

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE NORTH KANSAS CITY DESTINATION DEVELOPERS TAX INCREMENT FINANCING PLAN; MAKING FINDINGS WITH RESPECT THERETO; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of North Kansas City, Missouri (the “**City**”) is a body corporate, a third class city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on May 14, 1996, pursuant to Ordinance No. 6674, the City Council of the City (the “**City Council**”) created the Tax Increment Financing Commission of the City of North Kansas City, Missouri (the “**TIF Commission**”); and

WHEREAS, the TIF Commission is duly constituted according to 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**”), and is authorized to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

WHEREAS, pursuant to Ordinance No. 9030 passed on October 3, 2017, the City (i) approved the North Kansas City Destination Developers Tax Increment Financing Plan which is on file with the City Clerk (the “**Original Plan**”), to finance certain costs associated with the redevelopment of property in North Kansas City, Missouri for commercial use, including, but not limited to, hotels, restaurants, office, apartments, and entertainment uses (the “**Redevelopment Projects**”), and (ii) designated the Armour Road Redevelopment Area as a redevelopment area (the “**Redevelopment Area**”), all in accordance with the TIF Act; and

WHEREAS, pursuant to Ordinance No. 9101 passed on August 7, 2018, the City (i) approved and adopted the First Amendment to the Original Plan, which is on file with the City Clerk (the “**First Amendment**”; the Original Plan as amended thereby, the “**TIF Plan**”), which First Amendment (i) updated estimates and calculations based on changes in sales tax and mill levy rates that occurred since the Original Plan was approved, (ii) reflected updates to certain assumptions relating to the increases in real property value and taxable sales to be achieved under the Amended Plan, and (iii) reduced estimated Redevelopment Project costs paid from tax increment financing; and

WHEREAS, staff and consultants of the City and North Kansas City Destination Developers, LLC (“**Developer**”), prepared the Second Amendment to the TIF Plan, attached hereto as Exhibit 1 (the “**Second Amendment**”), which plan (i) divides Redevelopment Project Area 9 of the Original Plan into Redevelopment Project Area 9 and Redevelopment Project Area 9A, and (ii) moves the project originally planned to be situated on Redevelopment Project Area 4 onto Redevelopment Project Area 9A; and

WHEREAS, the Developer has demonstrated that the terms and provisions of the Second Amendment are required to develop the affected Redevelopment Project Areas; and

WHEREAS, on October 16, 2019, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act and received comments from all interested persons and taxing districts relative to the Second Amendment; and

WHEREAS, on October 16, 2019, the TIF Commission found that approval of the Second Amendment would assist in achieving the benefits the TIF Commission previously found would be achieved by approval of the TIF Plan, including that adopting the TIF Plan would provide a substantial and significant public benefit through the elimination of blighting conditions, the creation of new jobs in the City, increased property values and tax revenues, stabilization of the Redevelopment Area, facilitation of the economic stability of the City as a whole, and further found that without the assistance of tax increment financing in accordance with the TIF Act, the Redevelopment Projects are not financially feasible and would not otherwise be completed; and

WHEREAS, on October 16, 2019, the TIF Commission voted to recommend that the City Council adopt an ordinance in the form required by the Act approving the Second Amendment; and

WHEREAS, the City Council has received the recommendations of the TIF Commission regarding the Second Amendment and finds that it is necessary and desirable and in the best interest of the City to approve the Second Amendment in order to encourage and facilitate the redevelopment of the Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH KANSAS CITY, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. The Second Amendment accords with, and assists in achieving, the goals and methods set forth in the TIF Plan. Adopting the Second Amendment would not contradict the findings and adopted actions set forth in Ordinances No. 9030 and 9101.
- B. The Second Amendment conforms to the comprehensive plan for the development of the City as a whole.
- C. Adopting the Second Amendment would not contradict the provisions of the TIF Act.

SECTION 2. The Second Amendment, as reviewed and recommended by the TIF Commission on October 16, 2019, including amendments thereto, if any, is hereby adopted and approved. Copies of the TIF Plan and Second Amendment are on file with the City Clerk.

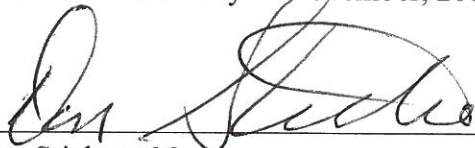
SECTION 3. The City shall, and the mayor, city clerk, city officials and employees of the City are hereby authorized and directed to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 4. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

SECTION 5. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

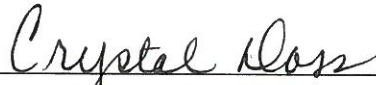
SECTION 6. This Ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

PASSED this 5th day of November, 2019.



