251,000
Est. Sales/Use Tax Savings	\$98,203

This financial benefit is approximately **2.81%** of the total project costs (exclusive of land and permanent financing costs).

The estimated cost to the City of the sales/use tax exemption is \$10,257, the details of which are set forth below.

Total Construction Budget	\$	2,780,000	
Materials Percentage		45%	
Materials Amount	\$	1,251,000	
City		6%	\$ 80,239
Jackson County (outside City)		24%	\$ 304,544
Missouri (outside JACO)		39%	\$ 486,905
Outside Missouri		30%	\$ 375,665
City Sales Tax Rate		2.25%	
City Use Tax Rate		2.25%	
City Sales Taxes Exempted	\$	1,805.38	\$ 10,257
City Use Taxes Exempted	\$	8,452.46	

EXHIBIT 1
ORDINANCE NO. 7472

[SEE ATTACHED]

EXHIBIT 2

LEGAL DESCRIPTION OF THE PROPERTY

“Parcel 1”

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 47, RANGE 32, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE N 89°55'30" W ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 765.72 FEET; THENCE S 00°04'30" W A DISTANCE OF 12.05 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 3RD STREET, AS ESTABLISHED BY QUIT-CLAIM DEED RECORDED AS DOCUMENT NO. 802024; THENCE S 00°48'52" E A DISTANCE OF 80.00 FEET; THENCE IN A SOUTHERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 572.96 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 78.06 FEET; THENCE CONTINUING IN A SOUTHERLY DIRECTION ALONG SAID CURVE, AN ARC DISTANCE OF 21.94 FEET; THENCE S 10°48'52" E, TANGENT TO SAID CURVE, A DISTANCE OF 120.00 FEET; THENCE N 79°11'08" E, A DISTANCE OF 78.54 FEET; THENCE IN AN EASTERLY AND SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 319.31 FEET; THENCE S 27°38'01" E, TANGENT TO THE LAST SAID CURVE, A DISTANCE OF 261.56 FEET; THENCE IN A SOUTHEASTERLY AND SOUTHERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 285.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 137.45 FEET; THENCE S 00°00'00" E AND TANGENT TO THE LAST SAID CURVE, A DISTANCE OF 24.05 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE S 00°00'00" E A DISTANCE OF 249.07 FEET; THENCE S 89°57'56" E A DISTANCE OF 147.61 FEET TO THE WEST RIGHT-OF-WAY LINE OF WARD ROAD; THENCE S 00°01'50" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 79.89 FEET; THENCE S 89°59'24" W A DISTANCE OF 147.65 FEET; THENCE S 00°00'00" W A DISTANCE OF 5.08 FEET; THENCE IN A SOUTHERLY AND SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 135.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, A CHORD BEARING OF S 19°28'19" W AND A CHORD DISTANCE OF 90.00 FEET, AN ARC DISTANCE OF 91.76 FEET; THENCE S 00°05'11" E A DISTANCE OF 85.17 FEET; THENCE S 89°59'43" W A DISTANCE OF 564.22 FEET; THENCE IN A WESTERLY, NORTHWESTERLY AND NORTHERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 185.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, A CHORD BEARING OF N 44°58'07" W AND A CHORD DISTANCE OF 261.79 FEET, AN ARC DISTANCE OF 290.83 FEET; THENCE N 00°01'52" W A DISTANCE OF 249.05 FEET; THENCE S 89°57'21" E A DISTANCE OF 187.23 FEET; THENCE N 00°01'58" W A DISTANCE OF 100.10 FEET; THENCE S 89°59'51" E A DISTANCE OF 187.99 FEET; THENCE S 00°01'50" E A DISTANCE OF 30.03 FEET; THENCE N 89°59'39" E A DISTANCE OF 404.07 FEET TO THE POINT OF BEGINNING.

AND

“Parcel 2”

Lot 1, Pizza Hut Addition, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof, except that part conveyed to the City of Lee's Summit by the right-of-way deed recorded as document no. I-667242, in book I-1500 at page 1736.

