

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE HUB DRIVE TAX INCREMENT FINANCING REDEVELOPMENT PLAN, ESTABLISHING A REDEVELOPMENT AREA, DESIGNATING THE REDEVELOPMENT AREA AS A BLIGHTED AREA, MAKING OTHER REQUIRED FINDINGS FOR THE REDEVELOPMENT PLAN, DESIGNATING A DEVELOPER, APPROVING A REDEVELOPMENT AGREEMENT WITH THE DEVELOPER AND DIRECTING STAFF TO IMPLEMENT THE REDEVELOPMENT PLAN.

WHEREAS, City staff has worked with T-L HUB LLC, the proposed developer (“Developer”) to prepare the Hub Drive Tax Increment Financing Redevelopment Plan (as attached hereto, the “TIF Plan”) pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the “TIF Act”), for the redevelopment of a 16-acre area located at the intersection of East 23rd Street and Hub Drive in Independence, Missouri, and generally bounded by East 23rd Street to the north, Hub Drive and related right of way to the east, East 25th Street to the south, and a residential subdivision and commercial lot to the west (the “Redevelopment Area”) that is proposed to be developed in a single redevelopment project described under the TIF Plan (the “Redevelopment Project”); and,

WHEREAS, pursuant to the provisions of the Act, the Tax Increment Financing Commission of Independence, Missouri (the “TIF Commission”) was composed of representatives from the City and from the affected taxing jurisdictions for the purpose of conducting a public hearing and making recommendations with respect to the TIF Plan, the Redevelopment Area and the Redevelopment Project to the City Council of the City of Independence, Missouri (“City Council”); and,

WHEREAS, in accordance with the written procedures relating to bids and proposals for implementation of redevelopment projects as adopted by the City, the City published in *The Examiner* on April 7, 2023, a notice of request for proposals for the implementation of redevelopment projects for the TIF Plan, which provided reasonable opportunity for any person to submit proposals for redevelopment projects in compliance with Section 99.820.1(3) of the Revised Statutes of Missouri; and,

WHEREAS, the City received no additional proposals in response to the published request for proposals; and,

WHEREAS, on May 4, 2023, after due notice in accordance with the Act, the TIF Commission held a public hearing, at which all interested persons and taxing districts affected by the TIF Plan were afforded an opportunity to make comments, file written objections, protests, and be heard orally regarding adoption of the TIF Plan; and,

WHEREAS, on May 4, 2023, the TIF Commission having heard and considered the objections, protests, comments, and other evidence adduced at the public hearing, voted to approve Resolution No. 2023-01 which recommended that the City Council make certain required findings and approve the TIF Plan, the Redevelopment Area and the Redevelopment Project; and,

WHEREAS, on June 5, 2023, at a regular meeting, the City Council considered the TIF Plan, the recommendations of the TIF Commission, the recommendations of City staff, and provided parties in

interest and citizens an opportunity to be heard regarding the TIF Plan, the Redevelopment Area and the Redevelopment Project; and,

WHEREAS, having heard and considered the objections, protests, comments, and other evidence adduced at the meetings, the evidence and testimony submitted at the TIF Commission public hearing, the recommendations of the TIF Commission, the recommendations of City staff, and the input of interested persons and citizens, the City Council desires to approve the TIF Plan, designate the Redevelopment Area, declare the Redevelopment Area as a blighted area, designate the Developer as the developer of record for the TIF Plan, and approve a redevelopment agreement with the Developer (the “Redevelopment Agreement”); and,

WHEREAS, the City Council desires to enter into the Redevelopment Agreement with the Developer to establish the rights, duties and obligations of the City and the Developer, to implement the TIF Plan and establish certain related matters.

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

SECTION 1. The City Council hereby makes the following findings for approval of the TIF Plan:

A. The TIF Plan sets forth in writing a general description of the program to be undertaken to accomplish its objectives, including the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the Redevelopment Area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to Section 99.845, RSMo, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the Redevelopment Area.

