

**RESOLUTION OF THE KANSAS CITY CHAPTER 353 ADVISORY BOARD  
RECOMMENDING APPROVAL BY THE CITY COUNCIL OF KANSAS CITY,  
MISSOURI, OF THE THIRD AMENDMENT TO THE AMENDED AND RESTATED  
BEACON HILL CHAPTER 353 REDEVELOPMENT PLAN, AS SUBMITTED BY  
BEACON HILL REDEVELOPMENT CORPORATION, AND AUTHORIZING OTHER  
ACTIONS RELATED THERETO.**

**WHEREAS**, the Kansas City Chapter 353 Advisory Board (the “Board”) was established by the City of Kansas City, Missouri (the “City”) by Committee Substitute for Ordinance No. 140306, duly passed by the City Council of the City (the “City Council”) on May 1, 2014 (codified as Sections 74-1 through 74-10, Code of Ordinances (“Chapter 74”)), and serves in an advisory capacity to the City Council in connection with proposed projects and amendments to existing projects under the Urban Redevelopment Corporations Law, Chapter 353 of the Revised Statutes of Missouri, as amended (the “Act”); and

**WHEREAS**, as part of its duties, the Board reviews applications for Chapter 353 projects and amendments to existing Chapter 353 plans, holds required public hearings, makes recommendations to the City Council with respect to those applications, and is responsible for the ongoing monitoring of compliance with redevelopment contracts entered into between the City and urban redevelopment corporations with respect to Chapter 353 projects; and

**WHEREAS**, on November 30, 2001, pursuant to the Act, Beacon Hill Redevelopment Corporation, an urban redevelopment corporation organized under and pursuant to the Act (the “Redeveloper”), filed a Chapter 353 development plan (“Original 353 Plan”) with the City for the redevelopment of an approximately 94-acre tract of land generally bounded by 22<sup>nd</sup> Street on the north, Bruce R. Watkins Drive and The Paseo on the east, 27<sup>th</sup> Street and approximately 100 feet south of 27<sup>th</sup> Street at Troost Avenue on the South, and Troost Avenue and approximately 150 feet west of Troost Avenue at 27<sup>th</sup> Street on the west (the “Redevelopment Area”); and

**WHEREAS**, on May 23, 2002, the City Council approved the Original 353 Plan, approved a finding of blight for the Redevelopment Area, pursuant to Committee Substitute for Ordinance No. 020442 and, pursuant to contemporaneous filings, rezoned the Redevelopment Area to District URD (Urban redevelopment district); and

**WHEREAS**, Redeveloper and the City entered into a Chapter 353 Redevelopment Contract dated June 3, 2002 (the “Original 353 Contract”), providing for the implementation of the Original 353 Plan, which Original 353 Contract was recorded with the Jackson County, Missouri, Recorder of Deeds on August 17, 2004, as Document No. 2004K0055517; and

**WHEREAS**, on September 10, 2009, the City Council passed Ordinance No. 090770, which, among other things, renewed the blight determination of the Redevelopment Area, and on December 3, 2009, pursuant to Committee Substitute for Ordinance No. 090947, the City Council approved an Amended and Restated Development Plan for the Redevelopment Area which, among other things, provided for a low-income housing tax credit project for the Housing Authority of

Kansas City, Missouri, and extended the expiration date by which the Original 353 Plan would be performed (the “Amended and Restated 353 Plan”); and

**WHEREAS**, Ordinance No. 090947 also authorized and directed that the Director of Finance enter into a redevelopment contract for the Redevelopment Area and, on March 30, 2010, a Chapter 353 Redevelopment Contract (the “Amended 353 Contract”) was executed between the City and the Redeveloper, and recorded in the Jackson County Department of Records on April 2, 2010, as Document No. 2010E0030903; and

**WHEREAS**, pursuant to Ordinance No. 141027, passed by the City Council on December 11, 2014, the Amended and Restated 353 Plan was amended to allow for the development of student housing by the University of Missouri – Kansas City (the “First Amendment”); and

**WHEREAS**, also pursuant to Ordinance No. 141027, the Amended 353 Contract was amended by that certain First Amendment to Redevelopment Contract effective December 31, 2014, between the City and the Redeveloper and recorded in the Jackson County Department of Records as Document No. 2017E0093880, on October 13, 2017 (the “First Amendment to Amended 353 Contract”); and

