

## **BILL NO. 20-149**

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AN ORDINANCE APPROVING THE 291 NORTH AND HIGHWAY 50 TAX INCREMENT FINANCING PLAN AND ESTABLISHING A REDEVELOPMENT 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"), the City has prepared the 291 North and Highway 50 Tax Increment Financing Plan (the "TIF Plan") to the City; and,

WHEREAS, on February 26, 2020, 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 took evidence and testimony and, having heard and considered the objections, protests, comments and other evidence adduced at the public hearing, continued the public hearing to April 15, 2020; and,

WHEREAS, the public hearing was continued from April 15, 2020 to June 10, 2020 due to the Covid pandemic and the inability to complete the hearing on April 15th, and on June 10<sup>th</sup> the TIF Commission took additional evidence and testimony and then closed the public hearing and voted 7-3 to adopt Resolution 2020-1 which recommends that the Council make required findings, approve the TIF Plan, designate the Redevelopment Area as a redevelopment area as provided in Section 99.805(12), RSMo, approve the Redevelopment Projects by ordinance as described in the TIF Plan at the appropriate times, and move forward with the selection of a developer of record for Redevelopment Project #1 (redevelopment of the State Highway Patrol property); and,

WHEREAS, on August 18, 2020, 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 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 attached to this Ordinance as Exhibit A, 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.

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SECTION 2. The tract of land that is depicted in Exhibit A of the TIF Plan and which is legally described in Exhibit B the TIF Plan is hereby designated as the Redevelopment Area.

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 initial project costs which are expected to be incurred, 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 remains a blighted area as previously determined by the City Council, in that:

1. The City Council found that the Redevelopment Area, as part of a larger area of the City, is a blighted area pursuant to the Land Clearance for Redevelopment Act ("LCRA Act") through the adoption of Ordinance No. 7472 on June 12, 2014. The definition of "blighted area" under the LCRA Act matches the definition of "blighted area" under the TIF Act and therefore the previous finding by the City Council satisfies the TIF Act requirement.

2. The TIF Plan is accompanied by a new Blight Study set forth in Exhibit 3 of the TIF Plan, demonstrating that the Redevelopment Area is still a blighted area as such term is defined in Section 99.805(1), RSMo, due to the presence of deteriorating site improvements, inadequate street layout, unsafe conditions, deterioration of site improvements which constitutes an economic liability and a menace to the public health and safety in its present condition and use and that the property is an economic liability in its present condition and use. The TIF Plan is accompanied by an affidavit in Exhibit 11, signed by the City as the initial developer of record for Redevelopment Project #1, attesting to the conditions of the Redevelopment Area which qualify the area as a blighted 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 which is set forth in Exhibit 11, signed by the City as the initial developer of record, 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

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redevelopment project costs, and said dates are not more than twenty-three (23) years from the adoption of each ordinance approving tax increment financing within each Redevelopment Project Area;

F. the TIF Plan includes a Relocation Assistance Plan attached as Exhibit 4 to the TIF Plan;

G. the TIF Plan is accompanied by a Cost Benefit Analysis in Exhibit 9 showing the economic impact of the Plan on each taxing district and political subdivision, and that the proposed project is financially feasible 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. 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 5. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 6. 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 \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Mayor *William A. Baird*

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Mayor *William A. Baird*

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

APPROVED AS TO FORM:

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

**EXHIBIT A**

**TAX INCREMENT FINANCING PLAN**

**[Attached]**