

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE TERMINATING REDEVELOPMENT PROJECT II OF THE NORTH INDEPENDENCE TAX INCREMENT FINANCING PLAN; DISSOLVING THE SPECIAL ALLOCATION FUND ACCOUNT FOR REDEVELOPMENT PROJECT II OF THE NORTH INDEPENDENCE REDEVELOPMENT AREA; AND AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THESE AFOREMENTIONED ACTIONS.

WHEREAS, on May 15, 2000, the City Council of Independence, Missouri passed and adopted Ordinance No. 14482, which approved the North Independence Tax Increment Financing Plan ("TIF Plan"), approved the North Independence Redevelopment Projects, approved the designation of the North Independence Redevelopment Project Area, a portion of which (Redevelopment Project Area II) is legally described on Exhibit A attached hereto and incorporated herein, as a Redevelopment Project Area, adopted tax increment financing for the North Independence Redevelopment Area and designated the North Independence Redevelopment Area as a Blighted Area; and,

WHEREAS, on October 5, 2000, the City entered into a Redevelopment Agreement for the redevelopment of Redevelopment Project Area I and Redevelopment Project Area II with the developer named therein (the "Developer"); and,

WHEREAS, Redevelopment Project I was successfully completed by the Developer and a certificate of completion was issued on or about August 20, 2006, and the Winterstone Golf Course was opened for use by the public; and,

WHEREAS, Redevelopment Project Area II as defined in the TIF Plan has resulted in the successful mining of the subsurface, but no part of the underground and related public or private improvements as identified in the TIF Plan have been developed or constructed by December 31, 2011, despite best efforts; and,

WHEREAS, the City terminated through cancellation Redevelopment Project II pursuant to notice from the City dated February 1, 2013 attached as Exhibit B; and,

WHEREAS, Section 99.855.2 of the Real Property Tax Increment Financing Allocation Redevelopment Act ("TIF Act") authorizes the City to terminate Redevelopment Project II by ordinance for failure to timely complete the required improvements.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. Redevelopment Project II of the North Independence Tax Increment Financing Plan is terminated effective as of the date of this Ordinance.

SECTION 2. The Special Allocation Fund account for the Redevelopment Project II of the North Independence Redevelopment Area is dissolved effective as of the date of this Ordinance. There are no remaining funds in this account.

SECTION 3. The City Manager or the designee of the City Manager is authorized to take all necessary steps to terminate and dissolve the Redevelopment Project II of the North Independence Tax

Increment Financing Plan, Redevelopment Project II and the related account of the Special Allocation Fund, all as provided for in Section 99.855.2 of the TIF Act; and to record in the Jackson County Recorder's Office such documents as appropriate regarding such termination.

PASSED THIS ____ DAY OF _____, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council of
the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

EXHIBIT "A"
LEGAL DESCRIPTION

LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA II

TRACT I:

ALL OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 50, RANGE 31, INDEPENDENCE, JACKSON COUNTY, MISSOURI, LYING SOUTH OF KENTUCKY ROAD EXCEPT THE SOUTH 190 FEET THEREOF AND EXCEPT THE EAST 190 FEET THEREOF, LYING BELOW THE TOP OF THE WINTERSET LEDGE OF LIMESTONE ROCK.

ALSO

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 50, RANGE 32, INDEPENDENCE, JACKSON COUNTY, MISSOURI, LYING SOUTH OF KENTUCKY ROAD AND EAST OF MISSOURI HIGHWAY M-291, LYING BELOW THE TOP OF THE WINTERSET LEDGE OF LIMESTONE ROCK.

CONTAINING 128.2 ACRES.

TRACT II:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 50, RANGE 32, LYING EAST OF HIGHWAY M-291 IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, LYING BENEATH THE TOP OF THE WINTERSET LEDGE OF LIMESTONE ROCK.

ALSO

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 50, RANGE 31, LYING NORTH OF KENTUCKY ROAD IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, LYING BENEATH THE TOP OF THE WINTERSET LEDGE OF LIMESTONE ROCK.

ALSO

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 50, RANGE 31, IN INDEPENDENCE, JACKSON COUNTY,

MISSOURI, LYING BENEATH THE TOP OF THE WINTERSET LEDGE OF LIMESTONE
ROCK.

