Legislation Details (With Text)

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On agenda:	8/11/2022			**Final action:**	8/11/2022
Title:	Accepting the recommendations of the Tax Increment Financing Commission as to the Twelfth Amendment to the North Oak Tax Increment Financing Plan; and approving the Twelfth Amendment to the North Oak Tax Increment Financing Plan.				
Sponsors:					
Indexes:					
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Attachments:	1. North Oak TIF Plan - FACT SHEET, 2. EXHIBIT 5 - North Oak - Budget for 12th Amendment, 3. EXHIBIT 1A - North Oak TIF Plan noncontiguous legal descriptions, 4. North Oak TIF Plan 12th Amendment Presentation, 5. Authenticated Ordinance 220665				

Date	Ver.	Action By	Action	Result
8/11/2022	1	Council	Passed	Pass
8/10/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	
8/4/2022	1	Council		

ORDINANCE NO. 220665

Accepting the recommendations of the Tax Increment Financing Commission as to the Twelfth Amendment to the North Oak Tax Increment Financing Plan; and approving the Twelfth Amendment to the North Oak Tax Increment Financing Plan.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), and Ordinance No. 545556 adopted on November 24, 1982, as amended by Committee Substitute for Ordinance No. 911076 adopted on August 29, 1991, by Ordinance No. 100089 adopted on January 28, 2010, by Ordinance No. 130986 adopted on December 19, 2013 and by Committee Substitute for Ordinance No. 140823 adopted on June 18, 2015 (collectively, the "Enabling Ordinances") the City Council of Kansas City, Missouri created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on February 24, 2005, the City Council of Kansas City, Missouri (the "Council") passed Committee Substitute for Ordinance No. 050104, which accepted the recommendations of the Commission and approved the North Oak Tax Increment Financing Plan (the "Redevelopment Plan") and designated the Redevelopment Area described therein to be a blighted area (the "Redevelopment Area"); and

WHEREAS, on July 20, 2006, the Council passed Committee Substitute for Ordinance No. 060534 approving the First Amendment to the North Oak Tax Increment Financing Plan, which provides for (A) the expansion of the Redevelopment Area by adding a 32 acre parcel for development into retail space and (B) a change in designation of the Redevelopment Area from a blighted area to a conservation area; and

WHEREAS, a second amendment to the Redevelopment Plan (the "Second Amendment") was presented to the Commission but was never approved; and

WHEREAS, on October 11, 2007, the Council passed Committee Substitute for Ordinance No. 070996 approving the Third Amendment to the Redevelopment Plan, which provides for expansion of the Redevelopment Area by including the east side of the 4200 block of North Oak Trafficway as Redevelopment Project 2B, which is to be developed into retail uses; and

WHEREAS, on October 1, 2009, the Council passed Committee Substitute for Ordinance No. 090832 approving the Fourth Amendment to the Redevelopment Plan, which provides for (A) the creation of a benefit area for the purposes of establishing a housing and infrastructure program and (B) revisions to the budget to include funding for design streetscape improvements; and

WHEREAS, on February 11, 2010, the Council passed Ordinance No. 100083 approving the Fifth Amendment to the Redevelopment Plan, which provides for certain modifications to the Budget of Redevelopment Project Costs attached to the Redevelopment Plan; and

WHEREAS, on September 30, 2010, the Council passed Ordinance No. 100705 approving the Sixth Amendment to the Redevelopment Plan, which provides for certain modifications to the Budget of Redevelopment Project Costs attached to the Redevelopment Plan; and

WHEREAS, on March 1, 2012, the Council passed Ordinance No. 120172 approving the Seventh Amendment to the Redevelopment Plan, which provides for certain modifications to the Budget of Redevelopment Project Costs attached to the Redevelopment Plan; and

WHEREAS, on September 8, 2016, the Council passed Ordinance No. 160670 approving the Eighth Amendment to the Redevelopment Plan, which provides for certain modifications to the public improvements, Budget of Redevelopment Project Costs and creates the Neighborhood Infrastructure and Site Program; and

WHEREAS, on October 5, 2017, the Council passed Ordinance No. 170739 approving the Ninth Amendment to the Redevelopment Plan, which provides for the addition of guidelines for the North Oak Façade and Site Program; and