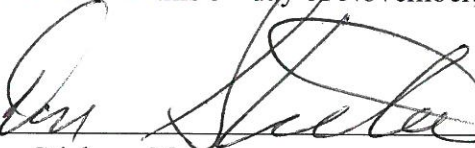
Don Stielow, *Mayor*

ATTEST:



Crystal Doss, *City Clerk*

APPROVED this 5th day of November, 2019.



Don Stielow, *Mayor*

APPROVED AS TO FORM:



Anthony W. Bologna, *City Attorney*



Thomas E. Barzee, Jr., *City Counselor*

EXHIBIT “1”

I. INTRODUCTION

The City of North Kansas City, Missouri adopted the North Kansas City Destination Developers Tax Increment Redevelopment Plan (the “Original TIF Plan”) by Ordinance No. 9030, dated October 3, 2017 and the First Amendment to the North Kansas City Destination Developers Tax Increment Redevelopment Plan (the “First Amendment”) by Ordinance No. 9101, dated August 7, 2018. The Original TIF Plan makes certain findings and provides for the redevelopment of the Redevelopment Area (the “Redevelopment Area”), as described below, and includes certain estimates and calculations based on sales tax and mill levy rates. The First Amendment provides updated estimates that had since changed since the approval of the Original TIF Plan. This Second Amendment to the North Kansas City Destination Developers Tax Increment Redevelopment Plan (this “Second Amendment”) (A) amends the Redevelopment Area to divide Redevelopment Project Area 9 into two separate project areas: (i) Redevelopment Project Area 9 and (ii) Redevelopment Project Area 9A, and (B) moves the project originally planned to be situated on Redevelopment Project Area 4A onto Redevelopment Project Area 9A.

II. AMENDMENTS

- A. Generally. This Second Amendment is intended to supplement the Original TIF Plan and First Amendment. To the extent that this Second Amendment differs from or is inconsistent with the Original TIF Plan and/or First Amendment, this Second Amendment shall control. In all other respects, however, the First Amendment shall remain in effect. All capitalized words or terms used in this Second Amendment that are not defined herein shall have the meaning ascribed to them in the First Amendment.
- B. Redevelopment Project Area 9. Redevelopment Project Area 9 is hereby divided into two separate Redevelopment Project Areas legally described and depicted on Exhibits 1 and 2.
- C. Project Relocation. The project originally planned to be situated on Redevelopment Project Area 4A shall be situated on Redevelopment Project Area 9A.
- D. Exhibits.
 - 1. Exhibit 1(c) of the First Amendment as to Redevelopment Project Area 9 is hereby amended with Exhibit 1 attached hereto.
 - 2. Exhibit 2 of the First Amendment as to Redevelopment Project Area 9 is hereby amended with Exhibit 2 attached hereto.

EXHIBIT 1

Amended Descriptions as to Redevelopment Project Area 9 and Redevelopment Project Area 9A

Redevelopment Project Area 9

All of Lot 4, Armour Road Redevelopment, Third Plat, a subdivision in the City of North Kansas City, Clay County, Missouri.

Redevelopment Project Area 9A

All that part of a tract of land in Fractional Section 13, Township 50 North, Range 33 West, in the City of North Kansas City, Clay County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of said Fractional Section 13; thence South 89°69'12" East, coincident with the South line of said Northeast Quarter, a distance of 101.23 feet to the Point of Beginning; thence departing said South line, North 12°44'06" West, along the Easterly right-of-way line of Taney Street as platted in ARMOUR ROAD REDEVELOPMENT – SECOND PLAT, a subdivision in the City of North Kansas City, recorded in book H, page 169.3, a distance of 120.01 feet to a point on the Southerly right-of-way of Armour Road / Missouri Route 210 as it now exists; thence along said Southerly right-of-way, North 77°16'53" East, a distance of 213.66 feet to the Northwest corner of Lot 4, ARMOUR ROAD REDEVELOPMENT – THIRD PLAT, a subdivision in the City of North Kansas City, Missouri recorded in book H, page 199.3; thence departing from said right-of-way, South 00°45'44" West, along the Westerly line of said Lot 4, a distance of 166.41 feet to a point on the South line of said Northeast Quarter; thence continuing along the Westerly line of said Lot 4, South 00°53'52" West, a distance of 61.75 feet; thence along the Northerly line of said Lot 4, North 89°16'12" West, a distance of 164.80 feet to a point on said Easterly right-of-way of Taney Street; thence departing said Northerly line of said Lot 4, and along said Easterly right-of-way, North 12°44'06" West, a distance of 63.50 feet to the Point of Beginning. Containing 38,417 square feet, or 0.882 acres, more or less. Except for that part in roads, streets and right-of-ways.

Redevelopment Project Area 9A

