

NINTH AMENDMENT TO THE CHOUTEAU & I-35 TAX INCREMENT FINANCING PLAN

KANSAS CITY, MISSOURI

TIF COMMISSION APPROVAL:

DATE: **RESOLUTION NO.**

CITY COUNCIL APPROVAL:

DATE: **ORDINANCE NO.**

**NINTH AMENDMENT
TO THE
CHOUTEAU I-35
TAX INCREMENT FINANCING PLAN**

I. INTRODUCTION

The Ninth Amendment to the Chouteau I-35 Tax Increment Financing Plan (the “Ninth Amendment”) shall amend the Chouteau I-35 Redevelopment Plan as approved by the Ordinance No. 980426 on April 23, 1998, the First Amendment to Chouteau I-35 Redevelopment Plan by Ordinance No. 020784 on July 18, 2002, the Second Amendment to Chouteau I-35 Redevelopment Plan by Ordinance No. 030022 on January 16, 2003, the Third Amendment to Chouteau I-35 Redevelopment Plan by Ordinance No. 040097 on February 5, 2004, the Fourth Amendment to Chouteau I-35 Redevelopment Plan by Ordinance 060324 on March 30, 2006, the Fifth Amendment to Chouteau I-35 Redevelopment Plan by Committee Substitute for Ordinance No. 070995 on October 4, 2007, the Sixth Amendment to Chouteau I-35 Redevelopment Plan by Ordinance No. 080141 on February 28, 2008, the Seventh Amendment to Chouteau I-35 Redevelopment Plan by Ordinance No. 130109 on March 7, 2013 and the Eighth Amendment to the Chouteau I-35 Redevelopment Plan by Ordinance No. 200203 on March 26, 2020 (collectively referred to herein as the “Plan”). The proposed Ninth Amendment provides for 1) modifications to the description of the Redevelopment Area, 2) modifications to the Site Map, 3) modifications to the description of the Project Improvements set forth within n the Plan 4) modifications to the Redevelopment Schedule and the estimated dates of completion of the Project Improvements, 5) modifications to the Budget of Redevelopment Project Costs and 6) modifications to the Sources and Uses contemplated by the Plan. The intent of the Plan remains unchanged other than those changes specifically mentioned herein.

II. SPECIFIC AMENDMENTS

In accordance with this Ninth Amendment, the Plan shall be amended as follows:

Amendment No. 1: Section III A. General Description of Plan and Projects.

Revise subsection A of Section III.A. of the Plan by deleting the first two paragraphs in their entirety and replacing them with the following:

The Plan. The Redevelopment Plan proposes to redevelop approximately 27 acres of land located at the intersection of Interstate 35 (I-35) and Chouteau Trafficway in Kansas City, Clay County, Missouri. Approximately 27 acres of the Redevelopment Area is located south of I-35 and east of Chouteau Trafficway and is divided into Project Areas 1 and 2. Approximately 4.4 acres is located south of I-35 and west of Chouteau Trafficway and designated as Project Areas 3 and 4. In Redevelopment Project Areas 1

and 2, the Plan calls for the construction of a 244,709 square foot retail shopping center with a full service supermarket, a large box retailer, two smaller in-line stores and three retail pad sites and out parcels. Restaurants are planned for at least two pad sites. Redevelopment of Project Area 3 calls for the improvement of the site to provide for the construction of a fast food restaurant.

Tax Increment Financing shall be utilized to pay for costs associated with curing blight on the site, which is intended to assist in the commercial development and to pay for costs to construct Chouteau Trafficway into a four-lane boulevard as a portion of the City's planned Centennial Parkway and to make improvements to Chouteau Greenway Park. The street improvements are proposed to be accomplished in two phases. The first phase involves the reconstruction of Chouteau Trafficway adjacent to the Redevelopment Area. This work will be completed in conjunction with the construction of Projects 1 and 2. The second phase involves improvements to Chouteau Trafficway between I-35 and Highway 210 to upgrade Chouteau to boulevard status as part of the City's planned Centennial Parkway. Additional blight remediation and public improvements shall include improvements to Chouteau Greenway Park, the construction and equipping of a fountain located south of I-35 on NE Chouteau and Russell Road, the construction of a non-motorized transportation facility along Searcy Creek between NE Parvin Road to approximately North Topping Avenue and the grading and culvert improvements for a future trail improvement from approximately North Topping Avenue to NE 48th Street and the establishment of a fund for Neighborhood Housing and Infrastructure Improvements. The allocation and prioritization of these improvements will be recommended by an advisory committee, with ultimate approval by the TIF Commission.

