

FIRST AMENDMENT TO THE OVERLOOK TAX INCREMENT FINANCING PLAN

KANSAS CITY, MISSOURI

TIF COMMISSION APPROVAL:

N/A

DATE: **RESOLUTION NO.**

CITY COUNCIL APPROVAL:

12/8/2022 **221036**

DATE: **ORDINANCE NO.**

FIRST AMENDMENT
TO THE
OVERLOOK TAX INCREMENT FINANCING

I. Introduction

The First Amendment to the Overlook Tax Increment Financing Plan (the “First Amendment”) shall amend the Overlook Tax Increment Financing Plan, as approved by Ordinance No. 200942 (the “Plan”).

The First Amendment to the Plan modifies the (a) Estimated Budget of Redevelopment Projects, (b) Sources Funds described by the Plan and (c) exhibits to the Plan with such other conforming changes that are in furtherance of the forgoing modifications.

II. Specific Amendments

The Platte Purchase Development Plan shall be amended as follows:

Amendment No. 1: Section I of the Plan, entitled “Summary,” shall be deleted in its entirety and replaced with the following:

The Overlook Tax Increment Financing Plan (the “Plan”) provides for the construction of up to 60,000 square feet of new office building and 185 surface parking spaces, along with interior driveways, and potentially a health fitness trail and public plaza areas associated with the building (the “Project Improvements”), together with the construction or reconstruction of such other public infrastructure improvements such as signage, signaling, sidewalks, storm drainage facilities, utility relocation and upgrades, structured parking facilities, curbs, and such other related public infrastructure improvements that support and enhance the Project Improvements (collectively, the “Public Improvements”).

The proposed Redevelopment Area described by the Plan is generally bounded by Swope Parkway on the north, 49th Street on the south, Chestnut Avenue on the west, and College Avenue on the east, all in Jackson County, Kansas City, Missouri, and consists of one Redevelopment Project within the Redevelopment Project Area described on **Exhibit 1B** and depicted on **Exhibit 2B**. By virtue of subsequent amendments to the Plan and separate Ordinances passed by the City Council, the Plan may include an additional five (5) redevelopment projects that may include approximately 100,000 square feet of office development, two multifamily buildings totaling approximately 140 units, three retail/commercial spaces totaling approximately 12,000 square feet, a health and fitness trail, public plaza areas and outdoor park spaces.

The estimated Redevelopment Project Costs to implement the Project Improvements and Public Improvements is \$23,283,520, which includes approximately \$259,303 of construction financing interest costs. The Redeveloper, through a combination of equity, the proceeds from the sale of new market tax credits, conventional debt will finance \$11,991,844. The remaining estimated Redevelopment Project Costs will be

funded with (1) approximately \$2,995,838 of Economic Activity Taxes, (2) approximately \$2,995,838 of Additional City EATs, (3) approximately \$150,000 sales tax approved by the Public Improvements Advisory Committee (PIAC), and (4) approximately \$5,150,000 in sales tax approved through the Central City Economic Development (the “CCED”) Fund. The Redevelopment Project Costs, including those that are reimbursable, are identified on **Exhibit 5** attached to this Plan.

The total initial equalized assessed valuation of the Redevelopment Area, according to 2020 tax records at the Jackson County Assessor’s Office, is approximately \$416,087, of which approximately \$158,464 is tax-exempt, leaving a net taxable amount of \$257,623. The current combined ad valorem property tax levy is projected to be \$8.0368 per \$100 assessed valuation. Following the completion of the Project Improvements, it is estimated that the assessed value of the real property within the Redevelopment Area will increase to approximately \$10,411,220.

Pursuant to the Act, Tax Increment Financing allows for the use of Economic Activity Taxes and Payments in Lieu of Taxes generated and collected within the Redevelopment Area for a twenty-three (23) year period to pay Reimbursable Project Costs.

The estimated total Economic Activity Taxes generated within the Redevelopment Area to be deposited into the Special Allocation Fund and, upon annual appropriation or upon being budgeted and transferred by the City Council, available to pay reimbursable Redevelopment Project Costs, is approximately \$2,995,838, of which approximately 100% may be used to reimburse eligible Redevelopment Project Costs, including interest certified by the Commission. Those Economic Activity Taxes, estimated to be generated on an annual basis, are shown on **Exhibit 6**, attached hereto, and include 50% of the net earnings taxes paid by businesses and employees, 50% of the net food & beverage taxes, 50% of the net utility taxes, 50% of certain City and County net sales taxes generated, collected and available for the period Tax Increment Financing is authorized by Ordinance.

