

**FOURTH AMENDMENT
TO THE
UNION HILL
TAX INCREMENT FINANCING PLAN**

KANSAS CITY, MISSOURI

TIF COMMISSION APPROVAL:

DATE: **RESOLUTION No.**

CITY COUNCIL APPROVAL:

DATE: **ORDINANCE No.**

**FOURTH AMENDMENT
TO THE
UNION HILL
TAX INCREMENT FINANCING PLAN**

I. Introduction

The Fourth Amendment (hereinafter the “Fourth Amendment”) to the Union Hill Tax Increment Financing Plan (hereinafter the “Plan”) shall amend the Plan, as approved by the City Council of Kansas City, Missouri by Ordinance No. 971698 (referred to herein as the “Plan”), and amended by Ordinance No. 081070 (referred to herein as the “First Amendment”), Ordinance No. 100772 (referred to herein as the “Second Amendment”), and Ordinance No. 1302393 (referred to herein as the “Third Amendment”).

The Fourth Amendment provides for (1) certain modifications to the description of the Redevelopment Area, (2) certain modifications to the Site Maps, (3) certain modifications to the description of Public Improvements, (4) certain modifications to the Redevelopment Schedule, (5) certain modifications to the Estimated Redevelopment Project Costs, (6) certain modifications to the Sources of Funds, (7) all PILOTs to be declared surplus and distributed to the impacted Taxing Districts located within the Redevelopment Area in accordance with the Act at such time as the Special Allocation Fund has accumulated, from the inception of the Plan, an aggregate amount of revenue equal to \$9,657,084 for the reimbursement of Reimbursable Project Costs and (8) the inclusion of all conforming changes within the Exhibits to the Plan that are in furtherance of the foregoing modifications.

I. Specific Plan Text Amendments

The Plan shall be amended as follows:

Amendment No. 1: Delete certain definitions of certain terms set forth in Section I of the Plan, entitled, “DEFINITIONS”, and replace them with the following:

- C. “Conservation Area” any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at

least three of the factors provided in this subdivision for projects approved on or after December 23, 1997.

- D. “Economic Activity Taxes” or “EATs,” fifty percent (50%) of the total additional revenue from taxes which are imposed by the City and other Taxing Districts, and which are generated by economic activities within each Redevelopment Project Area, over the amount of such taxes generated by economic activities within such Ordinance designating such Redevelopment Project Area in the calendar year prior to the adoption of the Redevelopment Project by Ordinance, while Tax Increment Financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 RSMo., taxes levied for the purpose of public transportation pursuant to Section 94.660 RSMo., taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than Payments In Lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems and such other taxes that may be excluded by State law from time to time, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund; provided, however, 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”, without the consent of such Taxing District. If a retail establishment relocates within one (1) year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to such redevelopment project area.
- G. “Payment in Lieu of Taxes,” those estimated revenues from real property taxes generated within the Redevelopment Project Area which are to be used to reimburse the Redevelopment Project Costs identified by the Plan, which Taxing Districts would have received had the City not adopted tax increment allocation financing, and which result from levies made after the time of the adoption of tax increment

allocation financing within the Redevelopment Project Area that is approved by Ordinance (but excluding the blind pension fund tax levied under the authority of Article III, Section 38(b) of the Missouri Constitution and the merchant's and manufacturer's inventory replacement tax levied under the authority of subsection 2 of Section 6 of the Missouri Constitution) and during the time the current equalized value of real property in the Redevelopment Project Area exceeds the Total Initial Equalized Assessed Value of real property in the Redevelopment Project Area, until the designation is terminated pursuant to the Act, provided however, 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 the 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 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.

- H. "Redevelopment Agreement," the agreement between the Commission and Redeveloper for the implementation of the Redevelopment Plan or the Project Improvements and Public Improvements or a portion thereof.
- J. "Redevelopment Area," an area designated by Ordinance of the City, in respect to which the City has made a finding that there exist conditions which cause the area to be classified as a conservation area and which area includes only those parcels of real property directly and substantially benefitted by the proposed Redevelopment Projects and which is legally described on **Exhibit 1A** and depicted on **Exhibit 2A**.

Amendment No. 2: Insert the following definitions in Section I of the Plan, entitled, "**DEFINITIONS**":

- T. "Public Improvements," the construction or reconstruction of public infrastructure improvements, including, but not limited to streetscape improvements, sidewalks, and any other required or desired infrastructure, that support and enhance the Project Improvements, as described by **Section III.F**.
- U. "Redeveloper," Union Hill Development Company, the City of Kansas City, Missouri, or such other business organization or other entity designated by the Commission, pursuant to a resolution, and to which the Commission enters a Redevelopment Agreement to implement the Redevelopment Plan or the Project Improvements and Public Improvements or a portion thereof.
- V. "Reimbursable Project Costs," Redevelopment Project Costs in an amount not to exceed \$10,970,576, as identified on **Exhibit 6**.