AND

The SW Ward Road / Oldham Parkway public right-of-way immediately adjacent to and contiguous with the property described and labeled above as “Parcel 1”, continuing north through and including the SW 3rd Street public right-of-way, and the SW 3rd Street public right-of-way therefrom west through and including the SW McClendon Drive public right-of-way, the SW McClendon Drive public right-of-way therefrom northwest through and including its intersection with the property described and labeled above as “Parcel 2”; less and except the fee simple interest in the aforementioned right-of-way for SW Ward Road / Oldham Parkway, SW 3rd Street, and SW McClendon Drive, it being the Petitioners' intent that the legal description for the property within such public right-of-way for SW Ward Road / Oldham Parkway, SW 3rd Street, and SW McClendon Drive only include the City of Lee's Summit's and any other governmental authority's right-of-way interest in such public right-of-way and not the fee simple interest in such public right-of-way.

EXHIBIT 3
DEPICTION OF THE PROPERTY

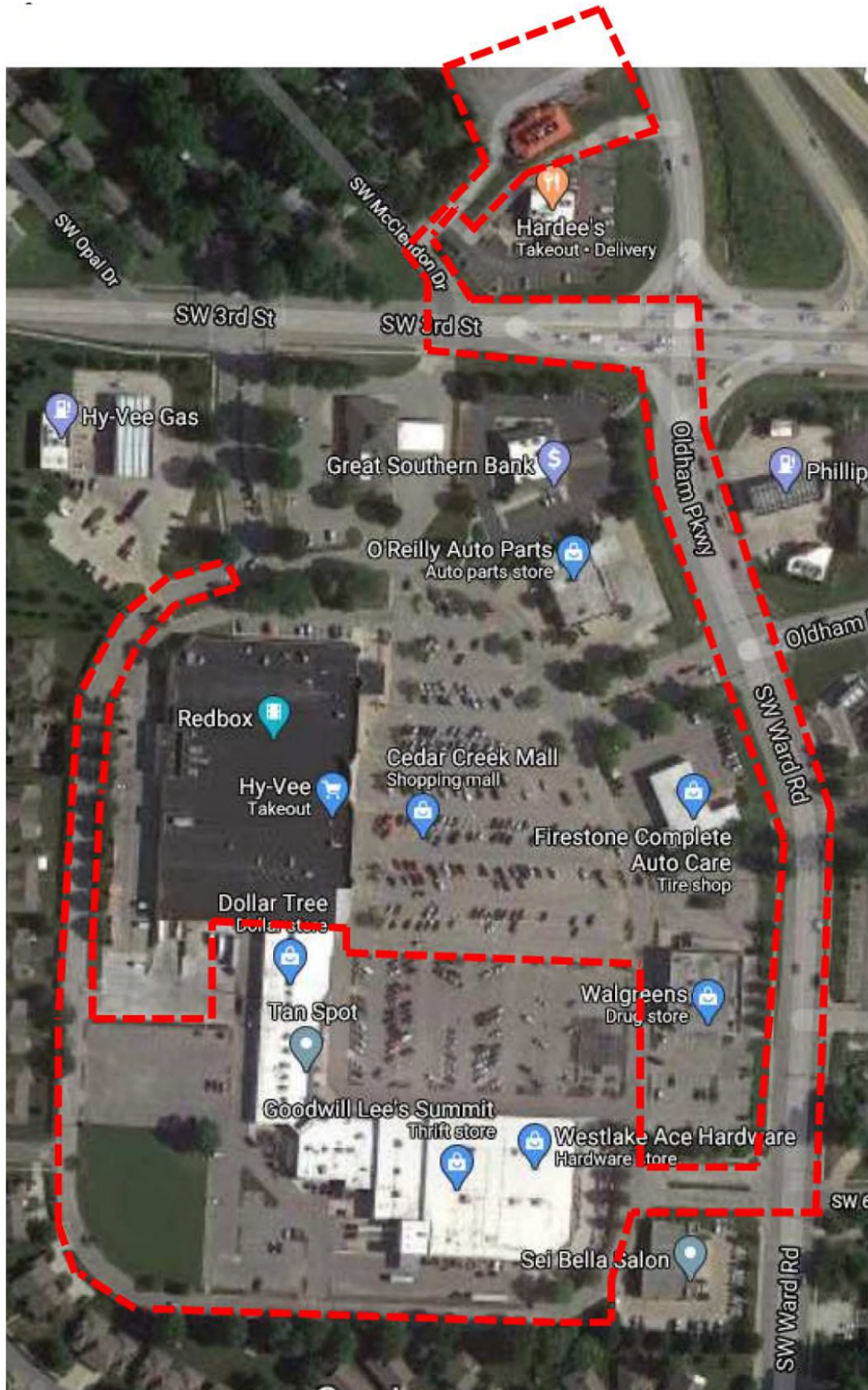
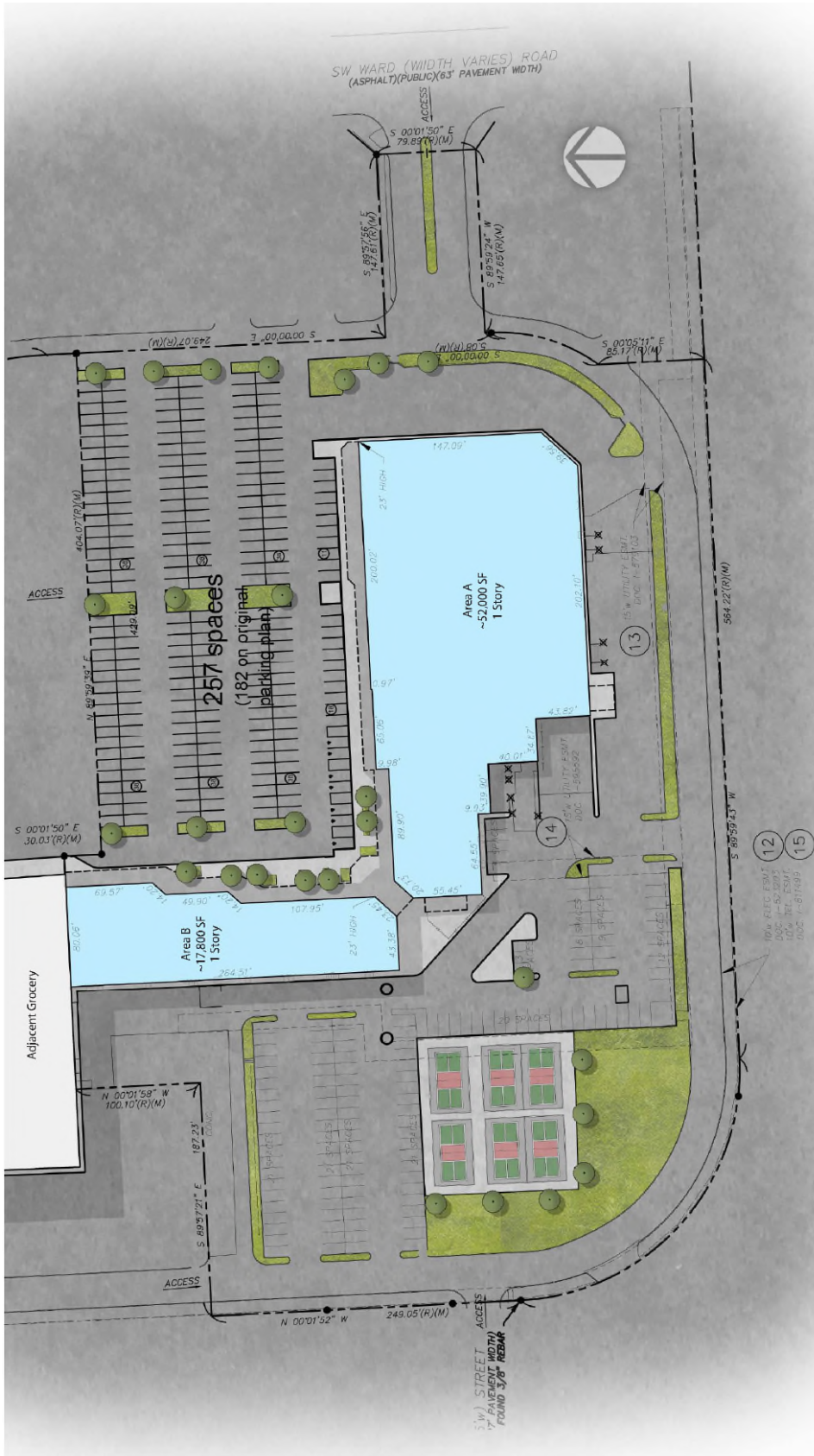