The Redeveloper intends to seek benefits under The Planned Industrial Law (the “PIEA Benefits”) which would exempt sales taxes on construction materials, along with exemptions on personal and real property taxes within the Redevelopment Project Area. The requested PIEA Benefits provide for 100% real property tax abatement for twenty-five (25) years on property located within the Redevelopment Project Area. No Payments in Lieu of Taxes will be utilized to pay for any Reimbursable Project Costs. If the PIEA Benefits are not approved or are not approved at the level requested by the Redeveloper, any and all PILOTs (or increase in PILOTs from the approval of some but less than all of the Redeveloper’s 100% abatement request) which are generated, collected and deposited in the Special Allocation Fund shall be utilized or pledged to the payment of eligible Reimbursable Project Costs. In the event PIEA Benefits are not approved, the estimated the annual incremental PILOTs to be generated in the Redevelopment Area are \$200,398, as set forth on **Exhibit 6**, attached hereto. If and to the extent the Redeveloper seeks to further amend the Plan to add additional redevelopment project areas and the PIEA Benefits, as described above, are not approved by the Planned Industrial Expansion Authority of Kansas City, Missouri for such additional redevelopment project areas, the resulting PILOTs, or any portion thereof, generated by such additional redevelopment project areas shall not be utilized to reimburse Redevelopment Project Costs, unless such amendment expressly provides that PILOTs may be used to pay Redevelopment Project Costs.

The estimated Additional City EATS (as hereafter defined), subject to appropriation by the City Council, will be available to pay Reimbursable Project Costs. The Additional City EATS will not exceed \$2,995,838.

The estimated Additional City Tax Revenue (as hereafter defined), subject to appropriation by the City Council, will be available to pay Reimbursable Project Costs. The Additional City Tax Revenue will not exceed \$5,300,000.

Upon the reimbursement of Reimbursable Project Costs (including Administrative Expenses), Tax Increment Financing will be terminated and the Taxing Districts, subject to Section 99.850 RSMo., will receive all tax revenue generated within the Redevelopment Area.

Amendment No. 2: The following term defined under the Section entitled “Definitions” in Section II of the Plan is hereby deleted in its entirety and replaced with the following:

C. “Additional City Tax Revenue,” (1) a 1/8 percent economic development sales tax devoted to projects, which are located within the area bounded by 9th Street on the north, Gregory Boulevard on the south, The Paseo on the west, and Indiana Avenue on the east, which, subject to appropriation, may be deposited, from time to time by the City in the CCED Fund to reimburse Redevelopment Project Costs in an amount not to exceed \$5,150,000, as specifically identified on Exhibit 7, attached hereto, and (2) sales tax approved by the City’s Public Improvements Advisory Committee (PIAC) which, subject to appropriation, may be utilized to fund Redevelopment Project Costs in an amount not in excess of \$150,000, as specifically identified on Exhibit 7, attached hereto.

Amendment No. 3: Section IV of the Plan entitled “The Redevelopment Plan” of the Plan is hereby deleted in its entirety and replaced with the following:

A. The Redevelopment Plan. The Overlook Tax Increment Financing Plan (the “Plan”) contemplates the acquisition of properties along Blue Parkway and the subsequent demolition of existing improvements and site clearance. Once demolition is complete and the site is cleared, the site is to be redeveloped with an approximately 60,000 square foot office building and 185 surface parking spaces, along with interior driveways, and potentially a health fitness trail and public plaza areas associated with the building and other public amenity elements and public infrastructure improvements, such as streetscape, signage, signaling, sidewalks and curbs and such other related public infrastructure improvements that support and enhance the Project Improvements. The Project Improvements and Public Improvements are anticipated to be completed by in 2023. The Plan further provides that \$11,291,676 (approximately 48%) of the \$23,283,520 of Redevelopment Project Costs are eligible for reimbursement.

