

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE EAST U.S. 50 HIGHWAY CORRIDOR IMPROVEMENT TAX INCREMENT FINANCING PLAN.

WHEREAS, on December 13, 2007, the City Council approved the East U.S. 50 Highway Corridor Improvement Tax Increment Financing Plan (the "**Redevelopment Plan**"). The Redevelopment Area for the Redevelopment Plan, which contains approximately 198 acres, is generally located in Lee's Summit, Missouri, at the intersection of U.S. 50 Highway and Todd George Road. The Redevelopment Plan contains two redevelopment project areas (Redevelopment Project Area 1 and Redevelopment Project Area 4), and two additional projects areas are discussed in the Redevelopment Plan. The City has activated tax increment financing in Redevelopment Project Area 1 and Project Area 4 and is collecting TIF revenues within those areas; and,

WHEREAS, on April 4, 2013, the City Council approved the Amendment to East U.S. 50 Highway Corridor Improvement Tax Increment Financing Plan With Respect to the Redevelopment of Project Area 4 (the "**First Amendment**"). The First Amendment generally provides for the disbursement of Project Area 4 TIF Revenues to the Developer under the First Amendment to reimburse the Developer for certified Project Area 4 Reimbursable Project Costs in the maximum principal amount of \$2,632,892; and,

WHEREAS, on August 26, 2013, the Second Amendment to the Redevelopment Plan (the "**Second Amendment**") was filed with the City Clerk; and,

WHEREAS, the Second Amendment generally proposes for the termination of Project Area 4 upon the repayment of all certified Project Area 4 Reimbursable Project Costs; and,

WHEREAS, on September 11, 2013, the City mailed written notices of the scheduled TIF Commission public hearing to consider the Second Amendment to all taxing districts from which taxable property is included in the proposed Redevelopment Area, in compliance with Sections 99.825 and 99.830, RSMo; and,

WHEREAS, on October 4, 2013, the City published notice in the *Lee's Summit Journal* of the scheduled TIF Commission public hearing to consider the merits of the Second Amendment, in compliance with Section 99.830, RSMo; and,

WHEREAS, on October 15, 2013, the City mailed written notices of the scheduled TIF Commission public hearing to all persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Redevelopment Area, in compliance with Section 99.830, RSMo; and,

WHEREAS, on October 18, 2013, the City again published notice in the *Lee's Summit Journal* of the scheduled TIF Commission public hearing to consider the merits of the Amendment, in compliance with Section 99.830, RSMo; and,

WHEREAS, on October 23, 2013, notice of the TIF Commission meeting at which the public hearing will be held for consideration of the TIF Plan was posted in compliance with the Missouri Sunshine Law, Sections 610.010 to 610.225, RSMo; and,

WHEREAS, a copy of the notice of the public hearing was submitted to the Director of the Department of Economic Development, in compliance with Sections 99.825 and 99.830, RSMo; and,

WHEREAS, on October 28, 2013, at 6:00 p.m., the TIF Commission opened the public hearing to consider the Second Amendment, and after taking evidence and testimony, thereafter unanimously voted to adopt Resolution No. 2013-2 which recommends that the City Council approve the Second Amendment; and,

WHEREAS, the City Council, having heard and considered the objections, protests, comments, and other evidence adduced at a public hearing that occurred on December 5, 2013, the evidence and testimony submitted at the TIF Commission public hearing, and the recommendation of the TIF Commission, desires to approve the Second Amendment.

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

SECTION 1. The Second Amendment, a copy of which is on file in the office of the City Clerk and appended hereto as Exhibit 'A' and incorporated herein by reference, is hereby approved and adopted.

SECTION 2. 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 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. 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 19th day of December, 2013.




Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 20th day of December, 2013.