WHEREAS, on February 1, 2018, the Council passed Ordinance No. 180053 approving the Twelfth Amendment to the Redevelopment Plan, which provides for modifications to the description of the Project Improvements and the Budget of Redevelopment Project Costs; and

WHEREAS, on August 27, 2020, the Council passed Ordinance No. 190925 approving the Eleventh Amendment to the Redevelopment Plan, which provides for modifications to the Budget of Redevelopment Project Costs and Sources of Funds and the Specific Objectives of the Redevelopment Plan to provide for streetscape and trail improvements along N. Troost Trail; and

WHEREAS, a Twelfth Amendment to the Redevelopment Plan ("Twelfth Amendment") was proposed to the Commission and the Commission, having been duly constituted and its members appointed, after proper notice was given, met in public hearing on July 12, 2022, and after receiving the comments of all interested persons and taxing districts, closed the public hearing, approved the Twelfth Amendment to the Redevelopment Plan and recommended that the City Council do the same; and

WHEREAS, the Twelfth Amendment to the Redevelopment Plan provides Plan (a) modifications to the

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boundaries of Redevelopment Area, (b) modifications to the description of public improvements described by the Redevelopment Plan, (c) modifications to the Budget of Redevelopment Project Costs, (d) modifications to the Sources of Funds and (e) modifications to the Development Schedule and (E) the inclusion of all conforming changes within the Redevelopment Plan s; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission concerning the Twelfth Amendment as set forth in Resolution 7-5-22, are hereby accepted and the Twelfth Amendment is hereby approved and adopted as valid.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act").

Section 3. That the Council hereby finds that:

(a) The findings of the Council in Committee Substitute for Ordinance Nos. 050104, 060534, 070996, and 090832, Ordinance No. 100083, Ordinance No. 100705, Ordinance No. 120172, Ordinance No. 160670, Ordinance No. 170739, Ordinance No. 180053 and Ordinance No. 190925 with respect to the Redevelopment Plan are not affected by the Twelfth Amendment and apply equally to the Twelfth Amendment;

(b) The Redevelopment Area, as amended, is a conservation area, as a whole, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan, as amended, by the Twelfth Amendment;

(c) The Redevelopment Plan, as amended by the Twelfth Amendment, includes a detailed description of the factors that qualify the Redevelopment Area as a conservation area and an affidavit as required by Section 99.810.1(1), RSMo;

(d) The Redevelopment Plan, as amended by the Twelfth Amendment, conforms to the comprehensive plan for the development of the City as a whole;

(e) The areas selected for Redevelopment Projects described by the Redevelopment Plan, as amended by the Twelfth Amendment, include only those parcels of real property and improvements therein which will be directly and substantially benefited by the Redevelopment Project improvements;

(f) The estimated dates of completion of the respective Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan, as amended by the Twelfth Amendment, and are not more than 23 years from the passage of any ordinance approving each applicable Redevelopment Project authorized by the Redevelopment Plan and located within the Redevelopment Area, as amended;

(g) A plan has been developed for relocation assistance for businesses and residences;

(h) The Twelfth Amendment does not alter the cost benefit analysis attached to the Redevelopment Plan showing the impact of the Redevelopment Plan, as amended, on each taxing district which

is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act;

(i) The Twelfth Amendment does not include the initial development or redevelopment of any gambling establishment; and

(j) A study has been completed and the findings of such study satisfy the requirements provided under Section 99.810.1, RSMo.

Section 4. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to finance Redevelopment Project Costs and subject to any constitutional limitations, to acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land or other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the Commission determines, to enter into such contracts and undertake all such further actions as are reasonably necessary to achieve the objectives of the Redevelopment Plan, as amended, pursuant to the power delegated to it in the Enabling Ordinances. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 through 99.865, RSMo., which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. That pursuant to the provisions of the Redevelopment Plan, as amended, the Council approves the pledge of all payments in lieu of taxes and economic activity taxes generated within Redevelopment Projects that are deposited into the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to the payment of Redevelopment Project Costs, and authorizes the Commission to pledge such funds on its behalf.

Approved as to form and legality:

Emalea K. Black
Associate City Attorney

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