

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE CRACKERNECK CREEK TAX INCREMENT FINANCING PLAN.

WHEREAS, the City of Independence, Missouri (the “City”) is a constitutional charter city and municipal corporation of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and,

WHEREAS, the Tax Increment Financing Commission of Independence, Missouri (the “TIF Commission”) has been duly formed by the City Council of the City (the “City Council”) pursuant to Section 99.820.2 of the Revised Statutes of Missouri (“RSMo”); and,

WHEREAS, on October 18, 2004, the City Council adopted Ordinance No. 15874 which approved the Crackerneck Creek Tax Increment Financing Plan (the “Crackerneck Creek TIF Plan”), approved the Redevelopment Area for the Crackerneck Creek TIF Plan (the “Redevelopment Area”) and made other findings related to approval of the Crackerneck Creek TIF Plan; and,

WHEREAS, Crackerneck Creek, L.L.C. (the “Developer”) was designated as the developer for the Crackerneck Creek TIF Plan; and,

WHEREAS, the Crackerneck Creek TIF Plan did not include residential use as one of the allowed uses described under the Crackerneck Creek TIF Plan; and,

WHEREAS, the Developer has not encountered sufficient interest from commercial and retail users for property within the Redevelopment Area in order to build out all of the lots within the Redevelopment Area, but has received interest for potential multifamily apartment developments; and,

WHEREAS, the Developer has prepared the proposed First Amendment to the Crackerneck Creek Tax Increment Financing Plan (the “Amendment”) which would allow for residential use within Project Area 1 and Project Area 5 of the Redevelopment Area; and,

WHEREAS, on December 18, 2020, written notice of a TIF Commission public hearing was mailed to all taxing districts from which taxable property is included in the Redevelopment Area (“Taxing Districts”), in compliance with Sections 99.825 and 99.830, RSMo; and,

WHEREAS, on January 13, 2021, written notice of revisions to the Amendment that affected certain exhibits based on corrections to the final year of tax increment financing revenue collections and certain levy rates, was mailed to the Taxing Districts; and,

WHEREAS, the Amendment was filed with the City Clerk and has been available for public review since December 18, 2020, with the revised version being available from and after January 13, 2021; and,

WHEREAS, on January 14, 2021, the City published notice in *The Examiner* of the scheduled TIF Commission public hearing to consider the merits of the proposed Amendment, in compliance with Section 99.830, RSMo; and,

WHEREAS, on January 27, 2021, the City mailed written notices of the scheduled TIF Commission public hearing to all persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Redevelopment Area, in compliance with Section 99.830, RSMo; and,

WHEREAS, on February 4, 2021, the City again published notice in *The Examiner* of the scheduled TIF Commission public hearing to consider the merits of the proposed Amendment, in compliance with Section 99.830, RSMo; and,

WHEREAS, at least four days prior to the meeting, notice of the TIF Commission meeting at which the public hearing was opened for consideration of the Amendment was posted in compliance with the Missouri Sunshine Law, Sections 610.010 to 610.225, RSMo; and,

WHEREAS, a copy of the notice of the public hearing was submitted to the Director of the Department of Economic Development, in compliance with Sections 99.825 and 99.830, RSMo; and,

WHEREAS, on February 11, 2021, at 5:00 p.m., the TIF Commission opened the public hearing to consider the proposed Amendment and associated actions to implement the Amendment, and a motion was approved to continue the hearing and fixing the time and place of the subsequent hearing for March 11, 2021 at the same location at 6:00 p.m.; and,

WHEREAS, on March 11, 2021, at 6:00 p.m., the TIF Commission re-opened the public hearing to consider the proposed Amendment and associated actions to implement the Amendment and, after taking evidence and testimony during the hearing, a motion was approved to continue the hearing and fixing the time and place of the subsequent hearing for April 8, 2021 at the same location at 6:00 p.m.; and,

WHEREAS, on April 8, 2021, at 6:00 p.m., the TIF Commission re-opened the public hearing to consider the proposed Amendment and associated actions to implement the Amendment, and a motion was approved to continue the hearing and fixing the time and place of the subsequent hearing for April 22, 2021 at the same location at 6:00 p.m.; and,

WHEREAS, on April 22, 2021, at 6:00 p.m., the TIF Commission re-opened the public hearing to consider the proposed Amendment and associated actions to implement the Amendment and, after taking evidence and testimony during the hearing, closed the public hearing; and,

WHEREAS, the public hearing conducted by the TIF Commission to consider the Amendment and associated actions was open to the public, a quorum of the Commissioners was present and acted throughout, and the proper notice of such hearing was given in accordance with all applicable laws including Chapter 610, RSMo; and,

WHEREAS, after considering the evidence and testimony received at the public hearing, the TIF Commission passed a Resolution recommending that the City Council adopt and implement the Amendment; and,

WHEREAS, at least four days prior to the meeting at which this Ordinance was first considered, notice of the City Council's consideration of the Amendment and that a public hearing would be held on the matter was posted in compliance with the Missouri Sunshine Law, Sections 610.010 to 610.225, RSMo; and,

WHEREAS, at the meeting at which this Ordinance was first considered, a public hearing was held regarding the City Council's consideration of the Amendment in compliance with Section 67.2725, RSMo; and,

WHEREAS, the City Council now desires to approve the Amendment, as revised as described above.

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

1. Findings. The City Council finds that approval of the Amendment is in the best interests of the Redevelopment Area and will promote the further growth and economic development within the City and the Redevelopment Area.
2. Approval. The Amendment, as attached to this Ordinance as Exhibit B, is hereby approved.
3. Capital Contribution Requirement. The capital contributions set out in Exhibit A must be made prior to the issuance of a building permit for a residential project within the Redevelopment Area.

PASSED THIS _____ DAY OF _____, 2021, 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 AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

EXHIBIT A

CAPITAL CONTRIBUTION REQUIREMENT

CAPITAL CONTRIBUTION - \$150,000	
School District	\$ 134,025.33
Mental Health	2,358.30
Junior College	4,789.13
Library	7,376.70
Sheltered Workshop	<u>1,450.54</u>
TOTAL	\$ 150,000.00 *

* Payment shall be made to the taxing jurisdictions as set forth above on or before the issuance of the building permit by the City for the construction of the apartments. Evidence of payment shall be any of the following: cancelled check; confirmation of wire transfer; signed receipt from taxing district; return receipt from certified mailing or any other similar representation.

EXHIBIT B
AMENDMENT