

## **BILL NO. 17-178**

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AN ORDINANCE APPROVING THE VILLAGE AT VIEW HIGH TAX INCREMENT FINANCING PLAN, ESTABLISHING A REDEVELOPMENT AREA AND DESIGNATING THE REDEVELOPMENT AREA AS A BLIGHTED AREA.

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 Real Property Tax Increment Financing Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the "TIF Act"), Parrot Properties, LLC (the "Developer") submitted the Village at View High Tax Increment Financing Plan (the "TIF Plan") to the City; and,

WHEREAS, on May 30, 2017, after due notice in accordance with the Act, the Tax Increment Financing Commission ("TIF Commission") opened a public hearing, at which all interested persons and taxing districts affected by the TIF Plan were afforded an opportunity to make comments, file written objections, protests and be heard orally regarding adoption of the TIF Plan, and the TIF Commission continued the hearing to June 26, 2017; and,

WHEREAS, on June 26, 2017, the TIF Commission took additional evidence and testimony and, having heard and considered the objections, protests, comments and other evidence adduced at the public hearing, closed the public hearing and voted 9-1 to adopt Resolution 2017-2 which recommends that the Council make required findings, approve the TIF Plan, designate the proposed property as the Redevelopment Area for the TIF Plan and designate the Parrot Properties, LLC as the developer of record for the Plan and the Redevelopment Projects and enter into a tax increment financing contract to implement the TIF Plan; and,

WHEREAS, on August 10, 2017, at a public meeting of the City Council, after the posting of proper notice of the consideration of this issue and after all parties in interest and citizens were provided the opportunity to be heard, the City Council considered the TIF Plan, the recommendation of the TIF Commission, 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 TIF Commission public hearing, the recommendation of the TIF Commission and the recommendation of City staff, the City Council desires to approve the TIF Plan.

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

SECTION 1. The TIF 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 TIF 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.

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### SECTION 3. The City Council hereby finds that:

A. the TIF Plan sets forth in writing a general description of the program to be undertaken to accomplish its objectives, including the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the Redevelopment Area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to Section 99.845, RSMo, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the Redevelopment Area;

B. the Redevelopment Area is a blighted area, as such term is defined in Section 99.805(1), RSMo, due to the presence of blighting factors as set forth in the Blight Analysis attached as Exhibit 4 to the TIF Plan, including that the Redevelopment Area is characterized by inadequate street layout, unsanitary or unsafe conditions, deteriorating site improvements, existence of conditions which endanger life and property, and which create an economic liability for the City in that the presence of the blighting factors lowers property values, increases public costs, lowers tax revenues, and results in economic underutilization of the Redevelopment Area and fails to generate adequate taxes for the applicable Taxing Districts. The TIF Plan is also accompanied by an affidavit signed by the Developer attesting to the blighting conditions of the Redevelopment Area;

C. the Redevelopment Area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. The TIF Plan is accompanied by an affidavit signed by the Developer attesting to this statement;

D. the TIF Plan is in conformance with the Comprehensive Plan for the development of the City as a whole;

E. the TIF Plan contains both estimated dates of completion of the redevelopment projects and estimated dates for the retirement of obligations incurred to finance redevelopment project costs, and said dates are not more than twenty-three (23) years from the adoption of an ordinance approving tax increment financing within the Redevelopment Project Area;

F. a Relocation Assistance Plan has been developed for relocation assistance for businesses and residences, and the relocation of any business or residents in the Redevelopment Area, if necessary, will take place in accordance with the Relocation Assistance Plan attached to the TIF Plan as Exhibit 13;

G. the TIF Plan contains a cost-benefit analysis set forth in Exhibit 6 showing the economic impact of the TIF Plan on each taxing district and political subdivision within the Redevelopment Area if the proposed redevelopment projects are built pursuant to

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the TIF Plan or are not built, and evidence that the proposed redevelopment projects are financially feasible to undertake with TIF assistance;

H. the TIF Plan does not include the initial development or redevelopment of any gambling establishment; and

I. the areas selected for the Redevelopment Projects include only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project improvements.