Amendment No. 2: Section III C. Project Improvements.

Revise subsection III C, entitled "Project Improvements," by deleting the fourth paragraph in its entirety and replacing it with the following:

4) Public Improvements No. 4: Construction of Searcy Creek Trail. The construction of a 10' wide concrete non-motorized transportation facility along Searcy Creek between NE Parvin Road to approximately North Topping Avenue and the grading and culvert improvements for a future trail improvement from approximately North Topping Avenue to NE 48th Street.

Amendment No. 3: Section III E. Estimated Dates of Completion.

Amend Section III E. entitled "Estimated Dates of Completion" by deleting the first paragraph in its entirety and replacing it with the following:

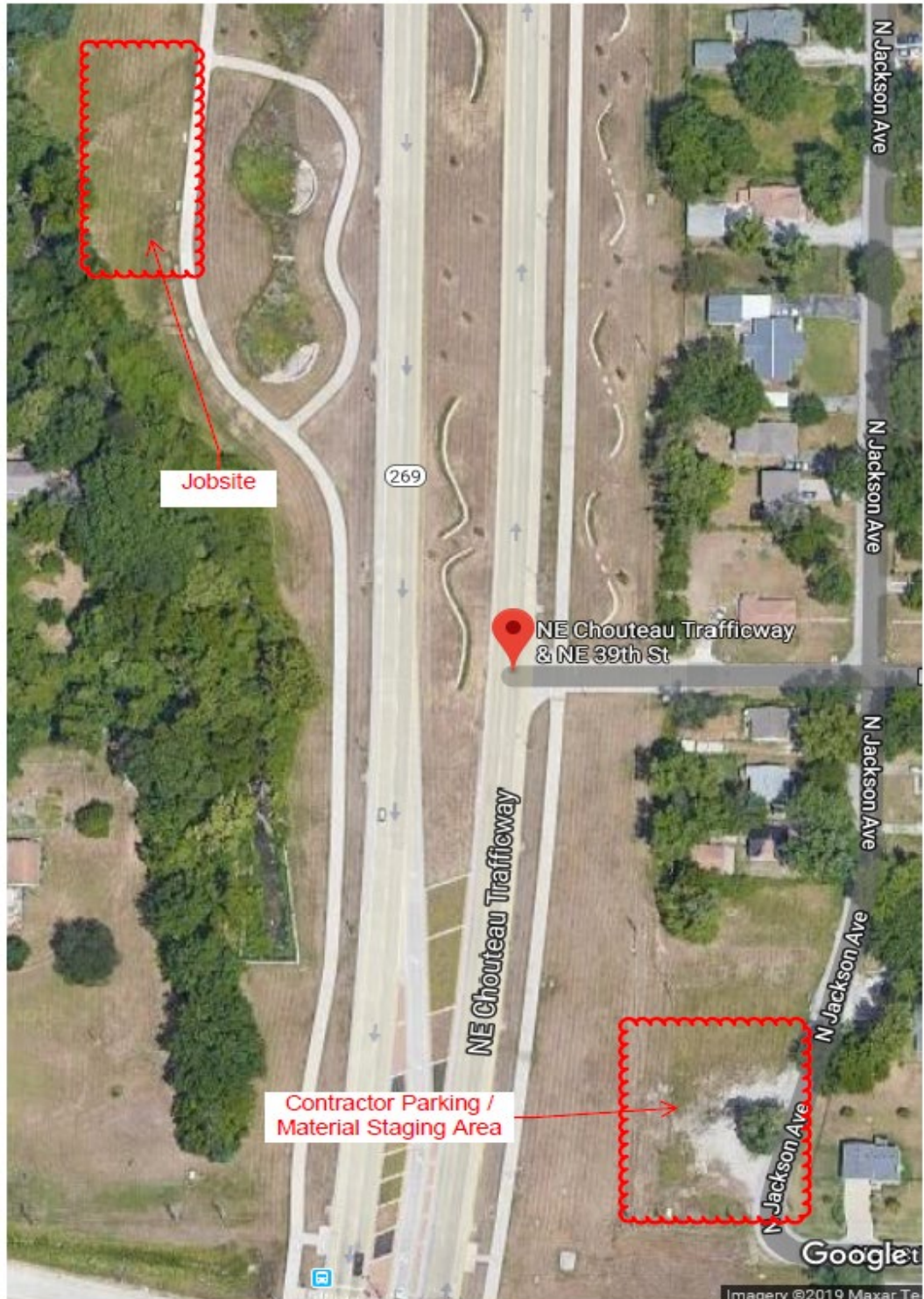
As set forth in the Redevelopment Schedule attached as Exhibit 4, improvements related to Redevelopment Projects 1 and 2 are expected to be completed in 1999. Improvements related to Redevelopment Project 3 are expected to begin in July 2002 and are expected to be completed by May 2003. The funding prioritization and development schedule for the anticipated public improvements to Chouteau Trafficway, Chouteau