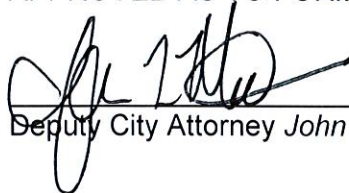
Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED AS TO FORM:



Deputy City Attorney John L. Mautino

EXHIBIT A

SECOND AMENDMENT

**Second Amendment to the
East U.S. 50 Highway
Corridor Improvement
Tax Increment
Financing Plan**

Lee's Summit, Missouri

Filed with the City Clerk on August 26, 2013

Capitalized terms not defined herein shall have the meanings set forth in Article I of the Redevelopment Plan (defined below) and Article II of the First Plan Amendment (defined below).

BACKGROUND AND PLAN HISTORY

On December 13, 2007, the City approved the “East U.S. 50 Highway Corridor Improvement Tax Increment Financing Plan” through the adoption of Ordinance No. 6551 (the “Redevelopment Plan”), in accordance with the Real Property Tax Increment Allocation Redevelopment Act, sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “TIF Act”). On April 4, 2013, the City approved the “Amendment to East U.S. 50 Highway Corridor Improvement Tax Increment Financing Plan With Respect to the Redevelopment of Project Area 4”, as revised, through the adoption of Ordinance No. 7312 (the “First Plan Amendment”). The First Plan Amendment provides for the disbursement of Project Area 4 TIF Revenues to the Developer to reimburse the Developer for certified Project Area 4 Reimbursable Project Costs in the maximum principal amount of \$2,632,892.

The motion approving Ordinance No. 7312 also directed City staff to file an application for an amendment to the Redevelopment Plan that will provide for the termination of Project Area 4 upon the repayment of all certified Project Area 4 Reimbursable Project Costs. This Second Amendment to the U.S. 50 Highway Corridor Improvement Tax Increment Financing Plan (“Second Plan Amendment”) is submitted in satisfaction of the City Council’s instructions.

Except for the amendment set forth herein, no other changes are made to the Redevelopment Plan or the First Plan Amendment, and all other terms and conditions described in the Redevelopment Plan and the First Plan Amendment shall remain the same as approved.

SECOND PLAN AMENDMENT

Notwithstanding anything to the contrary in the Redevelopment Plan or the First Plan Amendment, upon the repayment of all certified Project Area 4 Reimbursable Project Costs in the maximum principal amount of \$2,632,892 (or such other amount as approved by the City Council after the date of approval of this Second Plan Amendment), plus the payment of interest on such Project Area 4 Reimbursable Project Costs and the payment of all other costs and expenses which may be funded with tax increment financing revenues from Project Area 4 pursuant to a redevelopment agreement between the City and the Developer, or other developer of record for the Project Area 4 Redevelopment Project, or authorized successors and assigns, then (i) the collection of tax increment financing will be terminated within Project Area 4, (ii) the rates of the Taxing Districts shall be extended and taxes shall be levied, collected, and distributed in the manner applicable in the absence of tax increment financing in Project Area 4, and (iii) City staff shall take all action necessary under the TIF Act to provide for the winding up and completion of the Project Area 4 Redevelopment Project and the termination of tax increment financing within Project Area 4 and for the rates of the Taxing Districts to be extended and taxes levied, collected, and distributed in the manner applicable in the absence of tax increment financing in Project Area 4. All costs and expenses incurred by the City to wind up and complete the Project Area 4 Redevelopment Project and terminate the collection of tax increment financing within Project Area 4 shall be payable from the tax increment financing revenues generated by such project.

This Second Plan Amendment shall have no effect on the collection of tax increment financing revenues within or the payment of reimbursable project costs for Project Areas 1, 2 or 3, or any other projects which may be approved and activated within the Redevelopment Area.

This Second Plan Amendment shall have no effect on the operation of a community improvement district or other special funding district within the boundaries of Project Area 4.

In the event that the redevelopment agreement with the Developer, or other developer of record for the Project Area 4 Redevelopment Project, is terminated by the Developer, or other developer of record for the Project Area 4 Redevelopment Project, or by the City, then City staff shall be authorized to wind up and complete the Project Area 4 Redevelopment Project and terminate the collection of tax increment financing revenues within Project Area 4, as described in the first paragraph of this Second Plan Amendment.