



File #: 230260

ORDINANCE NO. 230260

Repealing Ordinance No. 220694; authorizing the City Manager to execute the replacement Second Amendment to the Restated Lease and Acquisition Agreement with Block 66, LLC; and directing the City Manager to execute Special Warranty Deeds and such ancillary documents in connection with conveying real property in the East Village area to Block 66, LLC.

WHEREAS, in 2004, the Council approved the General Development Plan for the East Downtown Planning Area via Ordinance No. 040180, declaring the area to be a blighted, insanitary, or undeveloped industrial area and its redevelopment necessary; and

WHEREAS, in 2005, the Planned Industrial Expansion Authority of Kansas City, Missouri ("PIEA") issued a request for proposals for the acquisition and redevelopment of several parcels in the East Downtown Planning Area, including the properties that would become known as Blocks 49, 66, and 82 of the East Village Planning Area; and

WHEREAS, in 2006, the Council accepted recommendations of the Tax Increment Financing ("TIF") Commission as to the East Village Tax Increment Financing Plan, approving the East Village Tax Increment Financing Plan and designating a Redevelopment Area via Ordinance No. 060455; and

WHEREAS, in 2006, the TIF Commission issued a request for proposals for the acquisition and development of the expanded East Village Area, including parcels that would become known as Blocks 49, 66, 82, 99, and 100 of the East Village Planning Area; and

WHEREAS, on January 19, 2006, via Committee Substitute for Ordinance No. 060037, Council authorized the City Manager to execute a Memorandum of Understanding (the "MOU") with J.E. Dunn and East Village, LLC, of which Swope Community Builders was a member, for extensive development of the East Village Planning Area (formerly designated the "East Loop"); and

WHEREAS, the MOU also provided for the acquisition and development of Lots 49, 66, 82, 99, and 100 of the East Village Planning Area; and

WHEREAS, pursuant to the MOU the City then acquired of Lots 49, 66, 82, and 100 of the East Village Planning Area for the acquisition and redevelopment by East Village, LLC; and

WHEREAS, Council passed Ordinance No. 100588 on July 29, 2010, authorizing the execution of a Funding and Acquisition Agreement with the PIEA, TIF Commission, East Village, LLC, Swope Community Builder, and GF Properties Group, LLC, which affirmed, in part, and modified, in part, the expectations and obligations related to Blocks 49, 66, 82, 99, and 100 of the East Village Planning Area; and

WHEREAS, the City and Swope Community Builders executed that certain Restated Lease and Acquisition Agreement (the "Agreement") on or about April 28, 2017, pursuant to Ordinance No. 170218, for the purpose of providing for the assemblage, acquisition, and redevelopment of specific parcels within the East Village Planning Area, including Blocks 49, 66, 82, 99, and 100; and

WHEREAS, Swope Community Builders subsequently assigned its interests under the Agreement to Block 66, LLC, with the City's consent; and

WHEREAS, the parties entered into the First Amendment to the Restated Lease and Acquisition Agreement ("First Amendment") on November 13, 2017; and

WHEREAS, on September 15, 2022, the Council passed Ordinance No. 220694, which authorized the City Manager to enter into a Second Amendment to the Restated Lease and Acquisition Agreement with Block 66, LLC; and

WHEREAS, the parties then determined that additional changes were necessary in order to finalize the Second Amendment to Restated Lease and Acquisition Agreement and convey Blocks 49, 66, 82, 99, and 100 to Block 66, LLC; and

WHEREAS, the parties now wish to provide certain modifications to adjust the mechanism for the City's contribution, specify the properties to be conveyed to Block 66, LLC, and authorize the conveyance; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Ordinance No. 220694 is hereby repealed.

Section 2. That the City Manager is authorized to execute the Second Amendment to the Restated Lease and Acquisition Agreement for the purposes recited herein (the "Second Amendment"). A copy of the Second Amendment in substantial form is attached hereto.

Section 3. That the City Manager is authorized to execute Special Warranty Deeds and such other closing documents as may be reasonably necessary or desired in connection with any exercise by Block 66, LLC of the purchase option(s) in the Restated Lease and Acquisition Agreement (as amended by the First and Second Amendment) covering the following parcels:

Lot C and the East 9 feet of Lot B, Resurvey of Lots 4, 5, 6, 7, 8 and 9, Block 2, M.M. Evans 1st Addition, a subdivision in Kansas City, Jackson County, Missouri, together with the South ½ of the vacated alley lying North of and adjacent thereto.

Lots 97 thru 101, both inclusive, and the vacated alley lying East of and adjoining said premises, Block 22, Continuation of Smart's Addition No. 3, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; and

Lots 7 thru 15, both inclusive, and the vacated South 5.25 feet of 9th Street, lying North of and adjoining said premises, Block 5, Peery Place, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; and

Lots 102 thru 104, both inclusive, and the vacated alley lying East of and adjoining said premises, Block 22, Continuation of Smart's Addition No. 3, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; and

Lots 1 thru 6, both inclusive, Block 5, PEERY PLACE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

The South 24 feet of Lot 45 and the North 24 feet of Lot 46, Block 17, Smart's Addition No. 3, sometimes known and designated as Smart's 3rd or as Smart's Third Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; and

The South 24 feet of Lot 46 and all of Lots 47 and 48, Block 17, Smart's Addition No. 3, sometimes known and designated as Smart's 3rd or as Smart's Third Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

All of Block 24, Continuation of Smart's Addition No. 3 and all of Block 13, Peery Place, both subdivisions in Kansas City, Jackson County, Missouri, together with the vacated North-South alley East of and adjoining said Block 24 and West of and adjoining said Block 13, and the vacated East-West alley South of and adjoining Lot 70, Block 24, except that part now in 12th Street.

Section 4. That the City Manager is authorized to execute Special Warranty Deeds and such other closing documents as may be reasonably necessary or desired in connection with any exercise by Block 66, LLC of the purchase option in the Restated Lease and Acquisition Agreement (as amended by the First Amendment and Second Amendment) covering the following parcels, provided that the conditions provided in the Second Amendment are met:

Lots 53, 54, 55 and 56, Block 18, Smart's Addition No. 3, sometimes known and designated as Smart's 3rd or as Smart's Third Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, together with all that part of the west ½ of vacated alley lying east of and adjacent to, as vacated by Ordinance No. 47741 recorded June 6, 1977, as Document No. K-329507 in Book K-758, Page 836, except that part now in 12th Street.

Approved as to form:



Emalea Black
Associate City Attorney



Authenticated as Passed


Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

APR 13 2023

Date Passed