Amendment No. 3: Delete **Section III.A** of the Plan, entitled, “The Plan”, and replace it with the following:

A. TIF Plan. The Redevelopment Plan proposes to create a strong, stable, urban neighborhood by undertaking a comprehensive approach to residential and commercial redevelopment. The Plan provides for the redevelopment of portions of the Redevelopment Area, including construction of a 106 room motel on the southeast corner of East 30th and Main Streets, acquisition and removal of spot-zoned, dilapidated and obsolete apartment buildings and making available those sites for construction of single family detached homes, rehabilitation of existing single family homes, construction of market rate and affordable multi-family communities, creation of a Neighborhood Infrastructure Improvement Fund to make available loans and/or grants for existing owner-occupied homes and commercial property owners, together with all necessary utilities and street improvements, the construction or reconstruction of public infrastructure improvements, including, but not limited to streetscape improvements, sidewalks, and any other required or desired infrastructure, that support and enhance the Project Improvements

Amendment No.4: Delete **Section III.B** of the Plan, entitled, “Redevelopment Area”, and replace it with the following:

B. Redevelopment Area. The Redevelopment Area includes an irregularly shaped area generally bound by Union Cemetery on the north, Main Street on the west, E. 31st Street on the south and Forest Street on the east (the "Redevelopment Area") in Kansas City, Jackson County, Missouri (the "City") as described in Exhibit IA.

Amendment No. 5: Delete Section III.E of the Plan, entitled, “Estimated Date of Completion”, and replace it with the following:

E. Estimated Date of Completion. As set forth in the Redevelopment Schedule attached as **Exhibit 5**, construction of all the Project Improvements are expected to be completed by the year 2013 and construction of the Public Improvements are estimated to be completed by December 2026. The completion of all redevelopment projects and retirement of Obligations incurred to finance Redevelopment Project Costs will occur no later than twenty-three (23) years from the adoption of each ordinance approving a Redevelopment Project, provided that no ordinance approving a Redevelopment Project shall be adopted later than ten (10) years from the adoption of the ordinance approving this Redevelopment Plan.

Amendment No. 6: Amend **Section III** of the Plan by incorporating a new **Section III.F**, entitled, “Public Improvements”, as follows:

F. Public Improvements. The Public Improvements shall consist of the construction or reconstruction of public infrastructure improvements, including, but not limited to streetscape improvements, sidewalks, and any other required or desired infrastructure, that support and enhance the Project Improvements.

Amendment No. 7: Delete the first sentence of the first paragraph of **Section IV.A.**, entitled, “Estimated Redevelopment Project Costs” and replace it with the following:

Redevelopment Project Costs are estimated to be \$98,789,244 of which \$10,970,567 shall constitute Reimbursable Project Costs, as set forth on **Exhibit 6**, attached hereto.

Amendment No. 8: Delete the second paragraph of **Section IV.A.**, entitled, “Payments in Lieu of Taxes” and replace it with the following:

Ninety percent (90%) of the PILOTS generated and collected will be used to pay eligible Reimbursable Project Costs and the remaining ten percent (10%) shall be declared surplus by the City Council of the City and thereafter distributed to the impacted Taxing Districts located within the Redevelopment Area; provided, however, at such time as Special Allocation has accumulated revenue equal to \$9,657,084 for the reimbursement of Reimbursable Project Costs, all PILOTS generated and collected thereafter shall be declared surplus by the City Council of the City and distributed to the impacted Taxing Districts located within the Redevelopment Area in accordance with the Act.

Amendment No. 9: Delete **Exhibit 1A**, entitled “Legal Description of the Redevelopment Area”, and replace with **Exhibit 1A**, entitled, “Legal Description of the Redevelopment Area” attached hereto.

Amendment No. 10: Delete **Exhibit 2**, entitled “Site Plan”, and replace with **Exhibit 2**, entitled “Site Plan,” attached hereto.

Amendment No. 11: Incorporate **Exhibit 4C**, attached hereto and entitled “Construction Totals for Streetscape Improvements”.

Amendment No. 12: Delete **Exhibit 5**, entitled “Redevelopment Schedule”, and replace with **Exhibit 5**, entitled “Redevelopment Schedule,” attached hereto.

