

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TERMINATING TAX INCREMENT FINANCING  
WITHIN THE EASTLAND CENTER TAX INCREMENT FINANCING  
REDEVELOPMENT PLAN AREA; AND AUTHORIZING CERTAIN  
ACTIONS RELATING THERETO.

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), authorizes municipalities to undertake redevelopment projects in blighted or conservation areas, as defined in the Act; and,

WHEREAS, on January 3, 2000, the City Council adopted Ordinance No. 14393 approving the Eastland Center Tax Increment Financing Redevelopment Plan (as amended, the “Redevelopment Plan”), designating the redevelopment area described in the Redevelopment Plan (the “Redevelopment Area”) as a “redevelopment area” under the Act, approving redevelopment projects (the “Redevelopment Projects”) and adopting tax increment financing within the Redevelopment Projects areas described in the Redevelopment Plan; and,

WHEREAS, the City Council hereby finds that the Redevelopment Projects have been completed and, therefore, it is in the best interest of the City and the other affected taxing districts to terminate tax increment financing within the Redevelopment Area; and,

WHEREAS, although the period for collection of tax increment financing revenues expired on January 2, 2023 (the “TIF Expiration Date”), certain payments in lieu of taxes and economic activity taxes not required for the payment of costs under the Redevelopment Plan (referred to herein as the “Over-collected PILOTS” and the “Over-collected EATS”) generated before or after the TIF Expiration Date were and continue to be remitted to the City;

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

SECTION 1. The City Council hereby declares as surplus all Over-collected PILOTS and Over-collected EATS on deposit in the Special Allocation Fund created for the Redevelopment Project (the “Special Allocation Fund”). The Over-collected EATS shall be paid to the taxing districts from which they originate, as provided in Section 99.820.1(12) of the Act with respect to the distribution of surplus. The Over-collected PILOTS shall be paid, refused or otherwise returned to the County Collector or other appropriate office for distribution to the appropriate taxing districts in the manner provided in the Act. If the County declines to make such distribution, the City shall make such distribution in accordance with Section 99.820.1(12) of the Act.

SECTION 2. As repayment to the Special Allocation Fund for amounts borrowed by the special allocation fund accounts established for the Santa Fe Trail Tax Increment Financing Plan and the Hartman Heritage Park Tax Increment Financing Plan, the City will forego a portion of the surplus distributions that would have otherwise been paid to the City in the amount sufficient to repay such borrowed funds. Such amounts will be treated as additional surplus to be distributed in the manner described in Section 1, above. All remaining amounts distributed to the City shall be deposited in the City’s tax increment financing supplemental fund.

SECTION 3. The City Council hereby terminates tax increment financing within the Redevelopment Area and terminates any and all agreements relating to the collection and application of tax increment financing revenues within the Redevelopment Area.

SECTION 4. The officers, agents and employees of the City (including but not limited to the City Manager and City Clerk) are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable to carry out and perform the purpose of this Ordinance.

SECTION 5. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones, unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 6. This Ordinance shall take effect in accordance with the City's charter.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

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City Clerk

APPROVED AS TO FORM AND LEGALITY:

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City Counselor

REVIEWED BY:

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City Manager