

BILL NO. 20-231

AN ORDINANCE APPROVING THE CEDAR CREEK LAND CLEARANCE REDEVELOPMENT ACT 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"), Cadence Commercial Real Estate (the "Developer") submitted the Cedar Creek LCRA Redevelopment Plan to the City (the "LCRA Redevelopment Plan"); and,

WHEREAS, on December 2, 2020 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 2020-1 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 December 15, 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 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 Cedar Creek LCRA Redevelopment Plan, a copy of which is attached hereto as Exhibit A 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.

SECTION 3. The City Council hereby finds that:

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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. The City Council found that the Redevelopment Area is a blighted area pursuant to the LCRA Act through the adoption of Ordinance No. 7472 which was approved on June 5, 2014.

2. The Redevelopment Area has not undergone substantial redevelopment since 2014, the findings of blight contained in the earlier report are still applicable as the conditions of the Redevelopment Area and the impediments to development identified have not changed and remain applicable.

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 current zoning of the Redevelopment Area is CP-2, which allows for a wide range of commercial uses including the present land uses. As a result, the City Council has already determined that the proposed project is in conformance with the Comprehensive Plan through the present zoning of the property. Further, Developer does not propose to change the current land uses through the Redevelopment Plan.

2. The City’s Comprehensive Plan, and in particular the Downtown Plan, presents a “workable program” as required by the LCRA Act for this property 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 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. Cadence Commercial Real Estate is hereby designated as a developer of record for the LCRA Redevelopment Plan, which may be carried out through a subsidiary of Developer which is the owner of property within the LCRA Redevelopment Area.

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SECTION 5. Approval of the LCRA Redevelopment Plan by this Ordinance is conditioned upon the developer of record entering into a redevelopment contract 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 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 2020-1 on February 27, 2019.

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 _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

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

“Parcel 1”

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 47, RANGE 32, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE N 89°55'30" W ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 765.72 FEET; THENCE S 00°04'30" W A DISTANCE OF 12.05 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 3RD STREET, AS ESTABLISHED BY QUIT-CLAIM DEED RECORDED AS DOCUMENT NO. 802024; THENCE S 00°48'52" E A DISTANCE OF 80.00 FEET; THENCE IN A SOUTHERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 572.96 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 78.06 FEET; THENCE CONTINUING IN A SOUTHERLY DIRECTION ALONG SAID CURVE, AN ARC DISTANCE OF 21.94 FEET; THENCE S 10°48'52" E, TANGENT TO SAID CURVE, A DISTANCE OF 120.00 FEET; THENCE N 79°11'08" E, A DISTANCE OF 78.54 FEET; THENCE IN AN EASTERLY AND SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 319.31 FEET; THENCE S 27°38'01" E, TANGENT TO THE LAST SAID CURVE, A DISTANCE OF 261.56 FEET; THENCE IN A SOUTHEASTERLY AND SOUTHERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 285.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 137.45 FEET; THENCE S 00°00'00" E AND TANGENT TO THE LAST SAID CURVE, A DISTANCE OF 24.05 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE S 00°00'00" E A DISTANCE OF 249.07 FEET; THENCE S 89°57'56" E A DISTANCE OF 147.61 FEET TO THE WEST RIGHT-OF-WAY LINE OF WARD ROAD; THENCE S 00°01'50" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 79.89 FEET; THENCE S 89°59'24" W A DISTANCE OF 147.65 FEET; THENCE S 00°00'00" W A DISTANCE OF 5.08 FEET; THENCE IN A SOUTHERLY AND SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 135.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, A CHORD BEARING OF S 19°28'19" W AND A CHORD DISTANCE OF 90.00 FEET, AN ARC DISTANCE OF 91.76 FEET; THENCE S 00°05'11" E A DISTANCE OF 85.17 FEET; THENCE S 89°59'43" W A DISTANCE OF 564.22 FEET; THENCE IN A WESTERLY, NORTHWESTERLY AND NORTHERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 185.00 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, A CHORD BEARING OF N 44°58'07" W AND A CHORD DISTANCE OF 261.79 FEET, AN ARC DISTANCE OF 290.83 FEET; THENCE N 00°01'52" W A DISTANCE OF 249.05 FEET; THENCE S 89°57'21" E A DISTANCE OF 187.23 FEET; THENCE N 00°01'58" W A DISTANCE OF 100.10 FEET; THENCE S 89°59'51" E A DISTANCE OF 187.99 FEET; THENCE S 00°01'50" E A DISTANCE OF 30.03 FEET; THENCE N 89°59'39" E A DISTANCE OF 404.07 FEET TO THE POINT OF BEGINNING.

AND

“Parcel 2”

Lot 1, Pizza Hut Addition, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof, except that part conveyed to the City of Lee's Summit by the right-of-way deed recorded as document no. I-667242, in book I-1500 at page 1736.

AND

The SW Ward Road / Oldham Parkway public right-of-way immediately adjacent to and contiguous with the property described and labeled above as “Parcel 1”, continuing north through and including the SW 3rd Street public right-of-way, and the SW 3rd Street public right-of-way therefrom west through and including the SW McClendon Drive public right-of-way, the SW McClendon Drive public right-of-way therefrom northwest through and including its intersection with the property described and labeled above as “Parcel 2”; less and except the fee simple interest in the aforementioned right-of-way for SW Ward Road / Oldham Parkway, SW 3rd Street, and SW McClendon Drive, it being the Petitioners' intent that the legal description for the property within such public right-of-way for SW Ward Road / Oldham Parkway, SW 3rd Street, and SW McClendon Drive only include the City of Lee's Summit's and any other governmental authority's right-of-way interest in such public right-of-way and not the fee simple interest in such public right-of-way.

EXHIBIT B
REDEVELOPMENT PLAN

[See attached]