Amendment No. 13: Delete **Exhibit 6**, entitled “Estimated Redevelopment Project Costs”, and replace with **Exhibit 6**, entitled “Estimated Redevelopment Project Costs,” attached hereto.

Amendment No. 14: Delete **Exhibit 7**, entitled “Sources of Funds”, and replace with **Exhibit 7**, entitled “Sources of Funds,” attached hereto.

Amendment No. 15: Incorporate **Exhibit 9A**, attached hereto and entitled “Evidence of “But For” – Streetscape Improvements”.

Amendment No. 16: Incorporate Exhibit **12A**, attached hereto and entitled “Supplement to Conservation Study”.

Exhibit 1A
Legal Description of the Redevelopment Area

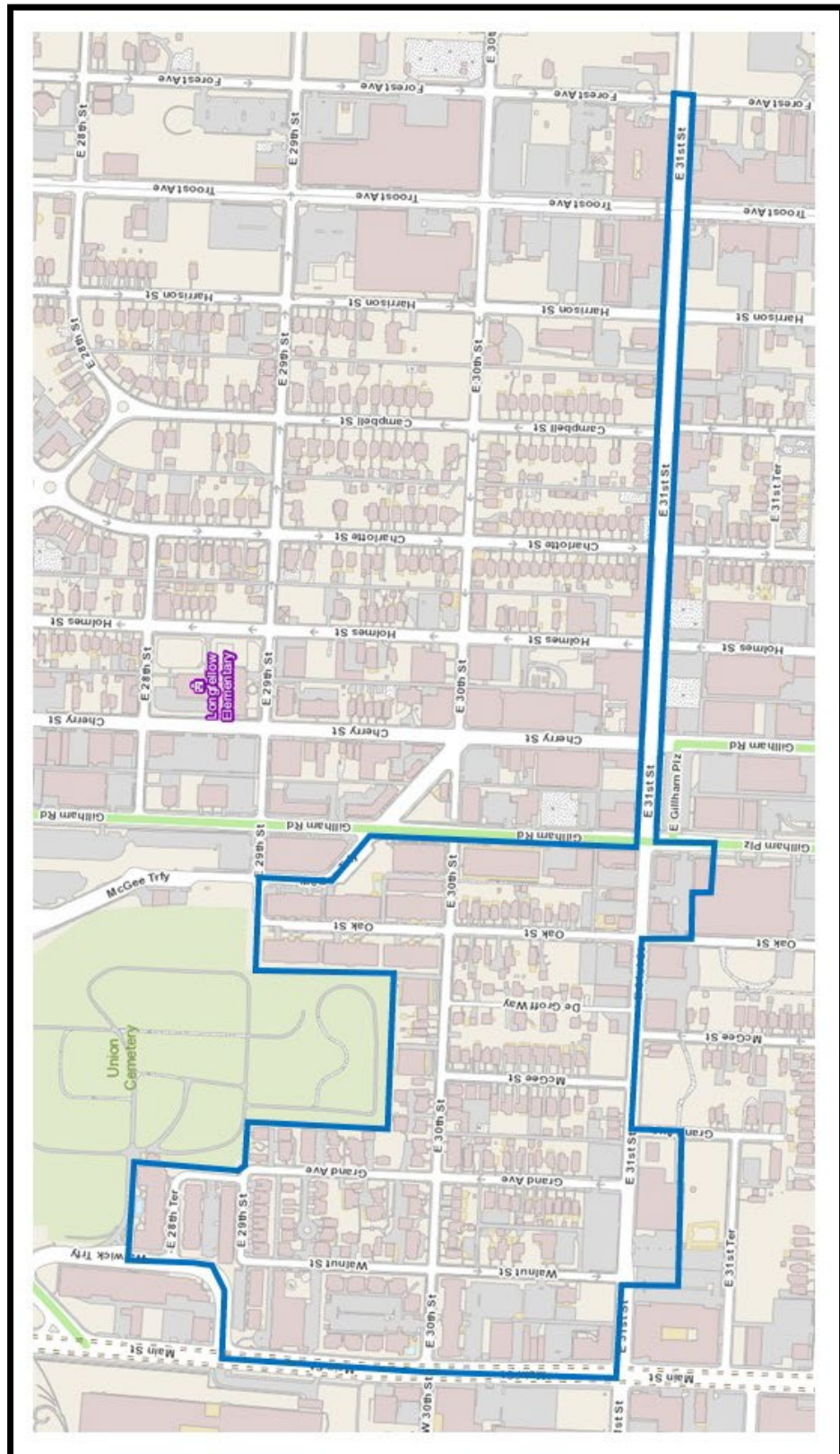
7. LEGAL DESCRIPTION OF THE REDEVELOPMENT AREA

