

#### RESOLUTION No. 9- -20

RESOLUTION BY THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF KANSAS CITY, MISSOURI (THE "AUTHORITY") APPROVING THE MINOR SUBDIVISION LOT CONSOLIDATION PLAT, AS REVISED, AND THE PEDESTRIAN EASEMENT TO THE CITY OF KANSAS CITY, MISSOURI, AND AUTHORIZING 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 Act"), and is transacting business and exercising the powers granted by the LCRA Act by virtue of Committee Substitute for Ordinance No. 16120, duly passed by the City Council ("City Council") of the City of Kansas City, Missouri ("City"), on November 21, 1952; and

WHEREAS, by its Resolution No. 6-02-15, dated June 24, 2015, the Authority approved the Truman & Wyandotte Urban Renewal Plan ("LCRA Plan"), the purpose of which is to eliminate and prevent the spread, development and recurrence of the blighted and insanitary conditions within the Urban Renewal Area ("Urban Renewal Area") as legally described in the LCRA Plan; and

WHEREAS, by its Resolution No. 11-4-17, dated November 29, 2017, as amended by Resolution Nos. 1-1-18 and 1-2-18, dated January 5 and 9, 2018, respectively (collectively, the "Authorizing Resolution"), the Authority authorized and approved certain actions and the execution and delivery of certain documents in connection with real estate and financing transactions to facilitate construction of redevelopment project consisting of a convention center headquarters hotel and related improvements ("Project"), including:

- (a) the Taxable Project Revenue Bonds (Convention Center Hotel Project CID Financing) Series 2018A and the Project Revenue Bonds (Convention Center Hotel Project TIF Financing) Series 2018B) in the aggregate principal amount of \$123,805,000.00; and
- (b)(i) the Lease Purchase Agreement and a Personal Property Lease with the Convention Center Headquarters Hotel Community Improvement District ("CID"), pursuant to which the Authority leases to the CID the Parking/Meeting Space Project Property and the personal property relating to the Parking/Meeting Space Project Property under the terms described therein, and (ii) the Lease Purchase Agreement and the Personal Property Lease pursuant to which the Authority leases to KC Hotel Property Owner, LLC ("Redeveloper") the Hotel Tower Project Property and the personal property relating to the Hotel Tower Project Property as described therein under the terms described therein; and
- (c) a loan in the maximum principal amount of \$110,000,000.00 from Wells Fargo Bank, National Association, and the other financial institutions now or hereafter party thereto ("Lender"); and

- (d) other related documents and agreements relating to the Project, all in coordination with the Redeveloper, the City and the Tax Increment Financing Commission of Kansas City, Missouri. Capitalized terms not otherwise defined herein shall have the meaning given to them in the Authorizing Resolution; and
- **WHEREAS,** the referenced real estate and financing transactions closed on January 18, 2018, and J.E. Dunn Construction Company, the general contractor for the Project, commenced construction shortly thereafter; and
- **WHEREAS**, the Project is substantially complete and open for business as Loews Kansas City Hotel, with certain limitations due to the COVID-19 pandemic imposed by governmental authorities; and
- WHEREAS, as contemplated in Project agreements, including, among others, the Cooperative Agreement for Collection of Certain Special Assessments and Taxes effective January 18, 2018, among the Authority, the Redeveloper, the CID, and Jackson County, Missouri, the Redeveloper is requesting that the Authority sign the Minor Subdivision Lot Consolidation Plat ("Plat") in substantially the form attached to this Resolution for the purpose of consolidating the tax parcels within the Urban Renewal Area into a single tax parcel; and
- **WHEREAS**, the Lender approved an earlier version of the Plat as stated in Section 9.4 of the Loan Agreement dated January 18, 2018, among the Authority, the Redeveloper, and the Lender, which earlier version also consolidated the tax parcels within the Urban Renewal Area into a single tax parcel; and
- WHEREAS, in connection with the recording of the Plat, the City is requiring that the Authority grant to the City an Easement for Pedestrian Right-of-Way ("Pedestrian Easement") in substantially the form attached to this Resolution. The Pedestrian Easement will also be shown on the Plat; and
- WHEREAS, in connection with the recording of the Plat, the Redeveloper will obtain from the Lender a subordination of certain deeds of trust securing Project financing to the Plat and the Pedestrian Easement; and
- WHEREAS, the Authority desires to sign the Plat and the Pedestrian Easement in furtherance of the Project.
- **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 Plat and the Pedestrian Easement are approved. Each of the Chairman, Vice Chairman, and Executive Director is hereby authorized and directed to execute the Plat in substantially the form attached hereto as Exhibit A and the Pedestrian Easement in substantially the form attached hereto as Exhibit B, subject to such additions, changes, or deletions as such executing officer, upon the advice of legal counsel, may deem necessary or desirable and execution of the Plat and the Pedestrian Easement shall be conclusive evidence of such executing officer's approval thereof.