SECTION 4. Parrot Properties, LLC is hereby designated as a developer of record for the TIF Plan.

SECTION 5. Approval of the TIF Plan by this Ordinance is conditioned upon the developer of record entering into a tax increment financing redevelopment contract with the City upon terms acceptable to the City to carry out the goals and objectives of the TIF Plan. The City Manager is authorized and directed to negotiate a tax increment financing redevelopment contract with the developer of record to implement the TIF 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. 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 7. 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
Deputy City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
Deputy City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

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### EXHIBIT A

#### LEGAL DESCRIPTION OF REDEVELOPMENT AREA

##### Project Area 1:

A tract of land being located in the Southwest Quarter of Section 3, Township 47 North, Range 32 West, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence South  $87^{\circ} 05' 51''$  East, a distance of 30.00 feet, to a point on the East right of way line of NW View High Drive; thence South  $03^{\circ} 19' 41''$  West, along said East right of way line, a distance of 818.21 feet, said point being the Point of Beginning of Lot 1; thence South  $86^{\circ} 28' 37''$  East, a distance of 271.87 feet; thence along a curve to the right, having a radius of 220.00 feet and an arc length of 345.65 feet; thence South  $03^{\circ} 32' 32''$  West, a distance of 258.62 feet; thence North  $86^{\circ} 27' 14''$  West, a distance of 245.40 feet; thence South  $03^{\circ} 32' 46''$  West, a distance of 211.39 feet; thence North  $87^{\circ} 12' 53''$  West, a distance of 243.95 feet, to a point on the East right of way line of View High Drive; thence North  $03^{\circ} 19' 41''$  Est, along said East right of way line, a distance of 693.13 feet, returning to the Point of Beginning. Tract contains 276,664.92 square feet or 6.35 acres more or less.

##### Project Area 2:

A tract of land being located in the Southwest Quarter of Section 3, Township 47 North, Range 32 West, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence South  $87^{\circ} 05' 51''$  East, a distance of 30.00 feet, to a point on the East right of way line of NW View High Drive; thence South  $03^{\circ} 19' 41''$  West, along said East right of way line, a distance of 818.21 feet; thence South  $86^{\circ} 28' 37''$  East, a distance of 271.87 feet; thence along a curve to the right, having a radius of 220.00 feet and an arc length of 345.65 feet; thence South  $03^{\circ} 32' 32''$  West, a distance of 258.62 feet; thence South  $86^{\circ} 27' 14''$  East, a distance of 60.00 feet, said point being the Point of Beginning of said Lot 2; thence continuing South  $86^{\circ} 27' 14''$  East, a distance of 595.72 feet; thence along a curve to the left, having a radius of 385.00 feet, and an arc length of 154.23 feet; thence South  $38^{\circ} 53' 54''$  East, a distance of 42.06 feet, to a point on the West line of Winterset Valley 10th Plat, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri; thence South  $51^{\circ} 06' 06''$  West, along said West line a distance of 599.08 feet; thence South  $03^{\circ} 29' 20''$  West, along said West line, a distance of 80.00 feet; thence South  $45^{\circ} 41' 55''$  West, a distance of 165.12 feet; thence North  $44^{\circ} 18' 05''$  West, a distance of 223.24 feet; thence along a curve to the right, having a radius of 170.00 feet and an arc length of 141.95 feet; thence North  $03^{\circ} 32' 32''$  East, a distance of 331.44 feet, returning to the Point of Beginning. Tract contains 263,533.33 square feet or 6.05 acres more or less.

