

RESOLUTION NO. 6- -19

RESOLUTION OF THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF KANSAS CITY, MISSOURI; APPROVING AMENDMENT TO ASSIGNMENT, ASSUMPTION AND AMENDMENT OF GROUND LEASE AND REDEVELOPMENT CONTRACT; APPROVING FORMATION OF COMMUNITY IMPROVEMENT DISTRICT; AND AUTHORIZING OTHER RELATED ACTIONS.

WHEREAS, the Land Clearance for Redevelopment Authority of Kansas City, Missouri (“Authority”) is a public body corporate and politic created by the Land Clearance for Redevelopment Authority Law, Section 99.300, *et seq.*, RSMo (“LCRA Law”), and is transacting business and exercising the powers granted by the LCRA Law by virtue of Committee Substitute for Ordinance No. 16120, duly passed by the City Council (“City Council”) of the City of Kansas City, Missouri (the “City”), November 21, 1952; and

WHEREAS, the Authority owns the property known as the Linwood Square Shopping Center generally located on the east side of Prospect Avenue between E. 30th Street on the north and E. Linwood Boulevard on the south and as legally described in the attached Exhibit A (“Property”); and

WHEREAS, the Authority and Linwood Center Redevelopment Company, LLC, a Missouri limited liability company (“Redeveloper”), are parties to (i) the Ground Lease dated February 14, 1992 and recorded as Document No. 1992K1014675 (the “Ground Lease”), and (ii) the Redevelopment Contract dated February 14, 1992 and recorded as Document No. 1992K1014676 (the “Redevelopment Contract”), as the Ground Lease and the Redevelopment Contract were amended by the Assignment, Assumption and Amendment of Ground Lease and Redevelopment Contract dated January 31, 2017 and recorded as Document No. 2017E0014976; and

WHEREAS, the Redevelopment Contract was amended by the Assignment, Assumption and Amendment of Ground Lease and Redevelopment Contract dated January 23, 2019 and recorded as Document No. 2017E0008487; and

WHEREAS, the Property and the Project are located within the Linwood-Prospect Urban Renewal Area, as described in the Linwood-Prospect Urban Renewal Plan; and

WHEREAS, by Resolution Nos. 06-04-18 and 01-03-19 dated June 27, 2018 and January 23, 2019, respectively, the Authority approved amendments to the project schedule in Section 24 of the Redevelopment Contract. The Redeveloper, however, is continuing its efforts to secure necessary financing; and

WHEREAS, the Authority desires to further amend the project schedule in Section 24 of the Redevelopment Contract to conform with the Redeveloper’s current efforts to secure financing and complete construction of the planned redevelopment of the Linwood Square Shopping Center; and

WHEREAS, the Redeveloper has requested that the Authority consent to the formation of a community improvement district for the purpose of imposing a one percent (1.0%) sales tax on retail sales within the community improvement district as part of the Redeveloper’s financing package in support of the project; and

WHEREAS, the Authority desires to consent to the formation of a community improvement and to execute a petition to form a community improvement district in substantially the form presented to the Board of Commissioners on this date, it being understood that the petition must also be signed by other property owners within the community improvement district and that the City Council must adopt an ordinance approving the formation of a community improvement district pursuant to the Missouri Community Improvement District Act, Sections 67.1401 to 67.1571, RSMo (“CID Act”).

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF KANSAS CITY, MISSOURI, AS FOLLOWS:

Section 1. The Authority approves the amendment to the project schedule in Section 24 of the Redevelopment Contract as described in the Amendment to Assignment, Assumption and Amendment of Ground Lease and Redevelopment Contract in substantially the form of the Amendment attached as Exhibit B, subject to such changes, additions or deletions as the officers authorized to execute and deliver the Amendment, upon the advice of counsel, may deem necessary or desirable to complete the transactions contemplated by this Resolution.

Section 2. Each of the Chairman, Vice Chairman and Executive Director is authorized and directed to execute and deliver the Amendment for and on behalf of the Authority, and the such officer’s execution of the Amendment shall be conclusive evidence of their approval thereof.

Section 3. The Authority approves the formation of a community improvement district as described in the petition to form a community improvement district in substantially the form presented to the Board of Commissioners on this date and attached as Exhibit C, subject to such changes, additions or deletions as the officers authorized to execute and deliver the petition, upon the advice of counsel, may deem necessary or desirable to complete the transactions contemplated by this Resolution. Each of the Chairman, Vice Chairman and Executive Director is authorized and directed to execute and deliver the petition for and on behalf of the Authority, and the such officer’s execution of the petition shall be conclusive evidence of their approval thereof.

Section 4. Formation of a community improvement district is subject to the Redeveloper’s satisfaction of the formation requirements under the CID Act and to the City Council’s adoption of an ordinance forming a community improvement district pursuant to the CID Act. The Authority’s consent to the formation of a community improvement district and execution of a petition to form a community improvement district is expressly conditioned upon the Redeveloper managing and performing, or causing the management or performance of, all operational and administrative activities of such district in accordance with the CID Act, including, but not limited to, all requirements and activities related to the approval, imposition,

collection, and enforcement of the proposed sales tax as provided in the CID Act. The Authority shall have no responsibility or liability for the formation or operation of the community improvement district.

Section 5. Each of the Chairman, Vice Chairman and Executive Director is authorized to take such other actions as deemed necessary or desirable to carry out the intent of this Resolution.

Section 6. This Resolution shall take effect and be in full force immediately after its adoption by the Authority.

ADOPTED by the Land Clearance for Redevelopment Authority of Kansas City, Missouri this 19th day of June, 2019.

**LAND CLEARANCE FOR REDEVELOPMENT
AUTHORITY OF KANSAS CITY, MISSOURI**

By: _____
Steven D. Hamilton, Chairman

ATTEST:

Greg Flisram, Secretary

Exhibit A

Legal Description

Tract 1:

Lot 1, CDC-KC Linwood Square 1st Plat, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Tract 2:

Lot 1, CDC-KC Linwood Square 2nd Plat, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Exhibit B

Amendment

Exhibit C

CID Petition