

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 250983

Amending Chapter 74, Article VII, Code of Ordinances, by repealing Section 74-302 and enacting in lieu thereof a new section of like number and subject matter to allow community improvement districts requesting a finding of blight, or relying on a prior determination of blight, to submit alternative acceptable documentation when reasonable efforts to obtain official notarized documentation from the county assessor have been unsuccessful; and providing for a delayed effective date.

WHEREAS, Section 74-302(c)(3) of the City's Code of Ordinances currently requires that any community improvement district ("CID") requesting a finding of blight or relying on a prior determination of blight submit with its petition official documentation, notarized by the county wherein the CID is proposed to be located, denoting the total assessed valuation of each parcel within the proposed CID for each of the five immediately preceding tax years; and

WHEREAS, some petitioners have been unable to compel the relevant county to notarize such documentation despite making reasonable and documented efforts to obtain the required notarized records; and

WHEREAS, City desires to ensure that the inability to obtain notarized county documentation, despite reasonable efforts, does not prevent a CID from proceeding with its petition under Chapter 74; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 74, Article VII, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 74-302 and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 74-302. Requirements to establish a CID.

(a) *Petition.* The petition shall:

- (1) Inform the property owners of the right to initiate a petition to terminate the proposed CID as provided by RSMo 67.1481.
- (2) Provide that the city auditor shall have the right to examine or audit the records of the CID and shall require that the CID make such records available to the city auditor within ten days after a written request for the same is made.
- (3) Estimate the revenue to be used for benefits to the public and describe such benefits.

(b) *Term.* CIDs shall be limited to a term of 20 years. However, if the petition provides that sales tax revenue will be used to repay debt issued to fund capital improvements, blight removal, or both, the term may be up to 27 years.

(c) *Blight determination.* Any CID requesting a finding of blight or relying on a prior determination of blight for the purposes of exercising the additional powers under RSMo 67.1461.2 shall submit with its petition:

- (1) A blight study, outlining the blighting factors and conditions, which blight study shall have been completed no more than five years prior to the date upon which the petition is submitted to the city clerk, and which shall identify, to the extent reasonably deemed possible by the consultant doing the blight study, the owner(s) of the property at such time as the blighting factors and conditions might reasonably have been determined to first occur and remain unabated;
- (2) Information on the maintenance of the property including, among other things, any capital maintenance outlays, during the five years preceding the submission of the petition;
- (3) Either:
 - (i) Official documentation notarized by the county wherein the CID is proposed to be located, denoting the total assessed valuation of each parcel located within the proposed CID for each of the five immediately preceding tax years; or
 - (ii) Documentation denoting the total assessed valuation of each parcel located within the proposed CID for each of the five immediately preceding tax years, accompanied by:
 - a. A notarized affidavit attesting to the date and source of such documentation; and
 - b. Evidence demonstrating that reasonable efforts were made to obtain the official notarized documentation required under subsection (i), and that the county declined or failed to provide such notarization;
- (4) A construction budget, with respect to any proposed physical improvements, that is structured to address and remediate the cited blighting factors and conditions identified in the submitted blight study. Such budget shall specify which expenditures are associated with exterior improvements, public improvements, or other improvements; and
- (5) A time schedule clearly setting forth timelines for commencement and completion of remediation of cited blighting factors or conditions.

(d) *City manager execution.* The city manager shall not execute any petition on behalf of the city as a property owner seeking to establish a CID unless authorized by the city council.

(e) *Cooperative agreement.* Each CID shall enter into a cooperative agreement with the city that addresses, among other things, requirements of this article and state statute. If the CID is established as a political subdivision and takes title to any real property, whether by purchase, gift, grant, bequest, devise or otherwise, the agreement shall address, or shall be amended to address, whether and to what extent the CID shall be required to make payments in lieu of taxes.

Section 2. That this amendment shall not apply to any proposed CID that has submitted its petition to the City Clerk prior to the effective date of this ordinance. Such petitions shall be governed by the City ordinances in effect on the date of submission.

Section 3. That this ordinance shall take effect forty-five (45) days after its adoption.

Approved as to form:

Eluard Alegre
Associate City Attorney