

BILL NO. 24-061

AN ORDINANCE APPROVING THE BAYBERRY CROSSING LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY (LCRA) REDEVELOPMENT PLAN.

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"), Bayberry Crossing Baceline, LLC (the "Developer") submitted the Bayberry Crossing LCRA Redevelopment Plan to the City (the "LCRA Redevelopment Plan"); and,

WHEREAS, on February 28, 2024 after the posting of proper notice of the consideration of this issue and after all parties in interest were provided the opportunity to be heard, the Land Clearance for Redevelopment Authority Board of Commissioners (the "LCRA") considered the LCRA Redevelopment Plan, and thereafter the LCRA adopted Resolution 2024-1, which recommended that the City Council approve the LCRA Redevelopment Plan, make the required findings to adopt the LCRA Redevelopment Plan, designate Developer as the developer of record for the LCRA 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 March 26, 2024, at a public meeting of the City Council, after due notice in accordance with the Act, the City Council held a public hearing at which all interested persons were afforded an opportunity to make comments, file written objections, protests and be heard orally regarding adoption of the LCRA Redevelopment Plan, and then the City Council considered the LCRA 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 hearing, the recommendation of the LCRA and the recommendation of City staff, the City Council desires to approve the LCRA Redevelopment Plan.

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

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SECTION 1. The Bayberry Crossing LCRA Redevelopment Plan, a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference, is hereby approved and adopted. In the event of any conflict or inconsistency between the LCRA Redevelopment Plan and this Ordinance, the provisions of this Ordinance shall control.

SECTION 2. The tract of land legally described in Exhibit 2 to the attached Plan is hereby designated as the Redevelopment Area for the LCRA Redevelopment Plan.

SECTION 3. 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, which are set forth in detail in Section 5 of the LCRA Redevelopment Plan, and the redevelopment work described in the LCRA Redevelopment Plan is considered an urban renewal area under the LCRA Act.

B. 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.

C. The City Council hereby finds and reaffirms that the property within the District is a Blighted Area as defined in the LCRA Act:

1. 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 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.

2. 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.

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

1. The proposed land uses and building requirements in the Redevelopment Area are designed with the general purpose of accomplishing, in conformance with the Comprehensive Plan, a coordinated, adjusted and harmonious development of

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the community and its environs which, in accordance with present and future needs, will promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

2. The City's Comprehensive Plan presents a "workable program" as required by the LCRA Act for the LCRA Redevelopment Project Area 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. Bayberry Crossing Baceline, LLC, is hereby designated as a developer of record for the LCRA Redevelopment Plan.

SECTION 5. Approval of the LCRA Redevelopment Plan by this Ordinance is conditioned upon the developer of record entering into a redevelopment agreement 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 LCRA 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 2024-1 on February 28, 2024.

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.

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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:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

EXHIBIT A

LCRA REDEVELOPMENT PLAN

[See attached]