Legislation Details (With Text)

File #:	220881	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Passed
File created:	9/28/2022			**In control:**	Council
On agenda:	10/6/2022			**Final action:**	10/6/2022
Title:	Sponsor: City Manager's Tax Increment Financing Commission Accepting the recommendations of the Tax Increment Financing Commission as to Redevelopment Project 5 of the Metro North Crossing Tax Increment Financing Plan; approving and designating Redevelopment Project Area 5 of the Metro North Crossing Tax Increment Financing Plan and authorizing Tax Increment Financing therefor; and directing the City Clerk to transmit copies of this ordinance.				
Sponsors:	Tax Increment Financing (TIF) Commission				
Indexes:					
Code sections:					
Attachments:	1. Metro North Crossing - Project Area 5 - FACT SHEET, 2. Fiscal Note 220881 Metro North Project 5, 3. MNC PA5 Presentation, 4. Authenticated Ordinance 220881				

Date	Ver.	Action By	Action	Result
10/6/2022	1	Council		
10/5/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
9/29/2022	1	Council		

ORDINANCE NO. 220881

Sponsor: City Manager's Tax Increment Financing Commission

Accepting the recommendations of the Tax Increment Financing Commission as to Redevelopment Project 5 of the Metro North Crossing Tax Increment Financing Plan; approving and designating Redevelopment Project Area 5 of the Metro North Crossing Tax Increment Financing Plan and authorizing Tax Increment Financing therefor; 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Council of Kansas City, Missouri (the "Council") by Ordinance No. 54556 passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, as amended, passed on June 18, 2015 (the "Authorizing Ordinances") created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on December 10, 2015, the Council passed Ordinance No. 151011, which accepted the recommendations of the Commission as to the Metro North Crossing Tax Increment Financing Plan (the "Redevelopment Plan" or "Plan"), approved the Redevelopment Plan as a comprehensive effort intended to

reduce or eliminate blight and enhance the tax base within the Redevelopment Area described by the Plan ("Redevelopment Area") through the implementation of certain improvements (the "Project Improvements") within redevelopment projects described by the Plan ("Redevelopment Projects"); and

WHEREAS, the Plan has been amended by Ordinance No. 180020 (the "First Amendment"), Ordinance No. 190895 (the "Second Amendment") and Ordinance No. 210935 (the "Third Amendment"); and

WHEREAS, the Third Amendment to the Plan provides for (a) modifications to the description of Redevelopment Project Area 5, as described by the Plan, (b) the inclusion of Redevelopment Projects 6 and 7 and Redevelopment Project Areas 6 and 7, (c) modifications to the general description of the Project Improvements described by the Plan, (d) modifications to the Budget of Redevelopment Project Costs described by the Plan, (e) modifications to the Sources of Funds described by the Plan, (f) modifications to the Site Map attached to the Plan, and (g) modifications to the development schedule attached to the Plan; and

WHEREAS, after all proper notices were given, the Commission, which has been duly constituted, convened a public hearing on September 13, 2022 to consider approval of the designation of Redevelopment Project Area 5 and, after receiving comments from all interested persons and taxing districts with respect to the designation of Redevelopment Project Area 5, the Commission closed the public hearing and adopted Resolution No. 9-6-22, which includes a recommendation for the Council to approve the designation of Redevelopment Project Area 5.

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 area selected for Redevelopment Project 5 legally described as follows:

All that certain real property, situate in Kansas City, Clay County, Missouri, described as follows:

TIF AREA 5 - NORTHERN PORTION DESCRIPTION

All of Tract A, METRO NORTH CROSSING FIRST PLAT, a subdivision of land in the Northeast Quarter of Section 10, and Northwest Quarter of Section 11, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri recorded as Instrument Number 2020005277 in Book I at Page 93.1 in Clay County Recorder of Deeds Office being bounded and described by or under the direct supervision of Jeffrey P. Means, P.L.S. 2000147866, as TIF Area 5 Northern Portion as follows: Commencing at the Northeast corner of said Northeast Quarter, also being the Northwest corner of said Northwest Quarter; thence North 89°33'22" West, on the North line of said Northeast Quarter, 1,149.73 feet to the Northeast corner of said Tract A, also being a point on the Southerly line of COUNTY FAIR, a subdivision in said Kansas City, recorded in Book 11, at Page 38 in said Clay County Recorder of Deeds Office, also being the Point of Beginning of the tract of land to be herein described; thence South 00°41'09" West, along said Southerly line, also being the East line of said Tract A, 333.45 feet to the Southwest corner of Block 5, Lot 10 of said COUNTY FAIR; thence leaving said Southerly line, continuing South 00°41'09" West along said East line, 21.56 feet to a point on the Northerly line of Lot 1, METRO NORTH CROSSING T-SHOTZ a subdivision of land in said Kansas City recorded as Instrument Number 2019018540 in Book I at Page 73.3 in said

