



Legislation Text

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ORDINANCE NO. 220090

Accepting the recommendations of the Tax Increment Financing Commission of Kansas City as to the Seventh Amendment to the Arlington Road Tax Increment Financing Plan; approving the Seventh Amendment to the Arlington Road Tax Increment Financing Plan; and directing the City Clerk to transmit copies of this Ordinance

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), the City Council of Kansas City, Missouri by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, As Amended, passed on August 29, 1991, Ordinance No. 100089, As Amended, passed on January 28, 2010, and Ordinance No. 130986, passed on December 19, 2013 and Committee Substitute for Ordinance No. 140823, as Amended on, June 18, 2015, created the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”); and

WHEREAS, the City Council, by Committee Substitute for Ordinance No. 140916, accepted the recommendations of the Commission, approved the Arlington Road Tax Increment Financing Plan (“Plan”) and designated a Redevelopment Area; and

WHEREAS, the City Council, by Ordinance No. 150758, accepted the recommendations of the Commission, and approved the First Amendment to the Plan on September 17, 2015; and

WHEREAS, the City Council, by Ordinance No. 160241, accepted the recommendations of the Commission, and approved the Second Amendment to the Plan on April 17, 2016; and

WHEREAS, the City Council, by Ordinance No. 170865, accepted the recommendations of the Commission, and approved the Third Amendment to the Plan on November 9, 2017; and

WHEREAS, the City Council, by Ordinance No. 180280, accepted the recommendations of the Commission, and approved the Fourth Amendment to the Plan on June 21, 2018; and

WHEREAS, the City Council, by Ordinance No. 190996, accepted the recommendations of the Commission, and approved the Fifth Amendment to the Plan on December 19, 2019; and

WHEREAS, the City Council, by Ordinance No. 210981, accepted the recommendations of the Commission, and approved the Sixth Amendment to the Plan on November 10, 2021; and

WHEREAS, a Seventh Amendment to the Plan (“Seventh Amendment”) was proposed to the Commission and the Commission, having been duly constituted and its members appointed, after proper notice was given, met in public hearing, and after receiving the comments of all interested persons and taxing districts,

closed the public hearing January 11, 2022, and adopted Resolution No. 01-10-22 recommending approval of the Seventh Amendment to the Plan; and

WHEREAS, the Seventh Amendment to Plan provides for (1) certain modifications to the description of the Redevelopment Area; (2) the addition of legal descriptions for Redevelopment Project Area 5 and Redevelopment Project Area 7; (3) certain modifications to Redevelopment Project Area 3 and potential Redevelopment Project Area 4; (4) the removal of all references to Redevelopment Project 8 and the potential Redevelopment Project Areas 1, 9, 10, 11, 12, 13, 14 and 15; (5) certain modifications to the Site Maps; and (6) the inclusion of all conforming changes within the Exhibits to the Plan that are in furtherance of the foregoing modifications; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the recommendations of the Commission concerning the Seventh Amendment to the Plan (the "Seventh Amendment") to the Arlington Road Tax Increment Financing Plan are hereby accepted, a copy of which is attached hereto, is hereby approved and adopted as valid.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865, RSMo ("Act").

Section 3. That the following described area is hereby designated a Redevelopment Area:

