



## Legislation Text

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**File #: 190954, Version: 2**

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### COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 190954

Rejecting the recommendations of the Tax Increment Financing Commission as to the Performing Arts Campus Tax Increment Financing Plan; and approving the Performing Arts Campus 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 City Council of Kansas City, Missouri by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, As Amended, passed on August 29, 1991, Ordinance No. 100089, As Amended, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, passed on June 18, 2015, created the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”); and

WHEREAS, the Performing Arts Campus Tax Increment Financing Plan (the “Redevelopment Plan”) was proposed to the Commission; and

WHEREAS, the Redevelopment Plan provides for the (i) construction of an approximately 123,600 square-foot, 13 story hotel that shall contain approximately 145 guest rooms, 9,500 square feet of restaurant space, a fitness center and a rooftop bar and (ii) renovation of a 35,238 square-foot space to be used as a performing arts rehearsal hall (collectively, the “Project Improvements”), along with the construction or reconstruction of such other public infrastructure improvements, which may consist of streetscape, signage, signaling, sidewalks and curbs and such other related public infrastructure improvements that support and enhance the Project Improvements (collectively, the “Public Improvements”); and

WHEREAS, the proposed redevelopment area described by the Redevelopment Plan is a non-contiguous area that is generally bounded by: (i) W. 16th Street on the north, Baltimore Avenue on the east, W. 17th Street on the south and an alley between Wyandotte Street and Baltimore Avenue on the west, and (ii) the I-35 ramp on the north, Broadway Boulevard on the east, W. 16th Street on the south and Washington Street on the west in Kansas City, Jackson County, Missouri (the “Redevelopment Area”);

WHEREAS, after all proper notice was given, the Commission met in a public hearing regarding the Redevelopment Plan on October 24, 2019, at which time, after receiving the comments of all interested persons and taxing districts, the Commission approved Resolution No. 10-20-19 (“Resolution”) recommending to the City Council the rejection of the Redevelopment Plan;

WHEREAS, notwithstanding the Commission’s recommendation to not approve the Redevelopment Plan, the City Council desires to approve the Redevelopment Plan, provided however, the City Council desires to (1) modify the Sources of Funds to pay Redevelopment Project Costs, (2) update the Cost-Benefit Analysis incorporated therein, (3) modify the TIF Revenue Projections incorporated therein, (4) modify the Evidence of Financing Interest; and (5) modify any other provisions or exhibits to the Redevelopment Plan that are

impacted by the foregoing modifications (collectively, the “Additional Modifications”);

WHEREAS, the Additional Modifications described in the foregoing recital to the Redevelopment Plan were properly noticed in accordance with Section 99.825 and Section 99.830, RSMo; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission concerning the Redevelopment Plan as set forth in the Resolution are hereby rejected and City Council hereby approves the Redevelopment Plan that contains the Additional Modifications described in the recitals above, a copy of which is attached hereto

Section 2. That all terms used in this ordinance 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 following described area is hereby designated the Redevelopment Area:

The South 267 feet of Lot 1, Performing Arts District, a subdivision in Kansas City, Jackson County, Missouri.

All of Lots 8 and 9, BALIS ADDITION, a subdivision in Kansas City, Jackson County, Missouri.

All of Lots 1, 2, 3, 4, 10 and all of Lot 11, BALIS ADDITION, a subdivision in Kansas City, Jackson County, Missouri and all of Lots 4, 5 and 6, FORD AND WHITWORTH'S ADDITION, a subdivision in Kansas City, Jackson County, Missouri.

Section 4. That in accordance with Section 99.810 of the Act, the City Council hereby finds that:

(a) The Redevelopment Area as a whole is a conservation area, 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;

(b) The Redevelopment Plan sets forth in writing a general description of the program to be undertaken to accomplish the objectives of the Redevelopment Plan and includes the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the Redevelopment Area which is to be subjected to payments in lieu of taxes and economic activity taxes, an estimate as to the equalized assessed valuation after implementation of the improvements contemplated by the Redevelopment Plan, and the general land uses to apply in the Redevelopment Area;

(c) The Redevelopment Plan conforms to FOCUS, the comprehensive plan for the development of the City as a whole and the applicable Area Plan;

(d) The area selected for the Redevelopment Project Areas include only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project improvements;

(e) The estimated dates of completion of each respective Redevelopment Project and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project within the Redevelopment Area;

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

(g) A cost-benefit analysis showing the impact of the implementation of the Redevelopment Plan on each taxing district at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act; and

(h) The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment; and

(i) A conservation study has been completed and the findings of such study satisfy the requirements provided under subdivision (3) of Section 99.805, RSMo.

Section 5. 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 the Redevelopment Projects described by the Redevelopment Plan to finance Redevelopment Project Costs identified by the Redevelopment Plan 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 there to, all in the manner and at such price the Commission determines, to enter into such contracts and take all such further actions as are reasonably necessary to achieve the objectives of the Redevelopment Plan pursuant to the power delegated to it by the City. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 to 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 6. That pursuant to the provisions of the Redevelopment Plan, the City Council approves the pledge of all funds that are deposited into the Special Allocation Fund(s) established in connection with the Redevelopment Projects described by the Redevelopment Plan to the payment of Redevelopment Project Costs described by the Redevelopment Plan and authorizes the Commission to pledge such funds on its behalf.

Section 7. That the City Clerk shall send a copy of this ordinance to the County Clerk and County Commission of Jackson County, Missouri.

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Approved as to form and legality:

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Katherine Chandler  
Assistant City Attorney