

**ROUSE FRETS WHITE GOSS
GENTILE RHODES, P.C.**

PATRICIA R. JENSEN
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816.502.4723

August 31, 2020

VIA ELECTRONIC MAIL
Marilyn.Sanders@kcmo.org

Ms. Marilyn Sanders, City Clerk
City of Kansas City Missouri
414 E. 12th Street, 25th Floor
Kansas City MO 64106

VIA ELECTRONIC MAIL
missouridevelopment@ded.mo.gov

Missouri Dept of Economic Development
ATTN: CID FILINGS
301 West High Street; P.O. Box 118
Jefferson City MO 65102

Re: Oak Barry Community Improvement District

Dear Ms. Sanders and Mr. Dixon:

In accordance with Section 67.1471.4 RSMo, the Annual Report of the Oak Barry Community Improvement District for FYE April 30, 2020 is enclosed.

Please contact me if you have any questions or require additional information.

Very truly yours,



Patricia R. Jensen

Enclosures

PRJ:bz

cc: Mr. Garry Hayes (via e-mail, w/encs.)
City Planning & Development (planning@kcmo.org)
James C. Bowers, Jr., Esq. (w/encs.)
Ms. Becky Ziegler (w/encs.)

{31145 / 65483; 892547. }

OAK BARRY COMMUNITY IMPROVEMENT DISTRICT

ANNUAL REPORT FOR FISCAL YEAR MAY 1, 2019 - APRIL 30, 2020

SECTION I – GENERAL INFORMATION

Effective Date: April 30, 2020

Contact Information:

Patricia R. Jensen, Esq.
Rouse Frets White Goss Gentile Rhodes PC
4510 Belleview Avenue #300, Kansas City MO 64111
816-753-9200; pjensen@rousepc.com

Political Subdivision or Not for Profit:

Political Subdivision

Date and Ordinance No:

August 16, 2012; Ordinance No. 120711

SECTION II – PURPOSES AND SERVICES PERFORMED DURING FISCAL YEAR

District was formed for the purpose of providing funding for removal of blight, including the demolition, removal, renovation, reconstruction or rehabilitation of portions of buildings and related improvements, and constructing improvements, structures and interior spaces within the boundaries of the District.

SECTION III – BOARD OF DIRECTORS

Andrew Danner, John Elliott, Garry Hayes, Martin Davis and Jerry Hunter

SECTION IV – REVENUE AND EXPENSES

The District's year end financials are not completed. A copy will be sent to you when completed and submitted to the MO State Auditor.

SECTION V – RESOLUTIONS ADOPTED DURING FISCAL YEAR (Copies Attached)

Resolution 2020:01
Resolution 2020:02
Resolution 2020:03

OAK BARRY COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION NO. 2020:01

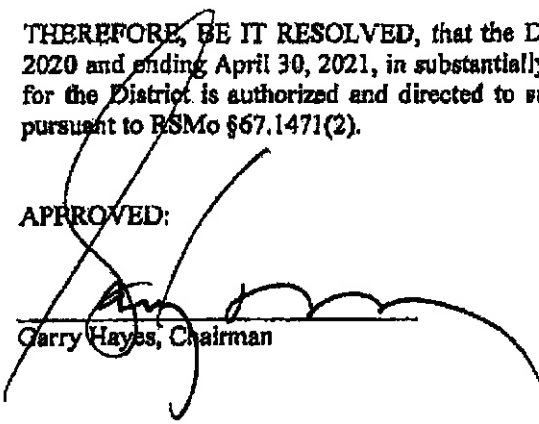
**APPROVAL OF ANNUAL BUDGET FOR FISCAL YEAR
BEGINNING MAY 1, 2020 AND ENDING APRIL 30, 2021**

Adopted by the Board of Directors on January 30, 2020

WHEREAS, in conformance with its obligations and powers pursuant to RSMo §§67.1401 *et seq.*, the Oak Barry Community Improvement District desires to approve its annual budget for fiscal year beginning May 1, 2020 and ending April 30, 2021;

THEREFORE, BE IT RESOLVED, that the District's annual budget for fiscal year beginning May 1, 2020 and ending April 30, 2021, in substantially the form attached hereto, is approved, and that Counsel for the District is authorized and directed to submit the Budget to the City of Kansas City, Missouri, pursuant to RSMo §67.1471(2).