Commencing at the intersection of the center line of Main Street as it now exists and the center line of Warwick Trafficway as it now exists; thence South along the center line of Main Street to the intersection with the center line of East 31st Street as it now exists; thence east along the center line of East 31st Street to the intersection with the westerly prolongation of the west lot line of Lot 20, ZAHL'S ADDITION, thence south along said westerly prolongation of and the west lot line of Lot 20, ZAHL'S ADDITION to the centerline of the east-west alley lying south and adjacent to Lot 20, ZAHL'S ADDITION, thence east along the center line of said east-west alley to the intersection with the center line of Grand Avenue, thence north along the center line of Grand Avenue to the intersection with the center line of East 31st Street as it now exists, thence east along the center line of East 31st Street to the intersection with the center line of Oak Street; thence South along the center line of Oak Street to the center line of the vacated east-west alley lying South and adjacent to Lot 4, SPRINGFIELD PARK ADDITION; thence East along the center line of said east-west alley to the center line of the vacated north-south alley lying west and adjacent to Lot 2, R & D, REALTY ADDITION, thence south along the center line of said north-south alley to the intersection with the westerly prolongation of the south lot line of Lot 2, R & D, REALTY ADDITION; thence east along said easterly prolongation of and the south lot line of Lot 2, R & D, REALTY ADDITION to the center line of Gillham Plaza as it now exists; thence north along the center line of Gillham Plaza to the center line of McGee Street Trafficway as it now exists; thence northwesterly along the center line of McGee Street Trafficway to the center line of East 29th Street as it now exists; thence west along the center line of East 29th Street to the southern line of Union Cemetery as it now exists; thence west along the southern line of Union Cemetery to the eastern line of Union Cemetery as it now exists, said point being on a north-south line adjacent to and parallel to the western lot line of Tract A, FOUNDERS AT UNION HILL – FIRST PLAT, thence south along said eastern line of Union Cemetery to the southern line of Union Cemetery; thence west along the southern line of Union Cemetery to the western line of Union Cemetery, said point being on the east line of Tract D, UNION HILL 4TH PLAT; thence north along the western line of Union Cemetery to the southern line of Union Cemetery, said point being on the north section line of the Southeast Quarter of the Northwest Quarter of Section 17, Township 49, Range 33; thence west along the southern line of Union Cemetery to the east right-of-way line of Grand Avenue and the western line of Union Cemetery to the north line of Tract 2, LAFAYETTE SQUARE; thence west along the north line of Tract 2, LAFAYETTE SQUARE to the center line of Warwick Trafficway; thence southerly and westerly along the center line of Warwick Trafficway to the Point of Beginning, all included in and a part of the City of Kansas City, Jackson County, Missouri.

AND

Commencing at the intersection of the center line of Gillham Road and the north right of way of East 31st Street; thence east along the north right-of-way line of East 31st Street to the to the eastern right-of-way line of Forest Avenue; then south to the south right-of-way line of East 31st Street; then west along the south right-of-way line of East 31st Street to the center line of Gillham Plaza; then north along the center lines of Gillham Plaza and Gillham Road to the Point of Beginning, all now included in and a part of the City of Kansas City, Jackson County, Missouri.

Exhibit 2
Site Plan



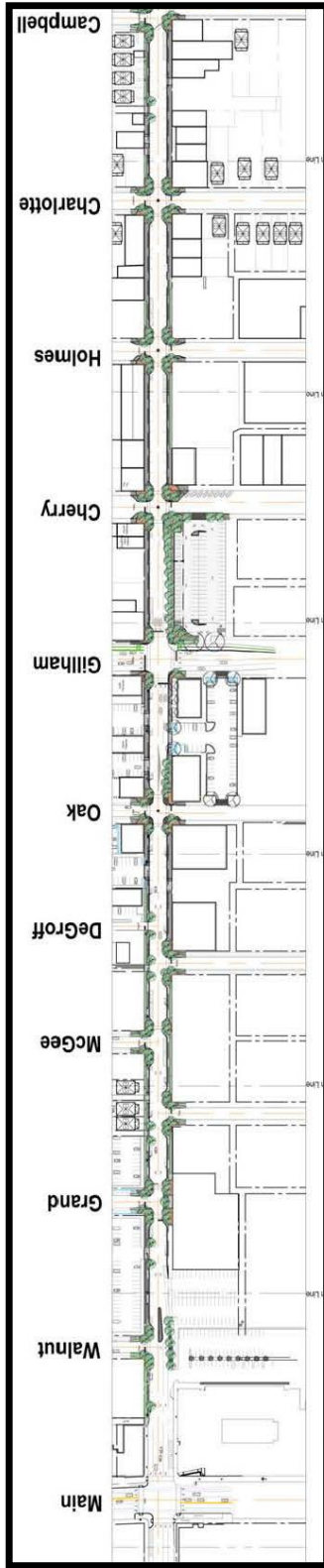


Exhibit 4C
Construction Totals for Streetscape Improvements

Estimated Number of Construction Workers during construction	25
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Exhibit 5
Redevelopment Schedule

