

ORDINANCE NO. 190521

Approving the First Amendment to the Blue Ridge Mall Tax Increment Financing Plan; amending Committee Substitute for Ordinance No. 050260 to amend the legal description of Project 3 in accordance with the First Amendment to the Blue Ridge Mall Tax Increment Financing Plan; amending Committee Substitutes for Ordinance Nos. 050261, 050262, and 050263 to clarify that tax increment financing remains in place for the real property comprising Projects 4, 5, and 6; and directing the City Clerk to send a copy of this ordinance to Jackson County.

WHEREAS, the City Council of Kansas City, Missouri ("Council") by Ordinance No. 54556, passed on November 24, 1982 and thereafter repealed and amended in certain respects by Committee Substitute to Ordinance No. 911076, as amended, passed on August 29, 1991, and Ordinance No. 100089, passed on January 28, 2010, created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on February 24, 2005, the Council passed Ordinance No. 041238, (as amended by Ordinance No 140554 on July 31, 2014), which accepted the recommendations of the Commission as to the Blue Ridge Mall Tax Increment Financing Plan ("Plan") and designated the Redevelopment Area as a blighted area; and

WHEREAS, the Council, by Committee Substitute for Ordinance No. 050260 on December 9, 2010, approved Project 3 of six redevelopment projects described in the Plan; and

WHEREAS, the First Amendment to the Plan provides for a change in use for projects in a portion of the redevelopment area and the amendment of the boundaries of Project 3 by extending its the boundaries so that the real property comprising Projects 4, 5 and 6 are now within the boundaries of Project 3; and

WHEREAS, it is necessary to amend Committee Substitute for Ordinance No. 050260 to correct the legal description of Project 3 and amend Committee Substitutes for Ordinance Nos. 050261, 050262, and 050263 (which approved Projects 4, 5 and 6, respectively); NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. 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.

Section 2. That the First Amendment to the Blue Ridge Mall Tax Increment Financing Plan, a copy of which is attached hereto, is hereby approved.

Section 3. The Council hereby finds that:

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- (a) Good cause has been shown for amendment of the Redevelopment Plan, and that the previous findings with respect to the Redevelopment Plan are not affected by the First Amendment and apply equally to the First Amendment;
- (b) The First Amendment does not alter the Council's previous finding that the Redevelopment Area is a blighted 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, and the First Amendment;
- (c) The First Amendment does not alter the Council's previous finding that the Redevelopment Area conforms to the FOCUS Plan and the Sports Area Complex Land Use and Development Plan for the comprehensive development of the City as a whole;
- (d) The First Amendment does not alter the Council's previous finding that the areas selected for Redevelopment Projects include only those parcels of real property and improvements therein which will be directly and substantially benefited by the Redevelopment Project improvements;
- (e) The First Amendment does not alter the Council's previous finding that 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, and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area, as amended;
- (f) The First Amendment does not alter the Council's previous finding that a plan has been developed for relocation assistance for businesses and residences;
- (g) The First Amendment does not alter the Council's previous finding that the cost benefit analysis showing the economic impact of all projects on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act; and
- (h) The First Amendment does not include the initial development or redevelopment of any gambling establishment.

Section 4. The City and/or the Commission is authorized to issue obligations in one or more series of bonds secured by the Blue Ridge Mall Tax Increment Financing Plan Account of the Special Allocation Fund to finance Redevelopment Project Costs within the Redevelopment Area and subject to any constitutional limitations, to acquire

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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 City and/or 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 in Ordinance No. 54556. 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 5. Pursuant to the provisions of the Redevelopment Plan, as amended, the City Council approves the pledge of all funds generated from Redevelopment Projects that are deposited into the Blue Ridge Mall Account of the Special Allocation Fund to the payment of Redevelopment Project Costs within the Redevelopment Area and authorizes the Commission to pledge such funds on its behalf.

Section 6. That Section 2 of Committee Substitute for Ordinance No. 050260 is hereby repealed and replaced with the following Section 2, to amend the legal description of Project 3 in accordance with the First Amendment to the Blue Ridge Mall Tax Increment Financing Plan:

Section 2. Redevelopment Project 3 is hereby approved, and the area selected for the Redevelopment Project legally described as follows:

Lots 8, 9, 10, 11 and 12, Final Plat of Blue Ridge Crossing III, a subdivision in Kansas City & Independence, Jackson County, Missouri, along with Lot 1 Sterling Square, a subdivision in Kansas City, Jackson County, Missouri

is approved and designated as the Blue Ridge Mall Tax Increment Financing Plan Redevelopment Project 3 ("Project 3") effective December 19, 2010 (the "Original Effective Date"). The actions of all City and County officials and the Tax Increment Financing Commission of Kansas City, Missouri, in allocating, paying, depositing, receiving and/or disbursing payments in lieu of taxes or economic activity taxes for Redevelopment Project Area 3, which have been approved after the Original Effective Date, but prior to the effective date of this ordinance, are hereby ratified and approved.

Section 7. Committee Substitute for Ordinance No. 050261 is hereby amended adding a new Section 5, to read as follows:

Section 5. That, in accordance with the approval of the First Amendment to the Blue Ridge Mall Tax Increment Financing Plan, the Council hereby acknowledges (a) that the real property comprising Project 4 is now included within the boundaries of Project 3 and (b) that tax increment allocation financing remains in place for the real property therein.

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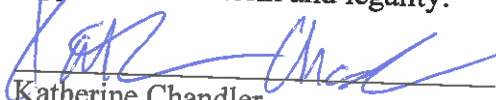
Section 8. Committee Substitute for Ordinance No. 050262 is hereby amended adding a new Section 5, to read as follows:

Section 5. That, in accordance with the approval of the First Amendment to the Blue Ridge Mall Tax Increment Financing Plan, the Council hereby acknowledges (a) that the real property comprising Project 5 is now included within the boundaries of Project 3 and (b) that tax increment allocation financing remains in place for the real property therein.

Section 9. Committee Substitute for Ordinance No. 050263 is hereby amended adding a new Section 5, to read as follows:

Section 5. That, in accordance with the approval of the First Amendment to the Blue Ridge Mall Tax Increment Financing Plan, the Council hereby acknowledges (a) that the real property comprising Project 6 is now included within the boundaries of Project 3 and (b) that tax increment allocation financing remains in place for the real property therein.

Approved as to form and legality:

  
Katherine Chandler  
Associate City Attorney



Authenticated as Passed

  
\_\_\_\_\_  
Shirley James, Mayor

  
\_\_\_\_\_  
Marilyn Sanders, City Clerk

JUL 11 2019

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Date Passed