Amendment No. 4: Section IV.A. of the Plan, entitled “Estimated Redevelopment Project Costs,” shall be deleted in its entirety and replaced with the following paragraph:

- A. Estimated Redevelopment Plan Costs. The estimated Redevelopment Project Costs to implement all the Project Improvements and Public Improvements is \$23,283,520, which includes approximately \$259,303 of construction financing interest costs. The Redeveloper, through a combination of equity, the proceeds from the sale of new market tax credits, and conventional debt will finance \$11,991,844. The remaining estimated Redevelopment Project Costs will be funded with (1) approximately \$2,995,838 of Economic Activity Taxes, (2) approximately \$2,995,838 of Additional City EATs, (3) approximately \$150,000 sales tax approved and allocated by the Public Improvements Advisory Committee (PIAC) and (4) approximately \$5,150,000 in sales tax recommended by the CCED Board. The Redevelopment Project Costs including those that are reimbursable, are identified on Exhibit 5, attached to this Plan.

Amended No. 5: Section IV.F of the Plan entitled “Additional City Tax Revenue” shall be deleted in its entirety and replaced with the following:

- F. Additional City Tax Revenue. The projected Additional City Tax Revenue to be collected by the City and, subject to appropriation, deposited in a separate accounts of the Special Allocation Fund is estimated to be approximately \$5,300,000, as shown on Exhibit 7 attached hereto, all of which will be made available, upon appropriation, by the City, to pay eligible Reimbursable Project Costs related to the Redevelopment Project, in accordance with a Redevelopment Agreement.

Amendment No. 6: Delete Exhibit 5 of the Plan entitled “Budget of Redevelopment Project Costs” in its entirety and replace it with Exhibit 5 “Budget of Redevelopment Project Costs,” attached hereto.

Amendment No. 7: Delete Exhibit 7 of the Plan entitled “Anticipated Sources of Funds” in its entirety and replace it with Exhibit 7 “Anticipated Sources of Funds,” attached hereto.

Amendment No. 8: Delete Exhibit 8 of the Plan entitled “Development Schedule” in its entirety and replace it with Exhibit 8 “Development Schedule,” attached hereto.

Amendment No. 6

Exhibit 5

Budget of Redevelopment Project Costs

Project Costs	Sources					
	TIF	CCED	PIAC	Debt/Equity	STIF	
Land Costs						
Acquisition	\$650,000	\$650,000				
Demolition	\$350,000	\$350,000				
Holding Costs	\$30,000			\$30,000		
Environmental	\$50,000			\$50,000		
Pre-Development						
Legal	\$72,000			\$72,000		
Civil	\$125,327			\$125,327		
Survey	\$24,000			\$24,000		
Architectural Design	\$449,444			\$449,444		
Platting/Zoning	\$10,000			\$10,000		
Entitlements	\$45,000			\$45,000		
Arterial Street Impact	\$28,000			\$28,000		
Market Study	\$10,000			\$10,000		
Traffic Study	\$13,000			\$13,000		
Environmental Study	\$29,150			\$29,150		
Other	\$35,000			\$35,000		
Hard Costs						
Construction Bid	\$12,685,082	\$1,995,838		\$7,693,406	\$2,995,838	
Site Prep ¹	\$5,550,000		\$5,150,000	\$400,000		
Public Improvements	\$150,000		\$150,000			
Tenant Allowance(s)	\$1,863,280			\$1,863,280		
Development Fee	\$809,934			\$809,934		
Financing Costs						
Construction Interest	\$259,303			\$259,303		
Closing	\$20,000			\$20,000		
Reserves	\$25,000			\$25,000		
Totals	\$23,283,520	\$2,995,838	\$5,150,000	\$150,000	\$11,991,844	\$2,995,838

¹ Site Prep is described on [Exhibit D](#) and referenced for the purposes of certifying and reimbursing costs.

Amendment No. 7

Exhibit 7

ANTICIPATED SOURCES OF FUNDS

Sources

Permanent Financing	\$ 10,250,000*
TIF Funds used to pay debt service	
New Markets	\$ 5,246,000
PIAC	\$ 150,000
CCED	\$ 5,150,000
Equity	\$ 2,487,520
	\$23,283,520

* Does not reflect the fact that the Redeveloper will be funding 100% of the Redevelopment Project Costs with debt and equity with the benefit of TIF being received over time.