Section 2. Each of the Chairman, Vice Chairman, and Executive Director is hereby authorized and directed to proceed with the preparation and execution of the Plat and the Pedestrian Easement and such other documents, certificates and instruments and to take such further actions as may be necessary or desirable to carry out and perform the purposes of this Resolution, to make alterations, changes or additions to the agreements, instruments and documents authorized that they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 3. This Resolution shall take effect and be in full force immediately after its passage and approval by the Board of Commissioners of the Authority.

**ADOPTED** by the Land Clearance for Redevelopment Authority of Kansas City, Missouri this 23<sup>rd</sup> day of September, 2020.

LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF THE CITY OF KANSAS CITY

By:
Rob Gardner, Chairman

ATTEST:

Daniel Moye, Secretary

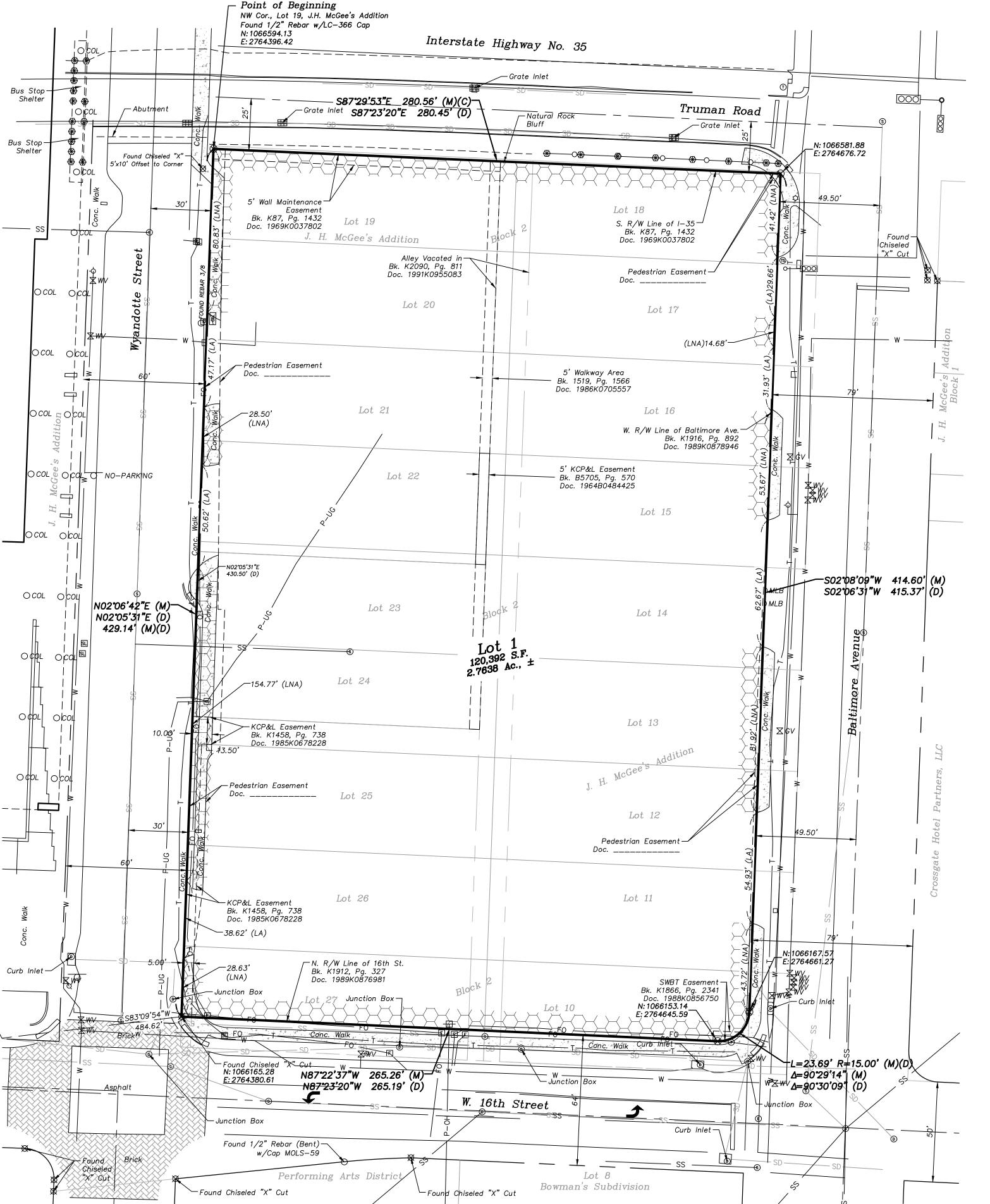
#### Exhibit A

**Minor Subdivision Lot Consolidation Plat** 

A Replat of Lots 19-26, Parts of Lots 10-18, and Part of Lot 27

Block 2, J.H. McGee's Addition and Vacated Alley

All of Lots 19 through 26, and all that part of Lots 10 through 18, and all that part of Lot 27, and all that part of the vacated alley lying between Lots 19 through 27 and Lots 10 through 18, all being in Block 2, J. H. McGee's Addition, a subdivision in Kansas City, Jackson County, Missouri, lying in the Southwest Quarter of Section 5, Township 49 North, Range 33 West



# 12th Street Location -35 (a/k/a I-670)

Section 5, T49N, R33W

VICINITY MAP

Scale: 1" = 2000'

Property Description - Lot 1

All of Lots 19 through 26, together with all that part of Lots 10 through 18, and all that part of Lot 27, and all that part of the vacated alley lying between Lots 10 through 18 and Lots 19 through 27, all being in Block 2, J. H. McGee's Addition, a subdivision in Kansas City, Jackson County, Missouri, lying in the Southwest Quarter of Section 5, Township 49 North, Range 33 