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**File #: 230551**

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### ORDINANCE NO. 230551

Authorizing the City Manager or his designee to terminate a lease with the Planned Industrial Expansion Authority for certain real property generally located in the River Market and bounded by 3rd Street on the north, 4th Street on the south, Main Street on the east, and an access alley on the west and commonly known as 300 Main Street, Kansas City, Missouri; upon termination of the lease, declaring such property surplus to the City's needs; authorizing the Director of General Services to execute a Purchase and Sale Agreement with the Port Authority of Kansas City, Missouri for the conveyance of the real property; and authorizing the Director of General Services to execute such deeds and other documents as may be necessary for the conveyance.

WHEREAS, the City of Kansas City, Missouri ("City") and the Port Authority of Kansas City, Missouri ("Port KC") are political subdivisions of the State of Missouri and are authorized to accept, receive, transfer and convey real property, and to cooperate with each other to accomplish their purposes; and

WHEREAS, City currently owns real property located in the River Market and generally bounded by 3rd Street on the north, 4th Street on the South, Main Street on the east, and an access alley on the west ("Subject Property"); and

WHEREAS, the Subject Property is currently being leased to the Planned Industrial Expansion Authority until 2025; and

WHEREAS, the City has agreed to transfer real property immediately to the south of the Subject Property to Port KC, pursuant to Committee Substitute for Ordinance No. 200227, in furtherance of a residential and commercial development known as "Bellwether"; and

WHEREAS, the Council has determined that the Subject Property is not needed for public use; and

WHEREAS, the Subject Property is currently utilized as a greenspace and, while not a public park maintained by the Parks & Recreation Department, is commonly referred to as "City Market Park"; and

WHEREAS, the development terms for the Bellwether project provide that City Market Park will be used, in part, as a laydown yard during construction, after which it will continue to be used as public greenspace; and

WHEREAS, Port KC has proposed to operate and maintain, or cause a third party to operate and maintain, the public greenspace following completion of the Bellwether project, thereby preserving the same as a public amenity; and

WHEREAS, the City Council has determined that ownership of the public greenspace by or through Port KC is in the public interest as Port KC's investments in and abutting this area provide an incentive for ensuring that the greenspace is well-maintained; and

WHEREAS, the ownership and maintenance of the greenspace by or through Port KC will allow the City Council to achieve its objectives with respect to the River Market neighborhood while also freeing resources that the City would have otherwise expended for other public endeavors; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager or his designee is authorized to terminate the City's lease with the Planned Industrial Expansion Authority for property located at 300 Main Street ("PIEA Lease").

Section 2. That effective upon termination of the PIEA Lease, the Council hereby finds and declares the real property bearing the following legal description is no longer needed for public use, and is hereby declared surplus to the City's needs; that legal description being:

LOTS 150 THROUGH 152, BLOCK 15, TOWN OF KANSAS (COMMONLY CALLED OLD TOWN), A SUBDIVISION, NOW IN KANSAS CITY, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, REFILED FOR RECORD JULY 28, 1896 (the "Subject Property").

Section 3. That, pursuant to Section 68.030, RSMo., the Director of General Services is hereby authorized to further negotiate, execute, and implement a Purchase and Sale Agreement with Port KC, in such form as shall be approved by the City Manager and is otherwise consistent with this ordinance. Such Purchase and Sale Agreement shall include such terms as the parties thereto may agree upon, including the following:

- A. Any decisions with respect to improvements to be made to the public greenspace shall be made in consultation with representatives of the River Market Community Association and City Market Oversight Committee; and
- B. The deed shall include therein a restriction providing that the public greenspace shall be preserved in perpetuity for such purposes, which may include public amenities consistent with an urban park environment, and that

such restriction shall not be amended, released, extinguished, or otherwise modified without authorization of the City Council by ordinance or resolution.

Section 4. That the Director of General Services is hereby authorized to execute a special warranty deed conveying the Subject Property to PortKC for the preservation of greenspace, subject to any and all easements and encumbrances retained by the City, and all other real estate or other documents needed to effectuate the transfer and conveyance of the property described herein.

..end

Approved as to form:

  
\_\_\_\_\_  
Abigail Judah  
Assistant City Attorney



Authenticated as Passed

  
\_\_\_\_\_  
Quinton Lucas, Mayor

  
\_\_\_\_\_  
Marilyn Sanders, City Clerk

JUL 13 2023

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Date Passed