Public Infrastructure: Sidewalks – Main to Campbell

Event	Date
Construction Completion	December 2026

The City shall substantially complete construction of the Public Improvements within three years of the date of the approval of this amendment in accordance with Code § 74-12.

Exhibit 6
Estimated Redevelopment Project Costs

EXHIBIT V - REDEVELOPMENT PROJECT COSTS - 3RD AMENDMENT

	Estimated Project Costs	TIF Reimbursable Project Costs	Developer Equity or Private Financing
ESTIMATED REDEVELOPMENT COSTS			
A. COMMISSION EXPENSES			
1. Estimated Reimbursable Costs for Plan Implementation			
(a) Legal	75,000	75,000	-
(b) Agenda	2,000	2,000	-
(c) Staff Time	35,000	35,000	-
(d) Miscellaneous	15,000	15,000	-
2. Final Development Plan Approval Fees (\$0.05/s.f. - \$50/dwelling unit)			
Total S.F.	50,000	\$ 0.50	Per SF
Total Units	300	\$ 50.00	Per Unit
3. Plan and Project Administration and Developer/Consultant/TIF Commission Expenses (including expenses for affirmative action administration) (1)	300,000	300,000	-
4. Plan and Project preparation expenses incurred by Developer (2)	231,345	231,345	-
5. Plan Amendment preparation expenses incurred by Developer	125,000	125,000	-
6. Cost of Bond Issuance	125,000	125,000	-
TOTAL COMMISSION EXPENSES	948,345	948,345	-
B. NEIGHBORHOOD IMPROVEMENT PROJECTS			
1. Acquisition & Blight Removal (5)	5,826,423	5,826,423	-
Administrative Costs (3)	87,316	87,316	-
2. Infrastructure Improvements	2,250,000	2,250,000	-
Sidewalk/Streetscape: Main to Campbell		-	
3. Residential Loan/Grant Program	300,000	300,000	-
4. Commercial Loan/Grant Program	245,000	245,000	-
5. Community Center	-	-	-
TOTAL NEIGHBORHOOD PROJECTS	8,708,739	8,708,739	-
C. REDEVELOPMENT COSTS			
1. Land Acquisition (including title work)	6,748,969	-	6,748,969
2. Non-Profit	15,800,000	-	15,800,000
3. Retail/Restaurant Construction/Rehabilitation	7,565,109	-	7,565,109
4. Residential Construction	50,537,599	-	50,537,599
5. Industrial (4)	-	-	-
6. Hotel	6,000,000	-	6,000,000
TOTAL REDEVELOPMENT COSTS	86,651,677	-	86,651,677
TOTAL EXPENSE AND COSTS	96,308,761	9,657,084	86,651,677

- (1) Refers to costs incurred by the Commission and its staff for purposes of plan administration and direct expenses.
(2) The amount requested as initial certifiable expenses is not to exceed \$231,345.
(3) TIF will not reimburse developer administrative costs in excess of 5% of the Neighborhood Improvement Projects unless prior approval is granted by the TIF Commission.
(4) Estimates for Sub-Developer Projects are not included.
* Developer requests that all statutory PILOTS and EATS be committed and used to retire TIF reimbursable project costs.

All project budgets and reimbursable will be approved by the TIF Commission on an individual project basis.

(5) **Acquisition & Blight Removal - Specifics:**

Acquisition	4,212,043	
Carry (Insurance & Taxes)	400,000	
Demolition - - -	-	doc.#126330
Loan Fees - - -	-	
Interest Carry	800,000	
Property Management Expense to Maintain & Prepare for Demolition	164,000	
Maintenance Expenses	40,000	
Environmental Remediation - - -	-	
Grading - - -	-	
Landscaping - - -	-	
Legal Expense	25,000	
Contingency	272,696	
TOTAL	5,913,739	

Acquisition and Blight Removal shall include all costs associated with the acquisition, carry, and demolition. Such costs shall include, but are not limited to, loan fees, interest, financial advisor