Greenway Park and the implementation of the Neighborhood Housing and Infrastructure Program will be recommended by the Chouteau Area Advisory Committee and the Chouteau Housing and Neighborhood Development Advisory Committee, with final approval by the TIF Commission; provided however, Public Improvement No. 4 shall be substantially complete by the end of 2023 and Public Improvement No. 5 shall be substantially complete by 2020. The completion date for Public Improvement No. 6 will be 2027.

III. PLAN EXHIBIT AMENDMENTS

Amendment No. 4: Amend Exhibit 2C, entitled "Site Plan," by deleting Exhibit 2C and replacing it with the following after the last page of Exhibit 2:

Chouteau Heritage Fountain Site Map



Amendment No. 5: Amend Exhibit 2, entitled “Site Plan,” by incorporating the following **Exhibit 2D** after the last page of Exhibit 2C:

Exhibit 2D – Searcy Creek Trail

**Searcy Creek Trail Segment 2
Clay County, Missouri**



Amendment No. 6: Amend Exhibit 4A, entitled “Estimated Redevelopment Schedule for Pubic Improvement No 4 (4305 N. Antioch Road), Public Improvement No. 5 (Heritage Fountain), and Public Improvement No. 6 (Additional Public Improvements)” by replacing it with the following Exhibit 4A:

EXHIBIT 4A

ESTIMATED REDEVELOPMENT SCHEDULE FOR
PUBLIC IMPROVEMENT NO. 4 (Searcy Creek Trail)
PUBLIC IMPROVEMENT NO. 5 (Heritage Fountain)
PUBLIC IMPROVEMENT NO. 6 (Additional public improvements)

Public Improvements	Substantial Completion
Public Improvement No. 4 (Searcy Creek Trail)	End of 2023
Public Improvement No. 5 (Heritage Fountain)	End of 2020
Public Improvement No. 6 (Additional public improvements to be determined)	End of 2027

Amendment No. 7: Amend Exhibit 5, entitled “Estimated Redevelopment Project Costs,” by replacing Exhibit 5 and inserting in its place the **attached Exhibit 5 “Estimated Redevelopment Project Costs.”**

Amendment No. 8: Amend Exhibit 6, entitled “Sources of Funds,” by replacing Exhibit 6 and inserting in its place the attached Exhibit 6 “**Sources of Funds.**”

Amendment No. 9: Amend Exhibit 10A, entitled “Property Acquisition and Disposition,” by deleting the following from Exhibit 10A:

