

BILL NO. 21-111

AN ORDINANCE APPROVING THE SOUTHSIDE PLAZA LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY 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"), Brain Dev 3, LLC (the "Developer") submitted the Southside Plaza LCRA Redevelopment Plan to the City (the "LCRA Redevelopment Plan"); and,

WHEREAS, on May 26, 2021 after due notice in accordance with the Act, the Land Clearance for Redevelopment Authority Board of Commissioners (the "LCRA") opened 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 thereafter the LCRA adopted Resolution 2021-2 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 June 8, 2021, at a public hearing held by the City Council, 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 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:

SECTION 1. The Southside Plaza LCRA Redevelopment Plan, a copy of which is attached hereto as Exhibit B 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 A of this Ordinance is hereby designated as the Redevelopment Area and Redevelopment Project Area for the LCRA Redevelopment Plan.

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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 6 of the LCRA Redevelopment Plan, 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 which is a blighted area pursuant to the LCRA Act through the adoption of Ordinance No. 7472 on June 12, 2014.

2. The LCRA Redevelopment Area and the Redevelopment Project Area for the LCRA Plan is a blighted area as previously determined by the City Council was re-affirmed by the City Council through the adoption of 8894 on June 9, 2020. In addition, Developer submitted evidence in the public hearing demonstrating that the property remains in a blighted condition today.

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 property is properly zoned for commercial development in the CP-2 zone and the refurbishment and revitalization of the shopping center is in conformance with the existing uses of the property and the Comprehensive Plan.

2. 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 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. The LCRA Plan provides for adequate parking, the promotion of healthful and convenient distribution of population, the provision of adequate public facilities, the promotion of sound design and arrangement and the efficient expenditure of public funds, the prevention of the recurrence of unsanitary and unsafe dwelling accommodations, and blight clearance.

3. The City’s Comprehensive Plan presents a “workable program” as required by the LCRA Act for the 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

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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. Brain Dev 3, LLC is hereby designated the 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 an amendment to the Cooperative Agreement dated September 29, 2020 and a lease agreement 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 and lease agreement 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 2021-2 on May 26, 2021.

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 _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

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APPROVED by the Mayor of said city this _____ day of June, 2021.

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
AND REDEVELOPMENT PROJECT AREA

BEGINNING AT A POINT 76.70 FEET EAST AND 270.00 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 47, RANGE 31 IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE WEST 212.26 FEET; THENCE SOUTH 250.50 FEET TO THE NORTHERLY LINE OF U.S. HIGHWAY 50; THENCE SOUTHEASTERLY WITH SAID NORTHERLY LINE OF U.S. HIGHWAY 50, 444.60 FEET; THENCE NORTH 175 FEET; THENCE EAST 226.20 FEET; THENCE NORTH 289.2 FEET; THENCE WEST 405 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 1, ZIEGLER ADDITION; THENCE NORTH 10 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

LCRA REDEVELOPMENT PLAN

[See attached]