West, being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 19, Block 2, J.H. McGee's Addition, a subdivision in Kansas City, Jackson County, Missouri; thence South 87 degrees 29 minutes 53 seconds East, along the North line of said Block 2, a distance of 280.56 feet to a point on the West line of Baltimore Avenue right of way, as established in Book K1916, Page 892; thence South 02 degrees 08 minutes 09 seconds West, departing said North line, along said West line, a distance of 414.60 feet to a point of curvature, said point also lying on the North line of W. 16th Street right of way, as established in Book K1912, Page 327; thence in a Southerly, Southwesterly and Westerly direction, departing said West line, along said North line and along a curve to the right, having a radius of 15.00 feet, through a central angle of 90 degrees 29 minutes 14 seconds, an arc distance of 23.69 feet to a point of tangency; thence North 87 degrees 22 minutes 37 seconds West, continuing along said North line, a distance of 265.26 feet to a point on the West line of Lot 27 of said Block 2, J.H. McGee's Addition; thence North 02 degrees 06 minutes 42 seconds East, along the West line of said Block 2, a distance of 429.14 feet to the POINT OF BEGINNING, containing 120,392 Square Feet or 2.7638 Acres, more or less.

### <u>Execution:</u>

Land Clearance for Redevelopment Authority of Kansas City, Missouri

In testimony whereof, the OWNER of Lot 1, Land Clearance for Redevelopment Authority of Kansas City, Missouri, has caused this instrument to be executed by Daniel Moye, Executive Director of said Authority, on this \_\_\_\_\_ day of \_\_\_\_\_\_, 2019.

Daniel Moye, Executive Director

\_\_\_, 2019, before me, the undersigned, a Notary Public in and for said County and State, came Daniel Moye, Executive Director, who is personally known to me to be the person who executed the foregoing instrument of writing on behalf of said Land Clearance for Redevelopment Authority of Kansas City, Missouri.

In witness whereof, I have hereunto set my hand and affixed my seal the day and year last above written.