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Clay County Recorder of Deeds Office; thence North 89°29'04" West, on said Northerly line of said Lot 1 also being the South line of said Tract A, 99.88 feet to the Southwest corner of said Tract A, also being the Northwest corner of said Lot 1, also being a point on the Existing Easterly right-of-way line of N Summit Avenue, as established by METRO NORTH, a subdivision of land in said Kansas City recorded as Instrument Number D17990 in Book 16 at Pages 44-47 in said Clay County Recorder of Deeds Office; thence North 08°29'04" West, on said Existing Easterly right-of-way line, also being the Westerly line of said Tract A, 123.83 feet; thence North 00°40'22" East, continuing on said Existing Easterly right-of-way line, and said Westerly line, 232.56 feet to the Northwest corner of said Tract A, also being a point on said Southerly line of said COUNTY FAIR, and also being a point on said North line of said Northeast Quarter; thence South 89°33'22" East, continuing on said Southerly line of said COUNTY FAIR and said North line of said Northeast Quarter, and also on said North line of said Tract A, a distance of 119.67 feet to the Point of Beginning. Containing 41,255 square feet or 0.95 acres, more or less.

TIF AREA 5 - SOUTHERN PORTION DESCRIPTION

All of TRACT 3, METRO NORTH, a subdivision of land in Kansas City recorded as Instrument Number D17990 in Book 16, at Page 44-47 and all of Lots 1, 3, 4, 5, 9, 10, 11, 12 and part of Lots 6 and 7, METRO NORTH CROSSING FIRST PLAT, a subdivision of land in said Kansas City recorded as Instrument Number 2020005277 in Book I at Page 93.1 each subdivision recorded in Clay County Recorder of Deeds Office each located in the Northeast Quarter of Section 10 and Northwest Quarter of Section 11, all in Township 51 North, Range 33 West of the 5th Principal Meridian in said Kanas City, Clay County Missouri being bounded and described by or under the direct supervision of Jeffrey P. Means, P.L.S. 2000147866, as TIF Area 5 Southern Portion as follows: Commencing at the Southwest corner of said Northwest Quarter, also being the Southeast Quarter of said Northeast Quarter; thence South 89°45'44" East, on the South line of said Northwest Quarter, 195.01 feet; thence North 00°14'16" East, 50.02 feet to a point on the Existing Northerly right-of-way line of NW Barry Road, as now established, also being the Southeast corner of Tract 7, of said METRO NORTH; thence North 00°30'56" East, on the Easterly line of said Tract 7, and said Existing Northerly right-of-way line, 9.98 feet to the Southwest corner of Lot 13, of said METRO NORTH CROSSING FIRST PLAT; thence leaving said Existing Northerly right-of-way line, North 00°30’56” East, on said Easterly line, also being the Westerly line of said Lot 13, a distance of 279.05 feet to the Northeast corner of said Tract 7, also being the Northwest corner of said Lot 13, also being a point on the Southerly line of said Lot 12, also being the Point of Beginning of the tract of land to be herein described; thence North 89°29'04" West, on the North line of said Tract 7, also being the Southerly line of said Lot 5, and South line of said Lot 11 and 12, a distance of 193.76 feet to a point on the East line of said Northeast Quarter, also being the West line of said Northwest Quarter; thence continuing North 89°29’04” West, along said North line of said Tract 7, also being the South line of said Lots 9, 10 and 11, a distance of 672.73 feet to the Northwest corner of said Tract 7,also being the Northeast corner of Lot 8, of said METRO NORTH CROSSING FIRST PLAT, also being the Southeast corner of said Lot 7, also being the Southwest corner of said Lot 9; thence continuing North 89°29'04" West, along the North line of said Lot 8, also being the South line of said Lot 7, a distance of 409.75 feet; thence leaving said North and South line, North 41°36'30" West, 252.80 feet to a point on the North line of said Lot 7, also being the South line of said Lot 6; thence North 89°29'04" West, on said North line and said South line, 59.90 feet to the Northwest corner of said Lot 7, also being the Southwest corner of said Lot 6, also being a point on the Existing Easterly right-of-way line of U.S. Highway 169, as now established; thence