**WHEREAS**, the First Amendment to Amended 353 Contract, among other things, confirmed that the Amended 353 Contract amended, restated and replaced the Original 353 Contract in its entirety; and

**WHEREAS**, pursuant to Ordinance No. 170645, passed by the City Council on August 31, 2017, the Amended and Restated 353 Plan was again amended to allow for the construction of a limited service hotel (the “Second Amendment”), and the City, the Redeveloper and the developer of the limited service hotel entered into that Second Amendment, Assignment and Assumption Agreement dated September 11, 2017, and recorded in the Jackson County Department of Records on April 10, 2018, as Document No. 2018E0029881; and

**WHEREAS**, collectively, the Amended and Restated 353 Plan, the First Amendment and the Second Amendment are referred to herein as the “353 Plan”); and

**WHEREAS**, the 353 Plan serves a public benefit to the City and is a critical tool in the City’s efforts to comply with performance objectives of a “Memorandum of Agreement for the Completion of Activities Under Federal Receivership and Ongoing Administration of the CDBG and HOME Programs” (the “HUD MOA”) with the Department of Housing and Urban Development (“HUD”); and

**WHEREAS**, the HUD MOA prioritizes the City’s completion of urban housing projects and activities in the “Greater Downtown Strategy Area” and, specifically, in the Redevelopment Area, and requires the time-sensitive completion of these activities to satisfy the national objective requirements set forth at 24 C.F.R. 570.208(b)(1); and

**WHEREAS**, the HUD MOA requires the City to complete these time-sensitive urban housing projects and activities by April 1, 2023 or such later date on which HUD determines the City may be released from the HUD MOA (the “MOA Termination Date”); and

**WHEREAS**, since executing the HUD MOA, the City, in cooperation with other public agencies, the Redeveloper and other third-parties, has made impressive strides toward achieving the performance measures and milestones delineated in the HUD MOA; however, despite these efforts and the reduction of blighting influences from the Redevelopment Area, the City’s work and the performance measures must continue until the MOA Termination Date; and

**WHEREAS**, the 353 Plan currently sets forth a phasing schedule to complete the blight removal and other requirements of the 353 Plan that will expire prior to the HUD MOA Termination Date; and

**WHEREAS**, on October 23, 2019, the Redeveloper, at the request of the City, appeared before the Board to informally present a request for a recommendation in support of a proposed Third Amendment to the Amended and Restated Development Plan of Beacon Hill Redevelopment Corporation so the expiration date of the 353 Plan may be extended to correspond to the MOA Termination Date and to bring the 353 Plan into line with the underlying UR development plan; and

**WHEREAS**, the Board expressed unanimous support for the proposed Third Amendment, but, due to published notice time constraints, was unable to make a formal recommendation at that time; and

**WHEREAS**, on October 31, 2019, the Redeveloper, at the request of the City, submitted the proposed Third Amendment to the Amended and Restated Development Plan of Beacon Hill Redevelopment Corporation, prepared in accordance with the Act and Chapter 74, which proposed Third Amendment was revised and resubmitted on November \_\_, 2019 (together, the “Third Amendment”), and

**WHEREAS**, Redeveloper has complied with all the requirements imposed upon it by the Act and Chapter 74, or the City has agreed to waive certain requirements; and

**WHEREAS**, review by the City Plan Commission was not required as implementation of the Third Amendment would not require any changes to the existing zoning and is otherwise in compliance with the Comprehensive Plan; and

**WHEREAS**, the Board provided such notice as is required by the Act and Chapter 74 and on November 20, 2019, the Board held a public hearing on the Third Amendment.

**NOW, THEREFORE, BE IT RESOLVED** by the Kansas City Chapter 353 Advisory Board, as follows:

1. The Board, after fully considering the Third Amendment and the documents and any testimony submitted in connection therewith, recommends that the City Council approve the proposed Third Amendment.

2. The Chairman and Executive Director are authorized and directed to take all further actions and to execute such documents as may be necessary or desirable to carry out the intent of this Resolution.
3. This Resolution shall take effect immediately.

This Resolution No. 11-\_-19 is ADOPTED this 20<sup>th</sup> day of November, 2019.

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Steven D. Hamilton, Chairman

ATTEST:

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Dan Moye, Executive Director/Secretary