EXHIBIT 10A

PROPERTY ACQUISITION AND DISPOSITION FOR
THE 4305 N. ANTIOCH PROJECT

Acquisition of 4305 N. Antioch, Kansas City, Missouri

Amendment No. 10: Amend Exhibit 15A to the Plan, entitled “Affidavit Relating to 430 N. Antioch Project and Chouteau Heritage Fountain Project,” by deleting Exhibit 15A and replacing it with the following:

EXHIBIT 5

ESTIMATED REDEVELOPMENT PROEJCT COSTS

(See Attached)

EXHIBIT 6
SOURCES OF FUNDS

SOURCES		
PILOTS and EATS		\$15,761,822
Developer Debt and Equity		\$17,121,431
TOTAL		\$32,883,253

BONDS: In 2003, the Commission issued its variable rate demand tax increment financing refunding and improvement revenue bonds in 2 series in the par amount of \$7,355,000 (Series 2003A) and \$7,425,000 (Series 2003B), collectively “the Refunded Bonds”, the proceeds of which were used to pay certain project costs and to refund prior bonds issued in 2001. In 2009, the City issued its variable rate demand special obligation refunding bonds in the par amount of \$12,245,000 to refund and redeem the Refunded Bonds and pay the costs of issuance.

EXHIBIT 15A

AFFIDAVIT RELATING TO SEARCY TRAIL CREEK

(See Attached)

CITY MANAGER’S AFFIDAVIT

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

1. I, Brian Platte, am the City Manager of the City of Kansas City, Missouri, a constitutional charter city and political subdivision duly organized and validly existing under the laws of the State of Missouri (the “City) and I am authorized to provide this affidavit on behalf of the City.

2. I am charged with the responsibility of submitting an Annual Budget to the Mayor of the City (the “Mayor”), which shall include, at a minimum, the following:

a. Revenues: An itemized statement of estimated revenues to be realized in cash from all sources for the year which the budget is to cover, together with a comparative statement of estimated cash receipts for the current fiscal year and actual cash receipts for the two fiscal years next preceding the current fiscal year.

b. Appropriation:. An itemized statement of appropriations, which is based, in part, on requests for appropriation from the head of each department under the City Manager, for the ensuing year, with a comparative statement of estimated expenditures for the current fiscal year and actual expenditures for the two fiscal years next preceding the current fiscal year.

c. Additional information: Such other information as may be required by the Mayor and the City Council of the City (the “Council”).

3. The Mayor shall transmit to the City Council the Annual Budget prepared by the City Manager, with any comments of the Mayor.

4. Upon receipt of the Annual Budget, the Council shall review the Annual Budget to determine the need for the expenditures requested and the adequacy, reliability and propriety of estimated revenues.

5. The Council shall, by ordinance, adopt the Annual Budget, which shall itemize the purposes of expenditure by departments, activities, functions, and character classes in not less detail than personal services, contractual services, commodities and capital outlays, and as adopted shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriation and authorization of the amount to be raised by taxation for the purposes of the City, provided that the total amount appropriated shall not in any event exceed the total revenues estimated to be realized in cash during such year, plus any unencumbered balance from previous years.

6. The Council has not adopted an Annual Budget which contemplates, and no department director has requested or indicated any intent to request an appropriation for the funding of the construction of the Searcy Creek Trail or the

7. The undersigned acknowledges and agrees that this Affidavit is being materially relied upon by the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission") in connection with its consideration of the Ninth Amendment to the Chouteau & I-35 Tax Increment Financing Plan. It is reasonable for the Commission to conclude that the public improvements, as described in and as contemplated by the Ninth Amendment to the Chouteau & I-35 Tax Increment Financing Plan, including the Searcy Creek Trail, would not be undertaken without the use of tax increment allocation financing.

The information, statements and averments in this Affidavit are, to the best of my knowledge and belief, true, accurate and complete in all material respects.

CITY OF KANSAS CITY,
MISSOURI

(SEAL)

ATTEST:

By: _____
Brain Platte, City Manager

By: _____
City Clerk

Approved as to form:

By: _____