APPROVED:



Garry Hayes, Chairman

**OAK BARRY
COMMUNITY IMPROVEMENT DISTRICT**

**FISCAL YEAR
MAY 1, 2020 - APRIL 30, 2021
BUDGET**

**OAK BARRY
COMMUNITY IMPROVEMENT DISTRICT**

FISCAL YEAR MAY 1, 2020 - APRIL 30, 2021 BUDGET

BUDGET MESSAGE

The Oak Barry Community Improvement District ("District") was declared established by Ordinance No. 120711 of the City Council of the City of Kansas City on August 16, 2012. The District desires to fund, or assist in the funding of, certain services and improvements as allowed by Sections 67.1401 to 67.1571 RSMo.

On August 20, 2012, the District's Board of Directors passed Resolution No. 2012:03 which imposed, upon approval of the qualified voters of the District, a seven-eighths of one percent (0.875%) sales tax on retail sales in the District for a minimum period of 23 years from the date on which such tax is first imposed.

The District has adopted a fiscal year beginning May 1 and ending April 30 of each year.

**OAK BARRY
COMMUNITY IMPROVEMENT DISTRICT**

**PROPOSED BUDGET
FISCAL YEAR MAY 1, 2020 THROUGH APRIL 30, 2021**

	Proposed Budget				Previously Approved Budget	Actual (unaudited)	Actual (unaudited)	Actual (unaudited)
	Operating Fund Budget	Debt Service Budget	Project Funds Budget	Fiscal Year Ending April 30, 2020	Fiscal Year Ending April 30, 2020	Fiscal Year Ending April 30, 2019	Fiscal Year Ending April 30, 2018	Fiscal Year Ending April 30, 2017
REVENUES:								
Debt Service Funds:								
Advances from developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,044,858	\$ -	\$ 1,634,736
Revenue Funds:								
CID Sales & Use Tax Revenues	-	400,000	-	400,000	400,000	374,695	375,839	375,110
TOTAL REVENUES	-	400,000	-	400,000	400,000	3,419,553	375,839	2,009,846
EXPENDITURES:								
CID public Improvements	-	-	-	-	-	3,044,858	-	757,765
Repayment of debt on developers advances (including accrued interest)	-	385,000	-	385,000	385,000	592,284	368,356	876,971
Accounting fees	4,000	-	-	4,000	5,000	-	2,167	3,750
Legal fees	9,000	-	-	9,000	8,000	641	1,346	3,620
Insurance costs	2,000	-	-	2,000	1,000	1,680	1,260	1,021
Other operating costs of the district	-	-	-	-	-	-	-	-
TOTAL EXPENDITURES	15,000	385,000	-	400,000	400,000	3,639,463	373,129	1,643,127
TRANSFERS TO/(FROM) OTHER FUNDS	15,000	(15,000)	-	-	-	-	-	-
EXCESS OF REVENUES OVER EXPENDITURES AND TRANSFERS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (219,910)	\$ 2,710	\$ 366,719

**OAK BARRY
COMMUNITY IMPROVEMENT DISTRICT
FISCAL YEAR MAY 1, 2020 - APRIL 30, 2021 BUDGET**

BUDGET SUMMARY

The District budget is presented in accordance with the requirements of Missouri statute on a cash basis.

OAK BARRY COMMUNITY IMPROVEMENT DISTRICT

**Resolution No. 2020:02
Calling for Mail-In Ballot Election for Successor Directors
Adopted by the Board of Directors May 13, 2020**

WHEREAS, the terms of two (2) members of the Board of Directors will expire in August 2020; and

WHEREAS, pursuant to the terms of the Petition and RSMo §§ 67.1451 and 67.1551 of the Community Improvement District Act, RSMo §§ 67.104 *et seq.*, successor directors shall be determined pursuant to an election by the District.

THEREFORE, BE IT RESOLVED THAT:

1. The District hereby calls for an election and vote of qualified voters to be held on a Tuesday between July 21, 2020 and August 25, 2020 to elect two (2) persons to the Board of Directors each to serve a four-year term, expiring August 2024.

2. The District's counsel is authorized and directed to send written notice of such election to the City Clerk and the Clay County Election Authority, and to take all other actions under the Act necessary to implement such election.

3. Pursuant to the Act, all parties wishing to be included on the successor director ballot shall pay the sum of five dollars (\$5.00) to the District as a filing fee and shall file a Declaration of Candidacy that said candidate possesses all of the qualifications set out in RSMo § 67.1451 for director. Thereafter, such candidate shall have their name placed on the ballot as a candidate for director.

