

BILL NO. 26-121

AN ORDINANCE APPROVING THE PETITION FOR ESTABLISHMENT OF THE ARBORSIDE COMMUNITY IMPROVEMENT DISTRICT, AND AUTHORIZING AND DIRECTING FURTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 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 Arborside 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WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and,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 July 7, 2026, the City Council held a public hearing, after notices of such hearing were mailed and published 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, Section 70.220 of the Revised Statutes of Missouri authorizes the City to cooperate with other political subdivisions and political entities for the planning, development, construction, acquisition or operation of any public improvement or facility; 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, AS FOLLOWS:

SECTION 1. Definitions. All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

SECTION 2. City Clerk Verification. The City Clerk has verified that the Petition substantially complies with all submission requirements of the CID Act.

SECTION 3. Creation of CID. 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

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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 4. CID Board of Directors. As set forth in the Petition, the District shall be governed by a board of directors consisting of five (5) members, with the five initial members being named in the Petition, and whose successors shall be appointed as provided in the Petition.

SECTION 5. CID Funding Mechanisms. The District's Board of Directors shall have authority to establish a sales tax within the District and impose special assessments as set forth in the Petition and in conformance with the CID Act.

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

SECTION 7. CID Term. 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 master development agreement discussed in Section 10 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. The District may be extended in accordance with the provisions of the CID Act.

SECTION 8. Blighted Area. The City Council hereby finds that the property within the District is a Blighted Area as defined in the CID Act. The area has a predominance of insanitary or unsafe conditions and conditions which endanger life or property by fire or other causes, and the property thereby constitutes an economic and social liability and a menace to the public health, safety, or welfare in its present condition and uses, as set forth in the Blight Study dated May 15, 2026. The property is also economically underutilized, in that redevelopment of this property could promote a higher level of economic activity, increased employment and greater services to the public. Due to these factors, the City Council therefore concludes that the LCRA Redevelopment Area constitutes an economic and social liability in its present condition and use. The District may exercise the additional powers granted by the CID Act within the District to remediate the blighting conditions.

SECTION 9. Notice to Department of Economic Development. 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 Master Development Agreement. Approval of the Petition and the District by this Ordinance is conditioned upon the District entering into a master development agreement with the City, upon terms and conditions mutually acceptable to the City and Land Reserve, Inc, as the master developer of record for the property, 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 agreeable to the parties. 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.

SECTION 11. Further Authority. 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

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Ordinance. All actions taken to date by the officers of the City with respect to the CID Petition and the CID, including, without limitation, the provision of notices for the public hearing regarding the creation of the CID, are hereby ratified.

SECTION 12. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 13. Severability. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void one; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 14. Effective Date. 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 of the City of Lee's Summit, Missouri, this _____ day of _____, 2026.

Mayor *J. Beto Lopez*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2026.

Mayor *J. Beto Lopez*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

CID Petition

[Attached]