CONTAINING 7.1 ACRES.
TRACT III:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 50, RANGE
32, LYING EAST OF HIGHWAY M-291 IN INDEPENDENCE, JACKSON COUNTY,
MISSOURI;

ALSO

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF
SECTION 30, TOWNSHIP 50, RANGE 31, LYING NORTH OF KENTUCKY ROAD IN
INDEPENDENCE, JACKSON COUNTY, MISSOURI.

ALSO

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF
SECTION 19, TOWNSHIP 50, RANGE 31, IN INDEPENDENCE, JACKSON COUNTY,
MISSOURI.

CONTAINING 7.1 ACRES.

EXHIBIT "B"
CITY OF INDEPENDENCE NOTICE

City of Independence

111 EAST MAPLE • P.O. BOX 1019 • INDEPENDENCE, MISSOURI 64051-0519

www.ci.independence.mo.us • (816) 325-7000

February 1, 2013



Harlan L. Limpus
Limpus Properties, L.L.C.
126 Algonquin
Lake Winnebago, Missouri 64034

Re: North Independence Improvement Tax Increment Financing Plan

Dear Mr. Limpus:

Pursuant to your request, I am providing additional clarification to Ms. Cindi Dodson's letter to you dated May 22, 2012 (attached), concerning the status of the North Independence Improvement Tax Increment Financing Plan ("TIF Plan"). As Ms. Dodson indicated, December 31, 2011 was the date for completion of all Redevelopment Projects. The impact of this on you as the developer is set forth below.

As you are well aware, the TIF Plan was approved on May 15, 2000 by the City of Independence pursuant to Ordinance No. 14482. The TIF Plan proposed a two part improvement of the Redevelopment Area. Redevelopment Project I proposed construction of a 18 hole golf course now known as Winter Stone Golf Course ("Golf Course"). A related activity to the Golf Course was the excavation of aggregate rock from the underground area beneath the Golf Course. The construction of the Golf Course required in Redevelopment Project I was commenced and completed in a timely manner according to the Redevelopment Agreement as is evidenced by the Certificate of Completion issued to you pursuant to Sections 7.02 and 7.03 of the Redevelopment Agreement by the City, dated August 10, 2006 (attached). The significance of this to you is that the City has acknowledged that you have done all that was required of you pursuant to the Redevelopment Agreement and as a result the City commenced making pay-as-you-go reimbursements to you for the approved Reimbursable Project Costs from available funds in the Special Allocation Fund. The City is very pleased with the outcome of the Redevelopment Project I and considers the Golf Course a very valuable asset to the City.

However, the same cannot be said of Redevelopment Project II. As previously stated, you were required to excavate the area below the Golf Course so that an underground industrial park could be developed which would have added an estimated 500 full-time permanent jobs to the community. To date, the only activity that has been completed is the excavation of the rock. None of the nine phases of the underground industrial area have been commenced, let alone completed.

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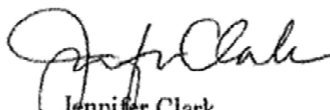
LIMPUS001831

Harlan L. Limpus
Limpus Properties, L.L.C.
January 24, 2013
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The letter from Ms. Dodson was a direct result of your failure to complete the underground industrial park in a timely manner. Pursuant to Section 7.02 of the Redevelopment Agreement failure to complete Redevelopment Project II is cause for breach of the Redevelopment Agreement. Accordingly, no further Reimbursable Project Costs will be allowed by the City and the remainder of all obligations by the City and you as the developer related to the Redevelopment Project II are hereby cancelled.

However, because Redevelopment Project I was timely completed, the TIF Plan must remain in effect until Redevelopment Project I reaches twenty-three (23) years in May, 2023 or until the existing certified Reimbursable Project Costs related to Redevelopment Project I have been paid, whichever occurs first. Beyond the continuing reimbursement for Redevelopment Project I Reimbursable Project Costs, there will be no further permitted activities related to the North Independence Improvement Tax Increment Financing Plan.

Sincerely,



Jennifer Clark
Community Development Director

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