APPROVED:



Chairman, Garry Hayes

OAK BARRY COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION 2020:03

**RESOLUTION APPROVING REIMBURSEMENT
TO OAK BARRY, LLC FOR PROJECT COSTS**

Adopted May 13, 2020

WHEREAS, as the Oak Barry Community Improvement District ("District") did not have a source of funds to finance its formation costs incurred in the initial administration of its operations, Oak Barry, LLC ("Developer") advanced certain funds to finance such costs, subject to their later reimbursement from revenue generated by the District's nine-tenths of one percent (0.9%) sales tax; and

WHEREAS, pursuant to the Reimbursement Agreement, dated August 20, 2012, between the District and MD II, L.P., (and thereafter pursuant to the Blanket Conveyance, Bill of Sale and Assignment, dated December 31, 2012, between MD II, L.P. and Oak Barry, LLC), the parties desire to provide for reimbursement to the Developer for costs and expenses paid and/or incurred by the Developer in connection with the establishment, maintenance and operation of the District and for the development, construction and implementation of the District's projects in the amount of \$917,383.34.

NOW, THEREFORE, BE IT RESOLVED, that the District hereby approves the reimbursement of costs paid and/or incurred by the Developer in the amount of \$917,383.34, substantially in the form set forth on the Certificate of Reimbursable Public Improvement Project Costs attached hereto as Exhibit A.

APPROVED:

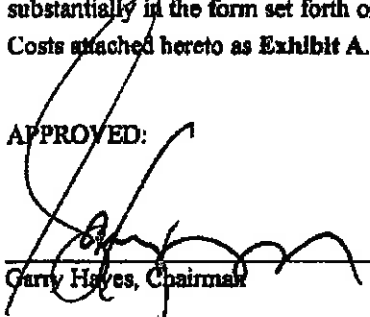

Garry Hayes, Chairman

EXHIBIT A
Certificate of Reimbursable Public Improvement Project Costs

TO: Oak Barry Community Improvement District
RE: Reimbursable costs
DATE: May 13, 2020

In accordance with the terms of the Reimbursement Agreement ("Reimbursement Agreement") dated effective August 20, 2012, between Oak Barry Community Improvement District ("District") and MD II, L.P. (and thereafter in accordance with the terms of the Blanket Conveyance, Bill of Sale and Assignment dated December 31, 2012 between MD II, L.P. and Oak Barry, LLC) ("Developer"), the Developer has incurred project costs set forth on Schedule 1.

Terms not otherwise defined herein shall have the meaning ascribed to such terms in the Petition for the Creation of the District ("Petition") and Reimbursement Agreement. The undersigned hereby states and certifies that:

1. Each item listed on Schedule 1 is a project cost incurred in connection with the construction of the District Projects ("Project Cost") as set forth in the Petition.
2. These Project Costs have been incurred by the Developer and have been paid by the Developer and are payable or reimbursable under the Reimbursement Agreement.
3. Each item listed above has not previously been paid or reimbursed by the District under the terms of the Reimbursement Agreement and no part thereof has been included in any other certificate.
4. No notice of any lien, right of lien or attachment upon or claim affecting the right of any person, firm or corporation to receive payment of the amounts stated in this request, except to the extent any such lien is being contested in good faith, has been filed with or served upon the Developer.
5. All necessary permits and approvals required for the work for which this certificate relates were issued and were in full force and effect at the time such work was being performed.
6. All work for which payment or reimbursement is requested has been performed in a good and workmanlike manner.
7. In the event that any cost item to be reimbursed under this certificate is deemed to not be eligible for reimbursement, the Developer shall have the right to substitute other eligible Project Costs for payment hereunder.

Oak Barry, LLC

By: 


Certified for Payment this 13th day of May 2020

OAK BARRY COMMUNITY IMPROVEMENT DISTRICT

By: 

Gary Hayes, Chairman

{31145 / 65483; 881541. }

SCHEDULE 1

	Amount	Description of Reimbursable Development Project Costs
Blight Remediation	\$106,809.10	Construct Major Shell (\$23,304.10) Exterior Renovations – Façade Improvements (\$33,505.00) Interior Renovations – White Box (\$50,000.00)
Site Improvements	\$111,410.61	Parking Lot (\$100,849.74) Relocate and extend existing utilities (\$10,560.87)
Loan Interest	\$699,163.63	
Total	\$917,383.34	