

BILL NO. 19-145

AN ORDINANCE APPROVING THE REDEVELOPMENT PLAN FOR THE PRINCETON REDEVELOPMENT AREA PURSUANT TO THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY ACT.

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, pursuant to the Land Clearance for Redevelopment Act set forth in Sections 99.400 through 88.715, RSMo ("**LCRA Act**"), Lee's Summit Senior Community, LLC (the "Developer"), a single purpose entity managed by O'Reilly Development Company, LLC, based in Springfield, Missouri submitted the Redevelopment Plan for the Princeton Redevelopment Area to the City (the "**Redevelopment Plan**"); and,

WHEREAS, on June 26, 2019 after due notice in accordance with applicable laws, the Land Clearance for Redevelopment Authority Board of Commissioners (the "**LCRA**") considered the Redevelopment Plan at a public meeting, at which all interested persons were afforded an opportunity to make comments and be heard regarding adoption of the Redevelopment Plan, and thereafter the LCRA Board of Commissioners adopted Resolution 2019-23 which recommended that the City Council approve the Redevelopment Plan, make the required findings to adopt the Redevelopment Plan, designate Developer as the developer of record for the Redevelopment Plan, and delegated to the City all of the authority, powers and functions of the LCRA as granted to the LCRA under the LCRA Act with respect to the planning and undertaking of the LCRA Plan and the land clearance project authorized therein within the Redevelopment Area, and the City will thereby be authorized to carry out and perform such authority, powers and functions for the LCRA; and,

WHEREAS, on July 9, 2019, at a public hearing of the City Council, after the issuance of proper notice of the consideration of this issue and after all parties in interest were provided the opportunity to be heard, the City Council considered the Redevelopment Plan, the recommendation of the LCRA, the recommendations of City staff and consultants and considered the public objections, protests, comments and other evidence; and,

WHEREAS, having heard and considered the objections, protests, comments and other evidence adduced at the meeting, the evidence and testimony submitted at the LCRA public meeting, the recommendation of the LCRA and the recommendation of City staff, the City Council desires to approve the Redevelopment Plan.

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

SECTION 1. The Redevelopment Plan, a copy of which is on file in the Office of the City Clerk, is hereby approved and adopted. In the event of any conflict or inconsistency between the Redevelopment Plan and this Ordinance, the provisions of this Ordinance shall control.

SECTION 2. The tract of land legally described in **Exhibit A** of this Ordinance is hereby designated as the Redevelopment Area for the Redevelopment Plan.

BILL NO. 19-145

SECTION 3. The tract of land legally described in **Exhibit B** of this Ordinance is hereby designated as the Redevelopment Project Area to be implemented by the Developer.

SECTION 4. The City Council hereby finds that:

- A. The LCRA Plan sets forth all required elements of a “Redevelopment Plan” and an “urban renewal plan” as required by the LCRA Act, and the redevelopment work described in the LCRA Redevelopment Plan qualifies as an “urban renewal project” under the LCRA Act;
- B. The Redevelopment Area remains a blighted area as previously determined by the City Council, in that:

- 1. The City Council found that the Redevelopment Area, as a parcel in the larger area in the vicinity of Todd George Road / Ranson Road and Highway 50, is a blighted area pursuant to the LCRA Act through the adoption of Ordinance No. 6551 on December 13, 2007.

- 2. The LCRA Plan is also accompanied by the Blight Study that was relied upon for the City Council to make the blight finding set forth in Ordinance No. 6551 on December 13, 2007, demonstrating that the Redevelopment Area is still a blighted area as such term is defined in Section 99.805(1), RSMo, due to the high cost of infrastructure to serve the Redevelopment Area and that the property is an economic liability in its present condition and use.

- C. Redevelopment of the Redevelopment Area is necessary and in the interests of the public health, safety, morals and welfare of the residents of the City;

- D. The LCRA Plan is in conformance with the Comprehensive Plan of the City based on the following:

- 1. The current zoning of the Redevelopment Area is CP-2, which allows for a wide range of commercial uses including office. The City Council approved Ordinance No. 8612 on April 9, 2019, which approve the Preliminary Development Plan (“**PDP**”) for the proposed Redevelopment Project. As a component of this review, the City Council heard evidence and testimony from Development Center staff that the proposed Redevelopment Project is in conformance with the Comprehensive Plan. The Council’s approval of the PDP is equivalent to a finding that the proposed project is in conformance with the Comprehensive Plan. As a result, the City Council has already determined that the proposed project is in conformance with the Comprehensive Plan through its approval of the PDP for the project.

- 2. The Comprehensive Plan expresses the intent that community and neighborhood activity centers should be developed near intersections of freeways and collector streets. Development of this type should be encouraged where it is appropriate. The Redevelopment Plan will likely lead to an increase in intensity in the area which is consistent with the City’s policies to encourage compact growth through

BILL NO. 19-145

infill development in areas where investments can be made in public services and infrastructure. Furthermore, the Redevelopment Plan will encourage the development of housing that will provide employment opportunities and services for senior housing residents to maintain independent living. This increase in density will spur opportunity for nearby development. Specifically, the acreage located to the east of the Redevelopment Area remains available for appropriate development.

3. The Comprehensive Plan promotes i), the creation of community and neighborhood activity centers at or near the City's major highway and roadway interchanges/intersections, (ii) an increase in employment opportunities in the City, (iii) the prevention of under-utilization or waste of the City's land resources, and (iv) convenient services and shopping. Related specifically to housing, the Plans seeks to "promote housing development that...meet the current housing demand [and] demonstrates a conscious effort for long-term positive impact."