Above-Ground Redevelopment Area

A tract of land in the Northeast and Northwest Quarter of Section 2, Township 50 North, Range 32 West, the Northeast and Southeast Quarter of Section 3, Township 50 North, Range 32 West, the Southeast Quarter of Section 34, Township 51 North, Range 32 West, and the Northwest and Southwest Quarter of Section 35 Township 51 North, Range 32 West all of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described by or under the direct supervision of Jeffrey P. Means P.L.S. 2000147866, as follows: commencing at the Southeast Corner of the Southeast Quarter of said Section 34; thence North 89°13'15" West, on the South line of said Southeast Quarter, 1,265.49 feet to the point of beginning of the tract of land to be herein described said point also being the point of beginning of Randolph Corners 10th/ Plat, a plat recorded in the Clay County Recorder of Deeds in Book 12 at Page 58; thence North 00°23'38" East, along the East line of said Randolph Corners 10th/ Plat and the extension thereof, 2,008.81 feet; thence leaving said line, North 64°28'03" East, 1,239.99 feet; thence South 89°54'49" East, 682.66 feet; thence North 56°39'53" East, 1,060.40 feet to a point on the existing Westerly right-of-way line of the Norfolk and Western Railroad as now established; thence on said Westerly right-of-way line, Southeasterly along a curve to the left having an initial tangent bearing of South 41°37'47" East with a radius of 2,080.08 feet, a central angle of 06°27'47" and an arc distance of 234.63 feet to a point being the Northerly most corner of Lot 37, Hunt Midwest Business Park - Sixth Plat, a plat recorded in the Clay County Recorder of Deeds in Book I at Page 112.1; thence on the Northwesterly Plat line of said Hunt Midwest Business Park - Sixth Plat, the following 8 calls, South 41°02'08" West, 1,278.59 feet; thence South 00°00'00" East, 847.67 feet; thence South 34°37'23" East, 605.52 feet; thence South 00°

42'34" East, 314.46 feet; thence South 33°01'40" East, 277.53 feet; thence South 00°00'00" East, 81.95 feet; thence Easterly along a curve to the right having an initial tangent bearing of South 89°17'02" East with a radius of 750.00 feet, a central angle of 12°28'18" and an arc distance of 163.25 feet; thence South 13°11'15" West, 10.00 feet to the Northerly right-of-way line of Northeast 48th/ Street also being North Arlington Avenue dedicated by Book 8464 Page 111 and Affidavit Book 8610 Page 118; thence on said Northerly right-of-way line, Southeasterly along a curve to the right having an initial tangent bearing of South 76°48'45" East with a radius of 740.00 feet, a central angle of 22°31'53" and an arc distance of 291.00 feet; thence South 54°16'52" East, 136.49 feet; thence Easterly along a curve to the left being tangent to the last described course with a radius of 660.00 feet, a central angle of 35°43'08" and an arc distance of 411.45 feet; thence North 90°00'00" East, 250.56 feet; thence Southeasterly along a curve to the right being tangent to the last described course with a radius of 740.00 feet, a central angle of 91°19'14" and an arc distance of 1,179.45 feet; thence South 01°19'14" West, 430.09 feet; thence leaving said Westerly right-of-way line, North 88°41'54" West, 589.78 feet; thence South 01°18'06" West, 99.98 feet to a point on the Northerly plat line of Hunt Midwest Business Park - Fifth Plat a plat recorded in the Clay County Recorder of Deeds in Book H at Page 156 ; thence on said Northerly plat line North 88°41'54" West, 312.15 feet; thence South 01°18'06" West, 510.91 feet to a point on the Northerly plat line of Minor Lot Consolidation Plat recorded in Clay County Recorder of Deeds at Book H, Page 53; thence on said Northerly plat line, North 88°41'54" West, 649.72 feet; thence South 02°27'36" East, 22.53 feet; thence South 69°00'37" West, 353.66 feet; thence South 82°54'45" West, 229.08 feet to a point on the Easterly plat line of Hunt Midwest Business Park - Second Plat a plat recorded in the Clay County Recorder of Deeds in Book G at Page 181; thence on said recorded plat line, North 11°42'53" West, 420.70 feet; thence South 52°54'38" West, 1,272.13 feet; thence South 60°10'53" West, 60.00 feet; thence South 71°00'48" West, 716.87 feet; thence North 89°18'02" West, 534.67 feet to the Northwest corner of said recorded plat; thence leaving said North line, North 00°42'01" East, 242.57 feet; thence North 89°27'50" West, 7.24 feet to the Southwest corner of the East half of the Southeast Quarter of said Section 3, Township 50 North, Range 32 West; thence on the West line of the said East half, North 00°44'11" East, 2,643.50 to the Northwest corner of the said East half; thence on the North line of the said East half, South 89°13'15" East, 31.02 feet to the point of beginning. Containing 14,994,749 square feet or 344.23 acres, more or less. All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, lying above the Bethany Falls Ledge. All other areas where no ledge is present lying above the elevation 720 (NAVD 88).

