

BILL NO. 17-269

AN ORDINANCE APPROVING THE SALE OF AN IMPROVED LOT LEGALLY DESCRIBED AS LOT 9B, RITTER PLAZA LOT 9A AND LOT 9B, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, FROM HB SUMMIT, LLC, TO VEREIT REAL ESTATE, L.P., AND AUTHORIZATION TO ENTER INTO A TRANSFEREE AGREEMENT BETWEEN VEREIT REAL ESTATE, L.P., HB SUMMIT, LLC, AND THE CITY OF LEE'S SUMMIT.

WHEREAS, the City of Lee's Summit ("City") has previously entered into a Tax Increment Financing Contract (the "TIF Agreement") between the City and Ritter Plaza, LLC for the Ritter Plaza Tax Increment Financing Plan (the "Plan"); and,

WHEREAS, the City Council previously approved the transfer of a certain lot legally described as Lot 9B, Ritter Plaza Lot 9A and Lot 9B, a Subdivision in Lee's Summit, Jackson County, Missouri (the "Property") from Ritter Plaza, LLC to HB Summit, LLC on March 16, 2017 by passage of Ordinance No. 8120; and,

WHEREAS, HB Summit, LLC is wishing to sell the now improved Property which is part of the Ritter Plaza TIF and CID to VEREIT Real Estate, L.P., a Delaware limited partnership; and,

WHEREAS, Section 29.A., entitled "City Approval of Purchasing Entity" of the Ritter Plaza TIF Agreement provides that the City has sixty (60) days to approve or deny the sale of property within the Redevelopment Area (as defined in the TIF Agreement); and,

WHEREAS, Section 29.A. of the Ritter Plaza TIF Agreement also provides for the buyer to enter into a transferee agreement with the City obligating the buyer to comply with the requirements of the Plan, as set forth in the TIF Agreement, and the obligations of the TIF Agreement relating to the transferred property; and,

WHEREAS, this is a sales agreement which is expected to close this year and ownership will transfer at closing; and,

WHEREAS, VEREIT Real Estate, L.P. intends to purchase the Property, the improvements upon which are leased to PetSmart, Inc., which is operating a PetSmart retail store on the Property, and is the first PetSmart retail store in Lee's Summit, Missouri.

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

SECTION 1. That the City Council of the City of Lee's Summit, Missouri hereby approves the sale of the improved Property, which is part of the Ritter Plaza TIF and CID from HB Summit, LLC to VEREIT Real Estate, L.P.

SECTION 2. That the City Council of the City of Lee's Summit, Missouri hereby authorizes the City Manager, on behalf of the City of Lee's Summit, to execute a Transferee Agreement between the City of Lee's Summit, VEREIT Real Estate, L.P. ("Transferee"), and HB Summit, LLC for the Property, which shall be substantially the same in form and substance as the transferee agreement attached hereto and incorporated by reference as if fully set forth herein.

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SECTION 3. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Infrastructure and Planning
Nancy K. Yendes