

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250381

Authorizing the City Manager to negotiate and execute a cooperative agreement, disbursement agreement, and other related agreements with Southpointe Development LLC to facilitate site preparation activities in connection with the redevelopment of certain real property located in an area generally located at 63<sup>rd</sup> and Prospect; authorizing the use of \$4,500,000.00 previously appropriated from the General Fund; authorizing the use of \$500,000.00 previously appropriated from the Development Services Fund; and authorizing the City Manager to negotiate and execute an Amended and Restated Development Agreement with Southpointe Development LLC.

WHEREAS, Committee Substitute for Ordinance No. 210566 authorized the City Manager to execute a development agreement with the Tax Increment Financing Commission of Kansas City (“TIF”) and UA KC Southpointe, LLC for the sale and development of mixed use, commercial, residential and community improvements (the “Project”) of certain real property located in Kansas City, Missouri in an area that is generally bounded by 59<sup>th</sup> Street on the North, 63<sup>rd</sup> Street on the South, Bruce R. Watkins Highway on the East and Brooklyn Avenue on the West as more fully described by the schematic phasing plan attached hereto as Exhibit A, and incorporated herein, which development is known as the 63<sup>rd</sup> & Prospect Development (the “Development Area”); and

WHEREAS, City, TIF, and UA KC Southpointe, LLC entered into a Development Agreement on February 4, 2022, as amended by the First Amendment dated July 31, 2023 and the Second Amendment dated December 21, 2023 (the “Development Agreement”); and

WHEREAS, UA KC Southpointe, LLC assigned certain interests to Southpointe LLC; and

WHEREAS, pursuant to the Development Agreement, Southpointe LLC exercised its option to purchase certain areas of the Development Area referred to as “Subdivision 1-A”; and

WHEREAS, City entered into a ground lease agreement with TIF on February 29, 2012, for portions of the Development Area not owned by the City for the purpose of redeveloping the same; and

WHEREAS, portions of the Subject Property are owned by the City and others are owned by TIF; and

WHEREAS, the City and Southpointe, LLC, with TIF’s consent, entered into a License Agreement on April 23, 2025, authorizing Southpointe, LLC to conduct certain grading and site preparation activities; and

WHEREAS, City, TIF, and Southpointe LLC seek to enter into an Amended and Restated Development Agreement adjusting certain project timelines originally set forth in Committee Substitute for Ordinance No. 210566; and

WHEREAS, the City has allocated funds for the Project in the amount of \$5,000,000.00 (the “Development Funds”) as set forth in Amendment E to Ordinance No. 250175 approved by

250381

the City Council on March 20, 2025, to assist in the completion of eligible work within the Development Area; and

WHEREAS, the City and Developer desire for all or a portion of the Development Funds to be deposited with a disbursing agent with expenditure oversight by the City as set forth in the disbursing agreement; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager or her designee is authorized to negotiate and execute a cooperative agreement, disbursement agreement, and other related agreements necessary for the transfer of funds with Southpointe LLC and a third-party disbursement agent for site preparation activities in connection with the redevelopment of certain real property located at 63<sup>rd</sup> and Prospect.

Section 2. That the City Manager is hereby authorized to utilize \$5,000,000.00 from previously appropriated funds to be transferred in accordance with the cooperative agreement with Southpointe LLC, \$4,500,000.00 of which was previously appropriated from the General Fund in Account No. 26-1000-898045-611060 and the remaining \$500,000.00 previously appropriated from the Development Services Fund in Account No. 26-2210-898045-611060 pursuant to Ordinance No. 250175.

Section 3. That the City Manager or her designee is authorized to negotiate and execute an Amended and Restated Development Agreement with Southpointe LLC for the sale and redevelopment of parcels generally located at 63<sup>rd</sup> and Prospect, as more particularly described on Exhibit A.

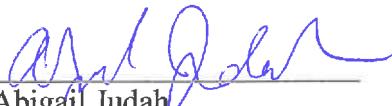
---

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.



Tammy L. Queen  
Director of Finance

Approved as to form:



Abigail Judah  
Assistant City Attorney



Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

MAY 08 2025

Date Passed