Below-Ground Redevelopment Area

All that part of Sections 2 and 3, Township 50 North, Range 32 West, all being in Kansas City, Clay County, Missouri, being described as follows: Commencing at the Northeast corner of the Southwest Quarter of said Section 2; thence South 00°37'50" West, along the East line of said Southwest Quarter, 2,000.61 feet; thence North 89°22'10" West, 1,373.64 feet to the Point of Beginning of the tract of land to be herein described; thence North 89°01'45" West, 3,107.23 feet; thence South 01°24'27" West, 597.17 feet; thence North 89°13'05" West, 606.30 feet; thence North 89°03'18" West, 285.42 feet; thence North 00°30'36" East, 4,844.60 feet; thence South 88°55'12" East, 3,593.30 feet; thence South 01°05'43" West, 390.61 feet; thence South 00°33'24" West, 1,621.88 feet; thence North 90°00'00" East, 102.89 feet; thence South 00°33'24"

West, 879.94 feet; thence North 90°00'00" East, 192.43 feet; thence South 00°00'00" East, 587.19 feet; thence South 88°53'31" East, 126.71 feet; thence South 00°58'15" West, 763.53 feet to the Point of Beginning. Containing 16,345,311 square feet or 375.24 acres, more or less. All lying below the bottom of the Winterset Ledge of Limestone Rock and lying above elevation 700 (NAVD 88).

Section 4. That the City Council hereby finds that good cause has been shown for the Seventh Amendment of the Plan and that the findings of the Council in Ordinance Nos. 140916, No. 150758, No. 160241, No. 170865, No. 180280, No. 190996 and Ordinance No. 210981, except as expressly modified by the Seventh Amendment, are not affected by the Seventh Amendment and apply equally to the Seventh Amendment.

Section 5. That the Seventh Amendment does not alter the previous findings of the City Council as follows:

- a. The Redevelopment Area as a whole is an economic development area, as defined in Section 99.805 of the Act, 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. The lack of sufficient street improvements, interchanges, and other infrastructure has inhibited the development of the Redevelopment Area.
- b. The Plan, as amended by the Seventh Amendment, conforms to the comprehensive plan for the development of the City as a whole.
- c. The areas selected for Redevelopment Projects include only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project Improvements.
- d. The estimated dates of completion of the Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs have been stated in the Plan, as amended by the Seventh Amendment, and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project within the Redevelopment Area.
- e. The Plan, as amended by the Seventh Amendment, includes a plan for relocation assistance for businesses and residences.
- f. A cost-benefit analysis showing the impact of the Plan, as amended by the Seventh Amendment, on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act.
- g. The Plan, as amended by the Seventh Amendment, does not include the initial development or redevelopment of any gambling establishment.
- h. A study has been completed and the findings of such study satisfy the requirements provided under Section 99.810, RSMo.

Section 6. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Arlington Road Tax Financing Plan Account of the Special Allocation Fund to finance Redevelopment Project Costs identified by the Plan, as amended by the Seventh Amendment, and, subject to any constitutional limitations, to acquire 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 Commission determines, to enter into such contracts and take all such further actions as are reasonably necessary to achieve the objectives of the Plan, as amended by the Seventh Amendment. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 to 99.865 of the Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 7. That the City Council approves the pledge of all funds that are deposited into the Arlington Road Tax Increment Financing Plan Account of the Special Allocation Fund to the payment of Redevelopment Project Costs identified by the Plan, as amended by the Seventh Amendment, and authorizes the Commission to pledge such funds on its behalf.

Approved as to form and legality:

Emalea Black
Assistant City Attorney