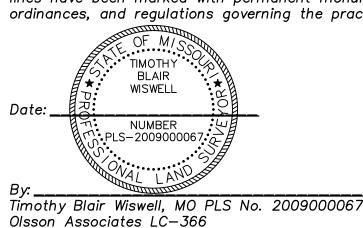
My Commission Expires: \_\_\_\_

## Surveyor's Notes:

- 1. Basis Of Bearings: Held the West line of Block 2, J. H. McGee's Addition as having a bearing of NO2°06'42"E (Missouri Coordinate System 1983, West Zone). Survey based on and calibrated to Missouri GRS Monument JA—104, 2003 Adjustment. Distances shown hereon are ground distances in US Survey Feet.
- 2. Subject Property contains 120,392 Square Feet or 2.7638 Acres, more or less.
- 3. This survey meets or exceeds the Urban Property Accuracy Standard of Closure of 1:20,000 as defined by the Department of Insurance, Financial Institutions and Professional Registration, Division 2030, Chapter 16, Title 20 CSR 2030—16—040 — Accuracy Standards for Property Boundary Surveys, Effective June 30, 2017.
- 4. Subject Property lies within "Zone X Areas determined to be outside the 0.2% annual chance floodplain," according to the FEMA Flood Insurance Rate Map Number 29095C0252G, Map Revised January 20, 2017.
- 5. Parent Tracts of Land were last conveyed in Deeds of Trust filed in Book K1390, Page 1951, Book K1394, Page 1710, and Document 2005K0047789.

City of Kansas City, Missouri City Planning and Development Department, Pursuant to the authority granted to me in Sec Development Code, I hereby approve this minor	
Case No. CLDMS—2019—00091 Joseph Rexwinkle, Asst. Division Manager Development Management Division On behalf of Jeffrey Williams, AICP Director of City Planning and Development	Date:
Marilyn Sanders City Clerk	(City Seal)

I hereby certify that the within Certificate of Survey of "Block 2, J.H. McGee's Addition", a Lot Consolidation, is based on an actual survey made by me or under my direct supervision and that survey meets or exceeds the current "minimum standards for property boundary surveys" as established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. I further certify that the bearings shown on this plat are grid bearings, based on the State Plane Coordinate System of Missouri, Western Zone of the North American Datum of 1983; that the section and section subdivision corner monuments and Survey boundary corner monuments were either found or set as indicated on this plat; that the corner lots and street center lines have been marked with permanent monumentation as indicated on this plat; that I have complied with all State and Jackson County Statutes,



ordinances, and regulations governing the practice of Surveying and the platting of subdivisions to the best of my professional knowledge and belief.

checked by: approved by: QA/QC by: project no.: 016-0582 drawing no.: V MP 60582

of the Additic

of Lot Block

that part of Lots 10-18, & Lots 19-27 & Lots 10-18,

SHEET of

GM

TEV

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─<del>○</del> APS

¿ ≥ <u>Prepared For:</u> C Hotels Developers, LLC PO Box 351979 Westminister, Colorado 80035

TREE

Missouri GRS Monument-

Grid Factor: 0.9999021

SET 1/2" REBAR W/LC 366 CAP

FOUND 1/2" REBAR W/LC 366 CAP OLTP

GUY WIRE

LIGHT POLE

-P-OH- OVERHEAD POWER LINE

-P-UG- UNDERGROUND POWER LINE —TEL — UNDERGROUND TELEPHONE LINE

— W — UNDERGROUND WATER LINE

RIGHT-OF-WAY

EASEMENT

ORDINANCE

DOCUMENT

BOOK

CORNER

OFFSET

LIMITS OF ACCESS

LIMITS OF NO ACCESS

— G — GAS LINE

CONC.

ESMT.

ORD.

DOC.

BK.

(C)

COR.

ACCESSIBLE PARKING

KANSAS CITY POWER & LIGHT

PREVIOUS PLATTED DIMENSION

PREVIOUSLY DEEDED DIMENSION

LIMITS OF NO ACCESS (HATCHING)

MEASURED DIMENSION - THIS SURVEY

CALCULATED DIMENSION FROM RECORD

UNLESS OTHERWISE NOTED

UNLESS OTHERWISE NOTED

FOUND CHISELED "X"

SET CHISELED "X"

TELEPHONE VAULT

ELECTRIC BOX

TRANSFORMER

STEEL BOLLARD

BUILDING COLUMN

FLAG POLE

GRATE INLET

ELECTRIC METER

TELEPHONE MANHOLE

AIR CONDITIONING UNIT

ACCESSIBLE PARKING SIGN

TELEPHONE CABINET

TELEPHONE PEDESTAL

TRAFFIC SIGNAL MANHOLE

FIRE HYDRANT

WATER VALVE WATER METER

GAS METER

(2003 Adjustment) Grid Northing: 324950.249m

1066107.61 US Survey Feet Grid Easting: 842438.234m 2763899.44 US Survey Feet

> <u>Prepared By:</u> Olsson Associates 7301 West 133rd Street, Suite 200 Overland Park, Kansas 66213 Telephone: (913) 381-1170