ESTIMATED REDEVELOPMENT PROJECT COSTS - 4TH AMENDMENT

	Estimated Project Costs	TIF Reimbursable Project Costs	Other City Funds (City's Surplus PILOTS)	Developer Equity or Private Financing
ESTIMATED REDEVELOPMENT COSTS				
A. COMMISSION EXPENSES				
1. Estimated Reimbursable Costs for Plan Implementation/Cost of Bond Issuance	129,787	129,787	-	-
B. NEIGHBORHOOD IMPROVEMENT PROJECTS				
1. Acquisition & Blight Removal (5)	5,231,944	5,231,944	-	-
Administrative Costs (3)	241,321	241,321	-	-
2. Infrastructure Improvements	50,742	50,742	-	-
Sidewalk/Streetscape: Main to Campbell	5,608,184	4,441,184	1,167,000	-
3. Residential Loan/Grant Program	68,373	68,373	-	-
4. Commercial Loan/Grant Program	245,000	245,000	-	-
5. Community Center	-	-	-	-
TOTAL NEIGHBORHOOD PROJECTS	11,445,564	10,278,564	1,167,000	-
C. REDEVELOPMENT COSTS				
1. Land Acquisition (including title work)	6,748,969	-	-	6,748,969
2. Non-Profit	15,800,000	-	-	15,800,000
3. Retail/Restaurant Construction/Rehabilitation	7,565,109	-	-	7,565,109
4. Residential Construction	50,537,599	-	-	50,537,599
5. Industrial (4)	-	-	-	-
6. Hotel	6,000,000	-	-	6,000,000
TOTAL REDEVELOPMENT COSTS	86,651,677	-	-	86,651,677
TOTAL EXPENSE AND COSTS	98,789,244	10,970,567	1,167,000	86,651,677

Exhibit 7

Sources of Funds

SOURCES		
Estimated amount of PILOTS and EATS to reimburse Redevelopment Project Costs		\$10,970,567
Estimated Developer Debt and Equity and Other Sources to fund Redevelopment Project Costs		\$86,651,677
Other City Funds (City's Surplus PILOTS)		\$1,167,000
TOTAL		\$98,789,244

Exhibit 9

Evidence of “But For” – Streetscape Improvements

CITY MANAGER'S AFFIDAVIT

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

1. I, Brian Platt, 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, in connection with the Fourth Amendment to the Union Hill Tax Increment Financing Plan (the "Fourth Amendment") and pursuant to Section 99.810(1) RSMo., which requires an affidavit attesting, in connection with the Fourth Amendment, that the Redevelopment Area as amended by the Fourth Amendment, remains a "Conservation Area" that 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 tax increment financing.

2. The Fourth Amendment expands the Redevelopment Area by including 31st Street between Main Street and Campbell (the "Expanded Area"). Upon my direction, the Public Works Department has confirmed that 50% or more of the public improvements in the Expanded Area have an age of thirty-five years or more.

3. Based upon this information and the Conservation Study approved in the original Union Hill Tax Increment Financing Plan as supplemented in the 4th Amendment (the "Conservation Study"), I hereby affirm the Redevelopment Area is a "Conservation Area" as defined by Section 99.805.(3), RSMo., because fifty percent or more of the structures in the area have an age of thirty-five years or more and such area is not yet a blighted area, but is detrimental to the public health, safety, or welfare and may become a blighted area because of the following factors: obsolescence; deterioration and the presence of structures below minimum code standards (collectively, the "Blighting Conditions").

3. To my knowledge, since the Union Hill Tax Increment Financing Plan was approved by the City, no private party has committed or indicated to my office a willingness to make a private investment to undertake the public improvements contemplated by the Fourth Amendment that would assist in ameliorating the Blighting Conditions identified by the Conservation Study.

3. My office is 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").

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

8. 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.

9. 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.

10. The Council has not adopted an Annual Budget which contemplates, and no department director of the City has requested or indicated any intent to request an appropriation for the sufficient financing of the public improvements, as described in and contemplated by the Fourth Amendment, that would ameliorate the Blighting Conditions identified by the Conservation Study.

11. 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") and the City Council of the City, in connection with its consideration of the Fourth Amendment. This affidavit is being provided to assist the Commission and City in making a finding that the Redevelopment Area described by the Plan, as amended by the Fourth Amendment, on the whole, is a "Conservation Area", 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 tax increment 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: _____
Brian Platt, City Manager

By: _____
City Clerk

Approved as to form:

By: _____
Assistant City Attorney

Exhibit 12A

Supplement to Conservation Study

Supplement to Exhibit 12

Conservation Study

The City Council found the Union Hill Redevelopment Area (“Redevelopment Area”) to be a conservation area in the original Union Hill Tax Increment Financing Plan in 1997 and previously found the area to be blighted in 1980 under the Union Hill 353 Redevelopment Plan.

