

BILL NO. 21-153

AN ORDINANCE APPROVING THE AMENDED PETITION FOR THE SOUTHSIDE PLAZA COMMUNITY IMPROVEMENT DISTRICT AND THE AMENDED AND RESTATED COOPERATIVE AGREEMENT FOR THE SOUTHSIDE PLAZA REDEVELOPMENT PROJECT.

WHEREAS, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and,

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, on June 9, 2020, the City Council approved Ordinance No. 8894 which approved the Petition for formation of the Southside Plaza Community Improvement District to provide a source of revenue to reimburse Brain Dev 3, LLC (the "Developer") for improvements to be made to the Southside Plaza shopping center in an effort to redevelop and revitalize the shopping center; and,

WHEREAS, on June 15, 2021, the City Council approved Ordinance No. 9171 which approved the Southside Plaza Land Clearance for Redevelopment Authority Redevelopment Plan for the purpose of providing certain tax abatements to incentivize the redevelopment and revitalization of the shopping center; and,

WHEREAS, on July 12, 2022, the property owner Brian Dev 3, LLC, filed with the Lee's Summit City Clerk (the "City Clerk") an Amended Petition for the Southside Plaza Community Improvement District (the "District") for the purpose of providing the CID with the authority to impose special assessments in the amount of the abated real property taxes through the LCRA Plan; and,

WHEREAS, the City Clerk verified that the Amended Petition substantially complies with the CID Act, submitted the verified Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and,

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and,

WHEREAS, all the real property included in the District is entirely located within the City of Lee's Summit; and,

WHEREAS, on August 3, 2021, the City Council held a public hearing, after notice in accordance with the CID Act, at which all persons interested in the Amended Petition were allowed an opportunity to speak; and,

WHEREAS, the Amended Petition being fully heard before the City Council, the City now desires to approve the Amended Petition and approve an Amended and Restated Cooperative Agreement to implement the Amended Petition and the LCRA Plan.

BILL NO. 21-153

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

SECTION 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

SECTION 2. The City Clerk has verified that the Amended Petition substantially complies with all submission requirements of the CID Act.

SECTION 3. The Amended District, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved.

SECTION 4. The District shall function in all respects as originally approved through the adoption of Ordinance No. 8894 and this Ordinance.

SECTION 5. The District shall have and possess such powers authorized under the CID Act, as limited in the Amended Petition.

SECTION 6. The life of the District shall be as set forth in the Amended Petition.

SECTION 7. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the "Department") the report specified in subsection 6 of Section 67.1421 of the CID Act, substantially in the form provided by the Department.

SECTION 8. The Amended and Restated Cooperative Agreement which is attached hereto as Exhibit B and incorporated herein by reference (the "Agreement"), is hereby approved and the City Manager is authorized and directed to execute the Agreement in substantial compliance with the attached Agreement.

SECTION 9. 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 10. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

BILL NO. 21-153

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____day of August, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

**EXHIBIT A
AMENDED CID PETITION**

[Attached]

EXHIBIT B
AMENDED AND RESTATED COOPERATIVE AGREEMENT

[Attached]