B. The Redevelopment Area on the whole is a blighted area, as such term is defined in Section 99.805(1), RSMo, due to the presence of blighting factors as set forth in Exhibit 6 to the TIF Plan performed by a certified urban planner, which is incorporated herein by reference, including that the Redevelopment Area is characterized by insanitary and unsafe conditions, deterioration of site improvements, and conditions which endanger life and property, and that the area is an economic liability for the City and a menace to the public health, safety or welfare in its present condition and use. The TIF Plan is also accompanied by an affidavit, signed by the Developer and set forth in Exhibit 9 to the TIF Plan, attesting to the blighting conditions of the Redevelopment Area.

C. The proposed redevelopment satisfies the “but for” test set forth in Section 99.810, RSMo, in that the Redevelopment 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 TIF Plan is accompanied by an affidavit, signed by the Developer and set forth in Exhibit 9, attesting to this finding.

D. The TIF Plan is in conformance with the Comprehensive Plan for the development of the City as a whole.

E. The TIF Plan contains estimated dates of completion of the Redevelopment Project and estimated dates for the retirement of obligations incurred to finance redevelopment project costs, and said dates are not more than twenty-three (23) years from the adoption of an ordinance approving a Redevelopment Project within the Redevelopment Area.

F. A Relocation Plan has been developed for relocation assistance for businesses and residences, and the relocation of any business or residents in the Redevelopment Area, if necessary, will take place in accordance with the Relocation Plan attached to the TIF Plan as Exhibit 8.

G. The TIF Plan is accompanied by a Cost-Benefit Analysis showing the economic impact of the TIF Plan on each taxing district and political subdivision within the Redevelopment Area if the proposed Redevelopment Project is built pursuant to the TIF Plan or is not built, and the Commission received evidence that the proposed Redevelopment Project is financially feasible to undertake with TIF assistance in the form of the Developer's return on investment calculations included in the Cost-Benefit Analysis.

H. The Plan does not include the initial development or redevelopment of any gambling establishment.

I. The area selected for the Redevelopment Project includes only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project improvements.

SECTION 2. The TIF Plan, with attached Cost-Benefit Analysis, which is attached to this ordinance as Exhibit A and incorporated herein by reference is hereby approved.

SECTION 3. T-L HUB LLC is hereby designated as the developer of record for the TIF Plan and the Redevelopment Project.

SECTION 4. The land legally described in Exhibit 1 of the TIF Plan is hereby designated as the Redevelopment Area for the TIF Plan.

SECTION 5. There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the "*HUB Drive Special Allocation Fund*" which shall contain separate segregated accounts into which payments in lieu of taxes, economic activity taxes and other revenues shall be deposited, as collected by the City pursuant to the TIF Plan.

SECTION 6. The Redevelopment Agreement, in substantially the form attached hereto as Exhibit B (the "Agreement"), is hereby approved and the Mayor, City Clerk, and/or City Manager are authorized to execute and deliver the Agreement with such changes therein as shall be approved by the officials of the City executing the Agreement, such officials' signatures thereon being conclusive evidence of their approval thereof.

SECTION 7. The Mayor, City Clerk, City Manager, City staff, the City's special legal counsel, and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance, to create those funds and accounts required by the Act to implement the TIF Plan, and to execute and deliver for and on behalf

HUB Drive TIF
5/24/23-bb

of the City all certificates, instruments, and agreements or other documents as may be necessary, desirable, convenient, or proper to perform all matters authorized herein.

SECTION 8. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

SECTION 9. This ordinance shall take effect and be in full force as set forth in the City Charter.

[remainder of page intentionally left blank]

HUB Drive TIF
5/24/23-bb

PASSED ON THIS _____ DAY OF _____, 2023, 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

HUB Drive TIF
5/24/23-bb

EXHIBIT A

HUB DRIVE TAX INCREMENT FINANCING REDEVELOPMENT PLAN

HUB Drive TIF
5/24/23-bb

EXHIBIT B
REDEVELOPMENT AGREEMENT