Section 99.805.3, RSMo, defines a conservation area as:

any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997. For all redevelopment plans and projects approved on or after January 1, 2022, in retail areas, a conservation area shall meet the dilapidation factor as one of the three factors required under this subdivision;

The Fourth Amendment to the Union Hill Tax Increment Financing Plan expands the Redevelopment Area to include property necessary for the construction of public improvements to the existing 31st Street from Forest Avenue to Main Street. There are no structures within the expanded area, only public infrastructure improvements, such as curbs, sidewalks, pavement, streetlighting, and traffic control devices. Therefore, the addition of new area for public improvements, as provided by the Fourth Amendment, does not impact the City Council’s previous finding that (1) fifty percent of the structures in the area have an age of thirty-five years or more and (2) the Redevelopment Area, on the whole, is detrimental to the public health, safety, or welfare and may become a blighted area because of obsolescence; deterioration and the presence of structures below minimum code standards.

Furthermore, even if the public infrastructure included in the redevelopment area is deemed to be a “structure” within the meaning of Section 99.805.3, at least 50% of the infrastructure was constructed 35 years ago or more.



Legislation Text

File #: 241060

ORDINANCE NO. 241060

Approving the Fourth Amendment to the Union Hill Tax Increment Financing Plan; declaring surplus of certain PILOTS on deposit in the Special Allocation and remitting the same to the affected taxing jurisdictions; estimating and appropriating \$4,589,700.00 for Union Hill Streetscape Improvements; authorizing the City Manager to execute a redevelopment agreement with the Tax Increment Financing Commission for the implementation of certain public infrastructure improvements contemplated by the Union Hill Tax Increment Financing Plan; and directing the Clerk to send a copy of this ordinance to Jackson County.

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 "City Council") 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, Committee Substitute for Ordinance No. 140823, as amended on, June 18, 2015 and Committee Substitute for Ordinance No. 230524, passed on June 22, 2023, and created commission constituted pursuant to Section 99.820.2 (the "Kansas City TIF Commission") and

WHEREAS, the City created the Administrative TIF Commission and has delegated all powers delegable under the Act, in particular powers enumerated in Section 99.820.1 RSMo, in connection with administering tax increment financing plans and projects to the Administrative TIF Commission, as provided in Code § 74-58; and

WHEREAS, on December 18, 1997, the City Council passed Committee Substitute for Ordinance No. 971698, as amended, which accepted the recommendations of the Kansas City TIF Commission and approved the Union Hill Tax Increment Financing Plan (the "Redevelopment Plan") and designated the Redevelopment Area described therein to be a Conservation Area (the "Redevelopment Area"); and

WHEREAS, the Redevelopment Plan has been amended three times by Committee Substitute for Ordinance No. 081070 on December 4, 2008, by Ordinance No. 100772 on September 23, 2010, and by Ordinance No. 130239 on April 4, 2013; and

WHEREAS, a Fourth Amendment to the Redevelopment Plan ("Fourth Amendment") was proposed to the Kansas City TIF Commission and the Kansas City TIF Commission, having

been duly constituted and its members appointed, after proper notice was given, met in a public hearing on November 13, 2024 and, after it received comments of all interested persons and taxing districts, (i) closed the public hearing, (ii) approved the Fourth Amendment and (iii) recommended that the City Council approve the Fourth Amendment; and

WHEREAS, the Fourth Amendment provides for (1) certain modifications to the description of the Redevelopment Area, (2) certain modifications to the Site Maps, (3) certain modifications to the description of Public Improvements, (4) certain modifications to the Redevelopment Schedule, (5) certain modifications to the Estimated Redevelopment Project Costs, (6) certain modifications to the Sources of Funds, (7) all Payments in Lieu of Taxes to be declared surplus and distributed to the impacted Taxing Districts located within the Redevelopment Area in accordance with the Act at such time as the Special Allocation Fund has accumulated, from the inception of the Plan, an aggregate amount of revenue equal to \$9,657,084 for the reimbursement of Reimbursable Project Costs, and (8) modifies certain exhibits to and sections of the Plan that are in furtherance of the foregoing;

WHEREAS, the Special Allocation Funds(s) established in connection with each Redevelopment Project Area described by the Plan (the "Special Allocation Fund") had, as of April 30, 2024, an existing balance of approximately \$7,750,00 (the "SAF Balance"), which is comprised of payments in lieu of taxes ("PILOTS") and economic activity taxes ("EATS") generated and collected within the Redevelopment Project Areas;

