

BILL NO. 22-153

AN ORDINANCE APPROVING THE LEE'S SUMMIT INDUSTRIAL 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"), LS Industrial, LLC (the "Developer") submitted the Lee's Summit Industrial LCRA Redevelopment Plan to the City (the "LCRA Redevelopment Plan"); and,

WHEREAS, on July 20, 2022 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 2022-3 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 August 9, 2022, 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:

SECTION 1. The Lee's Summit Industrial 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 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 5 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. In June of 2014, the City Council adopted Ordinance 7472, which determined that certain real property within the Missouri Highway 291 and US Highway 50 corridors was blighted and designated a land clearance for redevelopment authority urban renewal area, to be known as the “US 50 / M-291 Highway Urban Renewal Area.”

2. The Redevelopment Area has not been developed since the date of the blight finding described above

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 City Council approved a rezoning of the Property and associated preliminary development plan for the Project on June 21, 2022 by Ordinance No. 9433 (the “Development Plan”). The proposed land uses for the Redevelopment Project are in conformance with the approved Preliminary Development Plan. In approving the Preliminary Development Plan, the City made findings that the proposed land uses within the Redevelopment Project were consistent with the City’s 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.

3. 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

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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. LS Industrial, 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 2022-3 on June 22, 2022.

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 16th day of August, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this _____ day of August, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian H. Head*

EXHIBIT A

LEGAL DESCRIPTION OF REDEVELOPMENT AREA

A tract of land being part of the Northeast and Northwest Quarters of Section 17, Township 47 North, Range 31 West of the Fifth Principal Meridian, in the City of Lee's Summit, Jackson County, Missouri, said tract more particularly described as follows:

COMMENCING at the Northwest corner of said Northeast Quarter; thence South 87°43'34" East, along the North line of said Northeast Quarter, a distance of 42.89 feet; thence South 02°16' 26" West, departing said North line, a distance of 49.92 feet, to the intersection of the South line of Bailey Road established by a Right-of-Way deed recorded as Instrument Number 2010E0113177 and the Westerly line of Union Pacific Railroad (formerly Missouri Pacific Railroad Company) established by Special Warranty Deed recorded as Document Number 1971i0083905 in Book i252 at Page 675, said intersection also being the POINT OF BEGINNING; thence South 29°25'44" East, along said Westerly railroad line, a distance of 1,488.22 feet, to the intersection of said Westerly railroad line with the North line of WATT ACRES, a subdivision of land in said city, county and state, recorded in Book 18, Page 93, said line also being the South line of the Northwest Quarter, of said Northeast Quarter; thence North 87°32'47" West, departing said Westerly railroad line, along said North line of WATT ACRES, and along said South line, a distance of 832.35 feet, to the Southwest corner of said Northwest Quarter of the Northeast Quarter, said corner being on the East line of MADDOX ACRES, a subdivision in said city, county and state, recorded in Book 21, Page 55; thence North 02°35'45" East, departing said North line, along the West line of said Northwest Quarter of the Northeast Quarter, and along said East line, a distance of 358.32 feet, to the Northeast corner of said MADDOX ACRES; thence North 87°49'40" West, departing said West line, along the North line of said subdivision, a distance of 1,020.02 feet, to the Northeast corner of Lot 3, of said subdivision; thence South 02°34'12" West, departing said North line, along the East line of said Lot 3, a distance of 295.01 feet, to the Southeast corner of said Lot 3, said point also being a point on the North Right-of-Way line of 16th Street, as now established; thence North 87°59'13" West, departing said East lot line, along said North Right-of-Way line, a distance of 130.00 feet, to a point at the Southwest corner of said Lot 3; thence North 02°33'49" East, departing said North Right-of-Way line, along the West line of said Lot 3, a distance of 295.37 feet, to the Northwest corner of said Lot 3, said point also being on said North line of MADDOX ACRES; thence North 87°49'40" West, departing said West Lot line, along said North line a distance of 357.53 feet, to a point on the East Right-of-Way line of Missouri State Highway No. 291, as now established; thence North 26°18'22" West, along said East Right-of-Way line, a distance of 55.42 feet; thence North 26°59'32" West, continuing along said East Right-of-Way line, a distance of 256.78 feet; thence North 26°51'12" West, continuing along said East Right-of-Way line, a distance of 241.77 feet, to a point on a non-tangent curve; thence continuing along said East Right-of-Way line, along a curve to the right, having a radius of 1,707.58 feet, a chord bearing of North 18°02'37" West, a central angle of 13°09'41", and an arc length of 392.24 feet; thence North 32°13'27" East, a distance of 61.84 feet, to a point on the South Right-of-Way line of Bailey Road established by a Right-of-Way deed recorded as Instrument Number 2010E0113177; thence South 87°49'40" East, along said South Right-of-Way line, a distance of 1,930.59 feet, to the POINT OF BEGINNING, containing 2,171,524.67 square feet or 49.85 acres.

EXHIBIT B

LCRA REDEVELOPMENT PLAN

[See attached]