Amendment No. 8

Exhibit 8

DEVELOPMENT SCHEDULE

EVENT	YEAR OF COMPLETION
Design Completion	2023
City and Agency Approvals	2023
Financing Closing	2023
Begin Construction	2024
Complete Construction	2025



File #: TMP-2547

221036

ORDINANCE NO. TMP-2547

Approving the First Amendment to the Overlook Tax Increment Financing Plan.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), and Ordinance No. 545556 adopted on November 24, 1982, as amended by Committee Substitute for Ordinance No. 911076 adopted on August 29, 1991, by Ordinance No. 100089 adopted on January 28, 2010, by Ordinance No. 130986 adopted on December 19, 2013 and by Committee Substitute for Ordinance No. 140823 adopted on June 18, 2015 (collectively, the "Enabling Ordinances") the City Council of Kansas City, Missouri created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on December 3, 2020, the City Council of Kansas City, Missouri (the "Council") passed Ordinance No. 200942 which accepted the recommendations of the Commission and approved the Overlook Tax Increment Financing Plan (the "Redevelopment Plan") and designated the Redevelopment Area described therein to be a blighted area (the "Redevelopment Area"); and

WHEREAS, the First Amendment to the Redevelopment Plan modifies the Estimated Redevelopment Project Costs, the Sources to Fund such Redevelopment Project Costs and the Development Schedule described therein and such changes do not alter the exterior boundaries of the Redevelopment Area or enlarge the exterior boundary of any Redevelopment Project Area described by the Redevelopment Plan, affect the general land uses described by the Redevelopment Plan or change the nature of any Redevelopment Project described by the Redevelopment Plan; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The First Amendment, as attached hereto, is hereby approved and adopted as valid.

Section 2. That all terms used in this ordinance, not otherwise defined herein, shall be construed as defined in Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act").

Section 3. That the Council hereby finds that:

- (a) The findings of the Council in Ordinance No. 200942 with respect to the Plan are not affected by the First Amendment and apply equally to the First Amendment;
- (b) The Redevelopment Area, as amended, is a Blighted area, as a whole, and 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 the Redevelopment Plan, as amended, by the First Amendment;
- (c) The Redevelopment Plan, as amended by the First Amendment, includes a detailed description of the factors that qualify the Redevelopment Area as a conservation area and an affidavit as required by Section 99.810.1(1), RSMo;
- (d) The Redevelopment Plan, as amended by the First Amendment, conforms to the comprehensive plan for the development of the City as a whole;
- (e) The areas selected for Redevelopment Projects described by the Redevelopment Plan, as amended by the First Amendment, include only those parcels of real property and improvements therein which will be directly and substantially benefited by the Redevelopment Project improvements;
- (f) The estimated dates of completion of the respective Redevelopment Projects and retirement of obligations incurred to finance Redevelopment Project Costs, have been stated in the Redevelopment Plan, as amended by the First Amendment, and are not more than 23 years from the passage of any ordinance approving each applicable Redevelopment Project authorized by the Redevelopment Plan and located within the Redevelopment Area, as amended;
- (g) A plan has been developed for relocation assistance for businesses and residences;
- (h) The First Amendment does not alter the cost benefit analysis attached to the Redevelopment Plan showing the impact of the Redevelopment Plan, as amended, on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act;
- (i) The First Amendment does not include the initial development or redevelopment of any gambling establishment; and
- (j) A study has been completed and the findings of such study satisfy the requirements provided under Section 99.810.1, RSMo.

Section 4. That the Commission is authorized to issue obligations in one or more series of bonds secured by the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to finance Redevelopment Project Costs and subject to any constitutional limitations, to acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land or other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with

respect thereto, all in the manner and at such price the Commission determines, to enter into such contracts and undertake all such further actions as are reasonably necessary to achieve the objectives of the Redevelopment Plan, as amended, pursuant to the power delegated to it in the Enabling Ordinances. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 through 99.865, RSMo, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. That pursuant to the provisions of the Redevelopment Plan, the Council approves the pledge of all payments in lieu of taxes and economic activity taxes generated within Redevelopment Projects that are deposited into the Special Allocation Fund(s) established in connection with each Redevelopment Project described by the Redevelopment Plan to the payment of Redevelopment Project Costs, and authorizes the Commission to pledge such funds on its behalf.

Approved as to form:



Emalea Black
Associate City Attorney



Authenticated as Passed


Quinton Lucas, Mayor
Marilyn Sanders, City Clerk

DEC 08 2022

Date Passed