4. The City's Comprehensive Plan, and in particular the Downtown Plan, presents a "workable program" as required by the LCRA Act for this property in that it provides for an official plan of action for effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated and deteriorating areas, and undertaking such activities as may be suitably employed to achieve the objectives of such a program.

SECTION 4. Lee's Summit Senior Community, LLC, is hereby designated as a developer of record for the approximately 12-acre LCRA Redevelopment Project in the Redevelopment Area.

SECTION 5. Approval of the Redevelopment Plan by this Ordinance is conditioned upon the developer of record entering into a redevelopment contract with the City upon terms acceptable to the City to carry out the goals and objectives of the LCRA Redevelopment Plan. The City Manager and his designees are authorized and directed to negotiate a redevelopment contract with the developer of record to implement the Redevelopment Plan. Failure of the developer of record to enter into such contract shall nullify and render void the approvals granted in this ordinance upon such declaration by the City Council.

SECTION 6. The City Council hereby accepts for the City the delegation all of the authority, powers and functions of the LCRA as granted to the LCRA under the LCRA Act with respect to the planning and undertaking of the LCRA Plan and the land clearance project authorized therein within the Redevelopment Area, and the City is hereby authorized to carry out and perform such authority, powers and functions for the LCRA, as delegated to the City by the LCRA pursuant to LCRA Resolution 2019-2 on June 26, 2019.

BILL NO. 19-145

SECTION 7. 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 8. 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 _____, 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

LEGAL DESCRIPTION OF REDEVELOPMENT AREA

All of the Southwest Quarter (SW¼) of Section Ten (10), Township Forty-seven (47), Range Thirty-one (31) in LEE'S SUMMIT, JACKSON County, Missouri lying between the South Right of way line of U.S. Highway 50 and the following described line; beginning at a point of the West line of said Southwest Quarter (SW¼) that is 1008.2 feet South of the Northwest corner thereof, said point being 900 feet South of the center-line of the East bound or South traffic lane of said Highway 50; thence East parallel with said center-line to the East line of said Southwest Quarter (SW¼) EXCEPT all right, title and interest over and across all that part of defendants' real property and real property rights and interest in a tract of land located in the North Half (N½) of the Southwest Quarter (SW¼) of Section Ten (10), Township Forty-seven (47) North, Range Thirty-one (31) West in LEE'S SUMMIT, JACKSON County, Missouri, lying within the widths on the right or Southerly side of the following described Eastbound Route 50 Improvement centerline, to wit: Beginning with a width of 274.3 meters (900 feet) at Station 24+219.758; thence an even width of 274.3 Meters (900 feet) to Station 24+234.8; thence decreasing uniformly to a width of 248.4 Meters (815 feet) at Station 24+240.4; thence decreasing uniformly to a width of 212 Meters (696 feet) at Station 24+248.7; thence decreasing uniformly to a width of 196.6 Meters (645 feet) at Station 24+282.8; thence decreasing uniformly to a width of 190 Meters (623 feet) at Station 24+300; thence decreasing uniformly to a width of 55 Meters (181 feet) at Station 24+525; thence an even width of 55 Meters (181 feet) to Station 24+600; thence decreasing uniformly to a width of 43 Meters (141 feet) at Station 24+650; thence an even width of 43 Meters (141 feet) to Station 24+925; thence increasing uniformly to a width of 45 Meters (148 feet) at Station 24+947; thence decreasing uniformly to a width of 39.1 Meters (128 feet) at Station 24+975.

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA

All that part of the Southwest Quarter of Section 10, Township 47 North, Range 31 West, in the City of Lee's Summit, Jackson County, Missouri, described as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of Section 10, Township 47 North, Range 31 West, said point also lying on the centerline of Westbound U.S. Route 50 right of way, as established in MoDOT Job No. J4P1191, dated 12/14/98; thence South 87 degrees 49 minutes 47 seconds East, along the North line of said Southwest Quarter, and along said centerline, a distance of 2058.21 feet to a point; thence South 02 degrees 10 minutes 13 seconds West, departing said North line and said centerline, a distance of 246.60 feet to a point on the South line of said U.S. Route 50 right of way, as established in said MoDOT Job No. J4P1191, dated 12/14/98, the POINT OF BEGINNING; thence South 87 degrees 48 minutes 47 seconds East, along said South line, a distance of 255.44 feet to a point; thence South 82 degrees 16 minutes 26 seconds East, continuing along said South line, a distance of 72.52 feet to a point; thence North 79 degrees 54 minutes 16 seconds East, continuing along said South line, a distance of 94.02 feet to a point; thence South 87 degrees 48 minutes 47 seconds East, continuing along said South line, a distance of 162.49 feet to a point on the East line of said Southwest Quarter; thence South 02 degrees 13 minutes 14 seconds West, departing said South line, along said East line, a distance of 769.10 feet to the Northeast corner of Princeton Heights 3rd Plat, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence North 87 degrees 51 minutes 04 seconds West, departing said East line, along the North line of said Princeton Heights 3rd Plat, and along the North line of Princeton Heights 2nd Plat, a subdivision in the City of Lee's Summit, Jackson County, Missouri, a distance of 581.97 feet to a point; thence North 02 degrees 13 minutes 14 seconds East, departing said North lines, a distance of 756.49 feet to the POINT OF BEGINNING, containing 442,278 Square Feet or 10.1533 Acres, more or less.