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North 05°38'11" West, along the Westerly line of said Lot 6, and said Existing Easterly right-of-way line, 58.30 feet to a point on the West line of the East half of said Northeast Quarter; thence North 00°40'22" East, along said Existing Easterly right-of-way line, said Westerly line, and said West line of said East Half of said Northeast Quarter, 120.03 feet to the Northwest corner of said Lot 6, also being the Southwest corner of said Tract 3; thence continuing North 00°40'22" East along said Existing Easterly right-of-way line, said West line of said East half of said Northeast Quarter, also being the Westerly line of said Tract 3, a distance of 904.82 feet to the intersection of said Existing Easterly right-of-way line and Existing Southerly right-of-way line of Metro North Drive, as established by said METRO NORTH; thence leaving said Existing Easterly right -of-way line, said West line of said East Half of said Northeast Quarter, Northerly, along said Westerly line and said Existing Southerly right-of-way line, on a curve to the right having an initial tangent bearing of North 19°01'05" East with a radius of 472.00 feet, a central angle of 06°29'51" and an arc distance of 53.53 feet (P-53.50'); thence North 25°30'56" East, along said Westerly line and said Existing Southerly right-of-way line, 47.40 feet; thence Northeasterly, along said Westerly line and said Existing Southerly right-of-way line, along a curve to the right being tangent to the last described course with a radius of 272.00 feet, a central angle of 65° 00'00" and an arc distance of 308.57 feet to a point that is 1,860.00 feet Northerly of said South line of said Northeast Quarter; thence South 89°29'04" East, along the North line of said Tract 3, and said Existing Southerly right-of-way line, 334.00 feet to the Northeast corner of said Tract 3, also being the Northwest corner of said Lot 1; thence continuing South 89°29'04" East, along the North line of said Lot 1, and said Existing Southerly right-of-way line, 316.44 feet to the Northeast corner of said Lot 1, also being the Northwest corner of Lot 2 of said METRO NORTH CROSSING FIRST PLAT; thence leaving said North line and said Existing Southerly right-of-way line, Southerly along the Easterly line of said Lot 1, also being the Westerly line of said Lot 2, on a curve to the right having an initial tangent bearing of South 11°01'17" East with a radius of 25.00 feet, a central angle of 11°33'00" and an arc distance of 5.04 feet; thence South 00°31'43" West, along said Easterly line and said Westerly line, 663.22 feet to a point on the Southerly line of said Lot 1, also being a point on the Northerly line of said Lot 5; thence leaving said Southerly line of said Lot 1, continuing South 00°31'43" West along said Westerly line, and said Northerly line 15.00 feet to the Southwest corner of said Lot 2; thence South 89°28'17" East, along said Northerly line, and the Southerly line of said Lot 2, a distance of 466.04 feet; thence Southeasterly, along said Northerly line and said Southerly line, on a curve to the right being tangent to the last described course with a radius of 25.00 feet, a central angle of 61° 09'39" and an arc distance of 26.69 feet; thence Southeasterly, along said Northerly line and said Southerly line, on a curve to the left having a common tangent with the last described course with a radius of 60.00 feet, a central angle of 61°09'39" and an arc distance of 64.05 feet to the Northeast corner of said Lot 5, also being a point on the Westerly line of said Lot 3; thence continuing Northerly, along said Southerly line and said Westerly line, on a curve to the left, with a radius of 60.00 feet, having a central angle of 151°55'39" and an arc distance of 159.10 feet; thence Northwesterly, along said Southerly line and said Westerly line, along a curve to the right, having a common tangent with the last described course with a radius of 25.00 feet, a central angle of 61°55'39" and an arc distance of 27.02 feet; thence North 00°31'43" East, along said Southerly line and said Westerly line, 292.00 feet; thence Northeasterly, along said Southerly line and said Westerly line, along a curve to the right having an initial tangent bearing of North 01°51'30" East with a radius of 25.60 feet, a central angle of 87°20'26" and an arc distance of 39.03 feet; thence South 89°28'17" East, along said Southerly line and the Northerly line of said Lot 3, a distance of 309.05 feet; thence Easterly, along said Southerly line and said Northerly line, along a curve to the left being tangent to the last described course with a radius of 225.00 feet, a central angle of 17°09'15" and an arc distance of 67.36 feet; thence North 73°