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### Project Area 3:

A tract of land being located in the Southwest Quarter of Section 3, Township 47 North, Range 32 West, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence South 87° 05' 51" East, a distance of 30.00 feet, to a point on the East right of way line of NW View High Drive; thence South 03° 19' 41" West, along said East right of way line, a distance of 1511.34 feet; thence South 87° 12' 53" East, a distance of 243.95 feet; thence South 03° 32' 46" West, a distance of 486.04 feet, said point being the Point of Beginning of said Lot 3; thence South 86° 30' 07" East, a distance of 625.85 feet; thence South 44° 18' 05" East, a distance of 120.81 feet, to a point on the West line of Winterset Valley 10th Plat, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri; thence South 16° 28' 44" East, along said West line a distance of 545.72 feet, to a point on the North right of way line of SW 3rd Street; thence North 87° 11' 19" West, along said North right of way line, a distance of 322.34 feet; thence North 02° 48' 41" East, a distance of 238.65 feet; thence North 87° 10' 59" West, a distance of 268.00 feet; thence North 02° 49' 18" East, a distance of 137.77 feet; thence North 86° 31' 15" West, a distance of 307.19 feet; thence North 03° 32' 46" East, a distance of 224.80 feet, returning to the Point of Beginning. Tract contains 293,084.48 square feet or 6.73 acres more or less.

### Project Area 4:

A tract of land being located in the Southwest Quarter of Section 3, Township 47 North, Range 32 West, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence South 87° 05' 51" East, a distance of 30.00 feet, to a point on the East right of way line of NW View High Drive; thence South 03° 19' 41" West, along said East right of way line, a distance of 1511.34 feet; thence South 87° 12' 53" East, a distance of 243.95 feet, said point being the Point of Beginning of said Lot 4; thence North 03° 32' 46" East, a distance of 211.39 feet; thence South 86° 27' 14" East, a distance of 305.40 feet; thence South 03° 32' 32" West, a distance of 331.44 feet; thence along a curve to the left, having a radius of 170.00 feet, and an arc length of 141.95 feet; thence South 44° 18' 05" East, a distance of 356.79 feet; thence North 86° 30' 07" West, a distance of 625.85 feet; thence North 03° 32' 46" East, a distance of 486.04 feet, returning to the Point of Beginning. Tract contains 260,235.04 square feet or 5.97 acres more or less.

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### Project Area 5:

A tract of land being located in the Southwest Quarter of Section 3, Township 47 North, Range 32 West, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence South 87° 05' 51" East, a distance of 30.00 feet, to a point on the East right of way line of NW View High Drive; thence South 03° 19' 41" West, along said East right of way line, a distance of 1511.34 feet, said point being the Point of Beginning of said Lot 5; thence continuing South 03° 19' 41" West along said East right of way line, a distance of 876.23 feet; thence South 87° 11' 19" East, a distance of 272.50 feet; thence South 03° 19' 41" West, a distance of 189.50 feet, to the North right of way line of SW 3rd Street; thence South 87° 11' 19" East along said North right of way line, a distance of 40.82 feet; thence South 73° 09' 08" East, along said North right of way line, a distance of 61.85 feet; thence South 87° 11' 19" East, along said North right of way line, a distance of 265.00 feet; thence South 02° 48' 41" West, along said North right of way line, a distance 10.00 feet; thence South 87° 11' 19" East, along said North right of way line, a distance of 181.27 feet; thence North 02° 48' 41" East, a distance of 238.65 feet; thence North 87° 10' 59" West, a distance of 268.00 feet; thence North 02° 49' 18" East, a distance of 137.77 feet; thence North 86° 31' 15" West, a distance of 307.19 feet; thence North 03° 32' 46" East, a distance of 710.84 feet; thence North 87° 12' 53" West, a distance of 243.95 feet, returning to the Point of Beginning. Tract contains 381,716.11 square feet or 8.76 acres more or less.

### Project Area 6:

All of Lot 1, Berbiglia Heights – Lot 1, a subdivision in Lee's Summit, Missouri, as recorded in the Office of the Recorder, Jackson County, Missouri.