WHEREAS, after the Special Allocation Fund has accumulated, since the inception of the Plan, an aggregate amount of \$9,657,084, the remaining amount of PILOTS, in the estimated amount of \$3,468,000 (the "Existing Surplus PILOTS"), together with all subsequent PILOTS that shall be deposited in the Special Allocation Fund ("Future PILOTS"), shall be deemed surplus and shall be distributed to the taxing districts affected by the Plan, in a manner consistent with the Act;

WHEREAS, the City desires to construct the streetscape improvements, sidewalks, and any other required or desired infrastructure between Main Street and Campbell Street, as contemplated by the Fourth Amendment (the "Fourth Amendment Public Improvements"), and further desires and intends to contribute its portion of the Existing PILOT Surplus, in the approximate amount of \$560,000 and Future PILOTS, in the approximate of \$607,000, to the costs of such Fourth Amendment Public Improvements;

WHEREAS, the City's use of its portion of the Existing PILOT Surplus, as considered by this Ordinance, is consistent with the City's one-time revenue policy as defined in Committee Substitute for Ordinance No. 121017, as amended; and

WHEREAS, certain agreements must be authorized and appropriations made for the purpose of implementing the objectives outlined herein; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Fourth Amendment 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 Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act").

Section 3. That the City Council hereby finds that good cause has been shown for the Fourth Amendment of the Plan and that the findings of the Council in Committee Substitute for Ordinance No. 971698, as amended, Committee Substitute for 081070, Ordinance No. 100772 and Ordinance No. 130239, except as expressly modified by the Fourth Amendment, are not affected by the Fourth Amendment and apply equally to the Fourth Amendment

Section 4. That the Council hereby finds that:

- a. The Redevelopment Area as a whole is a conservation 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.
- b. The Redevelopment Plan, as amended by the Fourth 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 Redevelopment Plan, as amended by the Fourth Amendment, and are not more than 23 years from the passage of any ordinance approving a Redevelopment Project within the Redevelopment Area.
- e. The Redevelopment Plan, as amended by the Fourth Amendment, includes a plan for relocation assistance for businesses and residences.
- f. A cost-benefit analysis showing the impact of the Redevelopment Plan 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 Redevelopment Plan, as amended by the Fourth 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 5. That PILOTS on deposit in the Special Allocation Fund(s), in the amount of amount of \$3,468,000.00 (\$560,000.00 of which is estimated to be the City's portion), which represents the "Existing PILOTS Surplus", as described in the Recitals, are hereby declared as surplus and shall be distributed in accordance with the Act.

Section 6. That revenue in the following account of the Capital Improvements Fund is estimated in the following additional amount:

25-3090-895914-485381-89061082	TIF District Contribution	\$ 560,000.00
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Section 7. That revenue in the following account of the Capital Improvements Fund is estimated in the following additional amount:

25-3090-895914-485380-89061082	Reimbursement from TIF Commission	\$4,029,700.00
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Section 8. That the sum of \$4,589,700.00 is hereby appropriated from the Unappropriated Fund Balance of the Capital Improvements Fund to the following account in the Capital Improvements Fund:

25-3090-895914-B-89061082	Union Hill Streetscape Improvements	\$4,589,700.00
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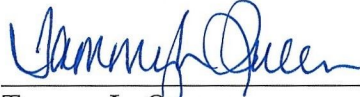
Section 9. That the Director of Public Works is hereby designated requisitioning authority for Account No. 25-3090-895914-B-89061082 in the Capital Improvement Fund.

Section 10. That the City Manager, or his designee, is hereby authorized to execute a Redevelopment Agreement, for the purpose of purpose of implementing the "Fourth Amendment Public Improvements," as defined in the Recitals, is approved in substantial form to that which is on file in the office of the City Clerk.

Section 11. That the City Manager, or his designee, is hereby authorized to execute future amendments to the Redevelopment Agreement to address minor inaccuracies in the Redevelopment Agreement, unforeseen events of circumstance, or technical matters, provided that the future amendments do not alter the substance of the Redevelopment Agreement as approved in Section 10.

Section 12. That the City Clerk shall send a copy of this ordinance to the County Clerk and County Executive of Jackson County, Missouri.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made that is sufficient to meet the obligation hereby incurred.



Tammy L. Queen
Director of Finance

Approved as to form:



Emalea Black
Associate City Attorney



Authenticated as Passed



Quinton Lucas, Mayor

Makilyn Sandberg, City Clerk
DEC 9 2024

Date Passed