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22'27" East, along said Southerly line and said Northerly line, 64.85 feet; thence Easterly, along said Southerly and said Northerly line, along a curve to the right having an initial tangent bearing of North 73°22'26" East with a radius of 25.00 feet, a central angle of 28°41'09" and an arc distance of 12.52 feet to a point on the Existing Westerly right-of-way line of North Wyandotte Avenue, as established by said METRO NORTH; thence South 16°37'33" East, along said Existing Westerly right-of-way line and Easterly line of said Lot 3, a distance of 465.89 feet; thence Southerly, along said Existing Westerly right-of-way line and said Easterly line, along a curve to the right being tangent to the last described course with a radius of 260.00 feet, a central angle of 17°08'29" and an arc distance of 77.79 feet; thence South 00°30'56" West, along said Existing Westerly right-of-way line and said Easterly line, 305.27 feet to the Southeast corner of said Lot 3, also being the Northeast corner of said Lot 4; thence continuing South 00°30'56" West along said Existing Westerly right-of-way line and Easterly line of said Lot 4, a distance of 46.02 feet; thence Southwesterly, along said Existing Westerly right-of-way line and said Easterly line, along a curve to the right being tangent to the last described course with a radius of 160.00 feet, a central angle of 45°02'39" and an arc distance of 125.79 feet; thence South 45°33'35" West, along said Existing Westerly right-of-way line and said Easterly line, 142.16 feet to the Southeast corner of said Lot 4, also being the Northeast corner of said Lot 12; thence continuing South 45°33'35" West along said Existing Westerly right-of-way line, and Easterly line of said Lot 12, a distance of 156.51 feet; thence Southwesterly, along said Existing Westerly right-of-way line and said Easterly line, along a curve to the left, having an initial tangent bearing of South 45°33'34" West with a radius of 274.08 feet, a central angle of 19°45'54" and an arc distance of 94.55 feet to the Southeast corner of said Lot 12, also being the Northeast corner of said Lot 13; thence leaving said Existing Westerly right-of-way line, North 89°29'04" West, along the South line of said Lot 12, also being the North line of said Lot 13, a distance of 294.75 feet to the Point of Beginning. Containing 2,527,835 square feet or 58.03 acres, more or less.

is approved and designated as the Metro North Crossing Tax Increment Financing Plan Redevelopment Project Area 5 (Project Area 5).

Section 3. That tax increment allocation financing is hereby adopted for taxable real property in the above described area selected for Project Area 5. After the total equalized assessed valuation of the taxable real property in Project Area 5 exceeds the certified total initial equalized assessed valuation of the taxable real property in Project Area 5, the ad valorem taxes, and payment in lieu of taxes, if any, arising from the levies upon the taxable real property in such project by taxing districts and tax rates determined in the manner provided in subsection 2 of Section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

1. That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the area selected for the Project Area 5 shall be allocated to and, when collected, shall be paid by the Clay County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

2. Subject to Section 99.845.1(3) and (15), payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for Project Area 5 over and above the initial equalized assessed value of each such unit of property in the area selected for Project Area 5 shall be allocated to

and, when collected, shall be paid to the City Treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the City for the purpose of paying Redevelopment Project Costs and obligations incurred in the payment thereof. Any payments in lieu of taxes which are not paid within sixty (60) days of the due date shall be deemed delinquent and shall be assessed a penalty of one percent (1%) per month. If the voters in a taxing district vote to approve an increase in such taxing district's levy rate for ad valorem tax on real property, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing district. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter-approved levy rate at the time that the redevelopment project was adopted.

Section 4. That in addition to the payments in lieu of taxes described in subsection 2 of Section 3 above, fifty percent (50%) of the total additional revenue from taxes which are imposed by the City or taxing districts, and which are generated by economic activities within the area selected for Project Area 5 over the amount of such taxes generated by economic activities within such area in the calendar year prior to the adoption of this ordinance, while tax increment financing remains in effect, but excluding certain taxes, fees and special assessments specifically identified by the Act, other than payments in lieu of taxes, shall be allocated to, and paid by the collecting officer to the City Treasurer or other designated financial officer of the City, who shall deposit such funds, which are necessary to the payment of Redevelopment Project Costs identified by the Redevelopment Plan, in a separate segregated account within the Special Allocation Fund for the purpose of paying Redevelopment Project Costs and obligations incurred in the payment thereof. If the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

Section 5. That the City Clerk shall send a copy of this ordinance to the County Clerk and County Executive of Clay County, Missouri.

Approved as to form and legality:

Emalea Black
Associate City Attorney

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