

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CHAPTER 353 REDEVELOPMENT PLAN FOR THE CARGO LARGO PROJECT, DECLARING THE AREA DESCRIBED IN THE REDEVELOPMENT PLAN TO BE A BLIGHTED AREA, TAKING OTHER ACTIONS TO IMPLEMENT THE REDEVELOPMENT PLAN, AND APPROVING A REDEVELOPMENT AGREEMENT.

WHEREAS, D & J Realty Holdings, LLC (the “Applicant”), has submitted to the City the Chapter 353 Redevelopment Plan for the Cargo Largo Project (the “Redevelopment Plan”) pursuant to Section 353.010 RSMo., et seq., the Urban Redevelopment Corporations Law (the “Act”) for the redevelopment of approximately 44 acres of property that is located at the northwest corner of 35th & Noland Road in the City of Independence, Missouri (the “City”), which includes the location of an existing Cargo Largo store; and,

WHEREAS, the D & J Redevelopment Corporation (the “Corporation”) was formed by the Applicant for the purpose of implementing the Redevelopment Plan; and,

WHEREAS, the City furnished each political subdivision whose boundaries for *ad valorem* taxation purposes include any portion of the real property to be affected by tax abatement in the Redevelopment Plan with a written statement of the impact on *ad valorem* taxes such tax abatement will have on such political subdivisions and written notice of the public hearing to be held by the City Council in accordance with Sections 353.060 and 353.110, RSMo; and,

WHEREAS, a public hearing was held before the City Council on November 1, 2021, in the City Council Chambers at City Hall, at which all interested persons and taxing districts affected by the Redevelopment Plan were afforded an opportunity to make comments regarding adoption of the Redevelopment Plan; and,

WHEREAS, having heard and considered the comments and other evidence adduced at the public hearing and the recommendations of City staff, the City Council desires to approve the Redevelopment Plan and take other actions related to implementation of the Redevelopment Plan; and,

WHEREAS, the City Council also desires to approve and authorize the execution of a Redevelopment Agreement by and among the City, the Applicant, and the Corporation, for the implementation of the Redevelopment Plan; and,

WHEREAS, the City Council finds that certain public improvements are necessary and desirable in connection with the Redevelopment Project, including public infrastructure improvements made to streets, roads and property within and surrounding the Area consisting of, among other things, the construction of (i) a westbound right turn lane from 35th Street to Lynn Court, (ii) a new street connecting northbound Lynn Court to southbound Weatherford Avenue, (iii) a new street (33rd Street) westbound from Noland Road to the Lynn Court/Weatherford Avenue street connection, (iv) a southbound right turn lane from Noland Road to 33rd Street, (v) traffic signalization improvements, and (vi) sewers and related utilities (the “Public Improvements”); and,

WHEREAS, the Applicant has requested reimbursement for a portion of the costs of the Public Improvements from the incremental increase in the City’s 0.5% streets sales tax generated by the

Redevelopment Project and 50% of the incremental increase in the City's 1.0% general sales tax generated by the Redevelopment Project; and,

WHEREAS, subject to annual appropriation, the City Council desires to provide such reimbursement of costs of the Public Improvements from such sources, as further described in the Redevelopment Agreement; and,

WHEREAS, pursuant to Section 70.220, RSMo., the City is authorized to contract with any private corporation for the planning, development, construction, acquisition or operation of any public improvement or facility and pursuant to Section 70.230, RSMo., the City is authorized to exercise the power referred to in Section 70.220, RSMo., by ordinance duly enacted.

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

SECTION 1: It is hereby found and determined by the City Council as follows:

A. That the area legally described in the Redevelopment Plan (the "Area") is a blighted area under the provisions of the Act, as documented by the "Blight Study" prepared by Sterrett Urban, LLC, which accompanied the Redevelopment Plan, and that the clearance, redevelopment, replanning, rehabilitation and reconstruction thereof as detailed in the Redevelopment Plan is necessary for the public convenience and necessity.

B. That each political subdivision whose boundaries for *ad valorem* taxation purposes include any portion of the Area has been furnished with a written statement of the impact on *ad valorem* taxes such tax abatement will have on such political subdivision and written notice of the public hearing that was held by the City Council in accordance with the Act.

C. Approval of the Redevelopment Plan and construction of the Redevelopment Project described therein is necessary and desirable for the preservation of the public peace, property, health, safety, morals and welfare and is in the public interest under the Act and the City Code.

D. As set out in the Redevelopment Plan, no persons will be displaced by the Redevelopment Plan.

E. The Redevelopment Plan is in accordance with the comprehensive plan of the City as currently approved.

SECTION 2: The Redevelopment Plan, which is attached hereto as Exhibit A and incorporated herein by reference, is hereby approved subject to the requirement of Section 3 below.

SECTION 3: The Corporation is granted all of the rights, powers and immunities provided by law for use by an urban redevelopment corporation pursuant to law, not including the power of eminent domain, upon execution of the Redevelopment Agreement approved by this Ordinance. Subject to the Corporation's right to request an amendment to the Redevelopment Plan to extend the dates for acquiring ownership of one of or more phases, the Applicant's abatement pursuant to the Redevelopment Plan shall expire for each phase of the Redevelopment Project in the event of the failure of the Corporation to acquire ownership of such phase by the dates set out in Paragraph L of the Redevelopment Plan.

SECTION 4: The partial tax relief allowed pursuant to the Act pertaining to the Area as described in the Redevelopment Plan is hereby granted to the Corporation and its grantees, successors and assigns, after execution of the Redevelopment Agreement and upon the transfer of property in the Area, or portions thereof, to the Corporation, as limited and restricted in the Redevelopment Plan and the Redevelopment Agreement.

SECTION 5: Approval of the Redevelopment Plan and the tax abatement contemplated thereby is made only for purposes of the provisions of the Act and does not constitute approval of the Redevelopment Plan or a development agreement for any other purposes, including without limitation any approvals necessary under any and all ordinances, resolutions, rules and regulations of the City, such as the subdivision regulations, zoning regulations and building codes.

SECTION 6: The Redevelopment Agreement by and among the City, the Applicant, and the Corporation (the "Redevelopment Agreement"), in substantially the form on file with the City Clerk, is hereby approved and the Mayor, City Manager and/or City Clerk are hereby authorized to execute the Redevelopment Agreement on behalf of the City.

SECTION 7: City officers and agents of the City are each hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 8: No performance bond shall be required to be filed with the Community Development Department in connection with the Redevelopment Project.

SECTION 9: The use of the Area included in the Redevelopment Plan shall be limited to such uses as are described in the Redevelopment Plan for a period not less than the period of the tax relief given under the Redevelopment Plan.

SECTION 10: The Applicant and its assigns and successors shall, at all times, make all publicly open facilities in the Area accessible to the general public without regard to race, religion, color or national origin.

SECTION 11: That this Ordinance shall be in full force and effect ten days from and after its date of passage and approval.

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PASSED ON 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
REDEVELOPMENT PLAN

[See attached]