#### Exhibit B

#### **Pedestrian Easement**

	*FOR INDEXING PURPOSES ONLY
Reference Book and	Page(s): N/A
Legal Description:	See Attached Exhibit A
	414 East 12 <sup>th</sup> Street Kansas City, Missouri 64106 Attention:
Grantee(s) Mailing	Address: City of Kansas City, Missouri
*Grantee(s):	City of Kansas City, Missouri
*Grantor(s):	Land Clearance for Redevelopment Authority of Kansas City, Missouri 300 Wyandotte, Suite 400 Kansas City, MO 64105
Date of Document:	, 2020
Title of Document:	Conveyance of Easement for Pedestrian Right of Way

#### CONVEYANCE OF EASEMENT FOR PEDESTRIAN RIGHT-OF-WAY

	THIS INDENTURE, made this	day of	, 2020, by	and between
LANI	CLEARANCE FOR REDEVELOPME	NT AUTHOR	ITY OF KANSAS CITY,	MISSOURI,
a publ	ic body corporate and polic organized un	der the laws o	f the of the State of Miss	ouri, party of
the first	st part (Grantor) (300 Wyandotte, Suite 4	l00, Kansas Ci	ty, Missouri 64105), and	the CITY OF
KANS	SAS CITY, a Municipal Corporation of the	State of Misso	ouri, party of the second pa	art (Grantee)
(414 E	East 12th Street, Kansas City, Missouri, 64	1106).		

WITNESSETH, that the said Grantors, in consideration of the sum of TEN DOLLARS (\$10.00) to Grantor paid by the said Grantees, the receipt of which is hereby acknowledged, do by these presents remise, release and forever quitclaim unto said Grantee, its successors and assigns, a pedestrian right-of-way over, under, along and across the following described real estate in the County of Jackson State of Missouri, to-wit:

That certain Property legally described in **Exhibit A** attached hereto and made a part hereof.

TO HAVE AND TO HOLD THE SAME, with all rights, immunities privileges and appurtenances thereto belonging, unto the Grantee and unto its heirs and assigns forever; so that neither the said Grantor nor its heirs nor any other person or persons, for it or in its name or behalf, shall or will hereinafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set its hand thisday of March, 2020.
LAND CLEARANCE FOR REDEVELOPMENT AUHTORITY OF KANSAS CITY, MISSOURI,
By:  Name: Daniel Moye  Title: Executive Director
STATE OF MISSOURI ) ) SS COUNTY OF JACKSON )
On this day of
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Kansas City, Jackson County, Missouri, the day and year last above written.
SEAL
Notary Public
My term expires

EXHIBIT "A" (Page 1 of 3)

File No. 016-0582 Hyatt Convention Center March 24, 2020 V EXH2 60582

#### Pedestrian Easement Description

All that part of Lots 10-27 of Block 2 of J.H. McGee's Addition, a subdivision in Kansas City, Jackson County, Missouri, lying in the Southwest Quarter of Section 5, Township 49 North, Range 33 West, described by Timothy Blair Wiswell, Missouri PLS No. 2009000067, of Olsson Missouri LC-366, as follows:

BEGINNING at the Northwest corner of Lot 19 of J.H. McGee's Addition, a subdivision in Kansas City, Jackson County, Missouri; thence South 87 degrees 29 minutes 53 seconds East, on the North line of said Lot 19, and on the South line of Interstate 35 right of way, as established in Document 1969K0037802, a distance of 5.86 feet to a point hereby designated as Point "A"; thence South 02 degrees 00 minutes 00 seconds West, departing said North and South lines, a distance of 50.27 feet to a point; thence South 01 degree 14 minutes 36 seconds West a distance of 15.02 feet to a point; thence South 00 degrees 52 minutes 07 seconds West a distance of 19.38 feet to a point; thence South 00 degrees 29 minutes 51 seconds West a distance of 142.66 feet to a point; thence South 88 degrees 00 minutes 00 seconds East a distance of 3.32 feet to a point; thence South 02 degrees 00 minutes 00 seconds West a distance of 69.71 feet to a point on a nontangent curve; thence in a Westerly, Southwesterly and Southerly direction, on a curve to the left whose initial tangent bears South 81 degrees 51 minutes 12 seconds West, having a radius of 7.31 feet, through a central angle of 79 degrees 50 minutes 45 seconds, an arc distance of 10.19 feet to a point of tangency; thence South 02 degrees 00 minutes 28 seconds West a distance of 47.97 feet to a point; thence South 01 degree 58 minutes 27 seconds West a distance of 14.10 feet to a point; thence South 07 degrees 58 minutes 07 seconds West a distance of 30.24 feet to a point; thence South 02 degrees 00 minutes 00 seconds West a distance of 18.58 feet to a point; thence South 15 degrees 14 minutes 53 seconds East a distance of 8.26 feet to a point of curvature; thence in a Southerly and Southeasterly direction, on a curve to the left, having a radius of 15.36 feet, through a central angle of 28 degrees 21 minutes 41 seconds, an arc distance of 7.60 feet to a point on a non-tangent line, said point lying on the North line of 16th Street right of way, as established in Document 1989K0876981; thence North 87 degrees 22 minutes 37 seconds West, on said North line, a distance of 11.55 feet to a point on the West line of said Block 2; thence North 02 degrees 06 minutes 42 seconds East, departing said North line, on said West line, a distance of 429.14 feet to the POINT OF BEGINNING, containing 3,697 Square Feet or 0.0849 Acres, more or less.

Also,

COMMENCING at aforementioned Point "A": thence South 87 degrees 29 minutes 53 seconds East, on said North and South lines, a distance of 268.57 feet to the POINT OF BEGINNING 2; thence South 87 degrees 29 minutes 53 seconds East, continuing on said North and South lines, a

# EXHIBIT "A" (Page 2 of 3)

distance of 6.13 feet to a point on the West line of Baltimore Avenue right of way, as established in Document 1989K0878946; thence South 02 degrees 08 minutes 09 seconds West, departing said North and South lines, on said West line, a distance of 7.42 feet to a point hereby designated as Point "B", said point also lying on a non-tangent curve; thence in a Northwesterly direction, departing said Westerly line, on a curve to the left whose initial tangent bears North 23 degrees 19 minutes 59 seconds West, having a radius of 20.00 feet, through a central angle of 27 degrees 55 minutes 43 seconds, an arc distance of 9.75 feet to the POINT OF BEGINNING, containing 19 Square Feet or 0.0004 Acres, more or less.

Also,

COMMENCING at aforementioned Point "B"; thence South 02 degrees 08 minutes 09 seconds West, on said West line, a distance of 163.79 feet to the POINT OF BEGINNING 3; thence South 02 degrees 08 minutes 09 seconds West, continuing on said West line, a distance of 243.39 feet to a point of curvature; thence in a Southerly and Southwesterly direction, continuing on said West line, and on a curve to the right, having a radius of 15.00 feet, through a central angle of 26 degrees 34 minutes 05 seconds, an arc distance of 6.96 feet to a point on a nontangent curve; thence in a Northerly direction, departing said Westerly line, on a curve to the left whose initial tangent bears North 15 degrees 23 minutes 13 seconds East, having a radius of 12.94 feet, through a central angle of 13 degrees 23 minutes 13 seconds, an arc distance of 3.02 feet to a point on a non-tangent line; thence North 03 degrees 33 minutes 24 seconds East a distance of 2.81 feet to a point; thence North 02 degrees 00 minutes 00 seconds East a distance of 16.25 feet to a point; thence North 02 degrees 09 minutes 00 seconds East a distance of 6.31 feet to a point; thence North 01 degree 57 minutes 02 seconds East a distance of 19.19 feet to a point; thence North 01 degree 51 minutes 40 seconds East a distance of 70.53 feet to a point; thence North 02 degrees 00 minutes 00 seconds East a distance of 51.44 feet to a point; thence North 03 degrees 21 minutes 54 seconds East a distance of 80.59 feet to the POINT OF BEGINNING, containing 312 Square Feet or 0.0072 Acres, more or less.

The above-described easements contain an aggregate total of 4,028 Square Feet or 0.0925 Acres, more or less.

(As depicted on EXHIBIT "A" (Page 3 of 3), attached and incorporated herein.)