EXHIBIT 4

INITIAL PROJECT RENDERINGS



2
08/25/2020

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION
 This building image shows an approximation of the current design. It is not intended to be used for construction. The design is subject to change without notice. The design is not a contract. For more information, contact the architect or engineer.

Cedar Creek
LEE'S SUMMIT, MISSOURI

brr

Cementitious Panel -
Beige

Existing Brick Restained

EIFS - White

Metal Canopy with
Wood-look Panel Soffit



Cedar Creek | Exterior Perspective
LEE'S SUMMIT, MISSOURI

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION
This rendering is a representation of the proposed design. It is not intended to be used for construction. The rendering shows the building's exterior, including the facade, signage, and landscaping. The rendering is for informational purposes only and does not constitute an offer of any product or service. The rendering is subject to change without notice. © 2020 Lee's Summit, Missouri. All rights reserved.

3
08/25/2020

Cementitious Panel - Grey

Full Size Brick - Burgundy

EIFS - White

Metal Canopy with Wood-look Panel Soffit

Existing Brick Restained

Cementitious Panel - Beige



Cedar Creek | Exterior Perspective
LEE'S SUMMIT, MISSOURI

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION
 This rendering is a conceptual illustration of the proposed design. It is not a final design and is subject to change without notice. The building images may not reflect actual construction. Some items, such as landscaping, furniture, and lighting, are shown for illustrative purposes only and are not intended to represent actual construction. Material availability is not being guaranteed.



Cedar Creek | Exterior Perspective
LEE'S SUMMIT, MISSOURI

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION
 This building design is a representation of the current design. It is not a final design. It is subject to change without notice. It is not intended to be used for construction purposes. It is not intended to be used for construction purposes. It is not intended to be used for construction purposes. It is not intended to be used for construction purposes.



Cedar Creek | Exterior Perspective
LEE'S SUMMIT, MISSOURI

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION
The building images shown are a representation of the current design and are not intended to be used for construction. They are subject to change without notice. Construction materials, finishes, colors, and fixtures are subject to change without notice. Construction materials, finishes, colors, and fixtures are subject to change without notice. Construction materials, finishes, colors, and fixtures are subject to change without notice.

EXHIBIT 5
ESTIMATED PROJECT BUDGET

Redevelopment Project Costs	Estimated Costs	CID Reimbursable
Land Acquisition		
Purchase Price	5,897,323	-
Closing Costs	36,700	-
<i>SUBTOTAL</i>	5,934,023	-
Redevelopment Project Costs		
Main Center Building Façade	1,800,000	1,100,000
Pizza Hutt Building Remodel	300,000	150,000
Parking Lot / Common Area Reconfiguration	350,000	150,000
Landscaping	50,000	29,317
Signage	60,000	35,000
LED Lighting	50,000	35,000
Inspections	20,000	-
TI Allowances	150,000	-
<i>SUBTOTAL</i>	2,780,000	1,499,317
Soft Costs		
Architectural/Engineering/Surveying	125,000	-
Legal	50,000	-
Commissions	80,000	-
<i>SUBTOTAL</i>	255,000	-
Financing Costs		
Bank Charges & Financing Fees	30,000	-
Construction Interest [^]	-	-
<i>SUBTOTAL</i>	30,000	-
Miscellaneous Costs		
Construction Management/Development Fee	231,000	-
Contingency	200,000	-
<i>SUBTOTAL</i>	431,000	-
TOTAL	\$ 9,430,023	\$ 1,499,317

15.90%

*Costs are net of sales tax based on LCRA TEC.

[^]Construction and permanent interest on reimbursable costs are reimbursable under the Petition and Development Agreement/Cooperative Agreement.