

AN ORDINANCE APPROVING THE FARM ROAD TAX INCREMENT FINANCING PLAN, ESTABLISHING A REDEVELOPMENT AREA, MAKING CERTAIN FACTUAL FINDINGS FOR THE PLAN, DESIGNATING THE DEVELOPER OF RECORD FOR THE PLAN, AND TAKING OTHER ACTIONS RELATED TO APPROVAL OF THE PLAN.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the “TIF Act”), K2 Commercial Group (“Developer”), submitted the proposed Farm Road Tax Increment Financing Plan, (“Redevelopment Plan”) on June 13, 2017, requesting that the City of West Plains, Missouri (“City”) establish a tax increment financing district on approximately 72.5 acres of property located at 674 S. U.S. Highway 63 in West Plains, Missouri (the “Redevelopment Area”), in two redevelopment project areas (the “Redevelopment Projects”); and

WHEREAS, pursuant to the provisions of the TIF Act, the West Plains Tax Increment Financing Commission (“TIF Commission”) was composed of representatives from the City and from the affected taxing jurisdictions for the purpose of conducting a public hearing and making recommendations with respect to the Redevelopment Plan to the City Council of the City of West Plains, Missouri (“Council”); and

WHEREAS, on August 2, 2017, after due notice in accordance with the TIF Act, the TIF Commission opened a public hearing, at which all interested persons and taxing districts affected by the Redevelopment Plan were afforded an opportunity to make comments, file written objections, protests, and be heard orally regarding adoption of the Redevelopment Plan; and

WHEREAS, on August 2, 2017, the TIF Commission having heard and considered the objections, protests, comments, and other evidence adduced at the public hearing, closed the public hearing and adopted a Resolution by a unanimous vote to recommend approval of the Redevelopment Plan, the designation of the Redevelopment Area, approval of the Redevelopment Projects, the approval of tax increment financing for the Redevelopment Projects, the designation of Developer as the developer of record for the Redevelopment Plan, and making other recommendations related to approval of the Redevelopment Plan; and

WHEREAS, on August 21, 2017, at a regularly scheduled meeting, after the posting of proper notice and after allowing for public comments, the Council considered the Redevelopment Plan and Redevelopment Projects, the recommendations of the TIF Commission, the recommendations of City staff, and considered the public objections, protests, comments, and other evidence; and

WHEREAS, having heard and considered the objections, protests, comments, and other evidence adduced at the meeting, the evidence and testimony submitted at the TIF Commission public hearing, the recommendations of the TIF Commission, and the recommendations of City staff, the Council desires to approve the Redevelopment Plan, designate the Redevelopment Area, designate the Developer as the developer of record for the Redevelopment Plan, and authorize other actions related to the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI, as follows:

SECTION 1. The Redevelopment Plan, as submitted on June 13, 2017, a copy of which is on file in the Office of the City Clerk, is hereby approved and adopted. In the event of any conflict or inconsistency between the Redevelopment Plan and this Ordinance, the provisions of this Ordinance shall control.

SECTION 2. The tracts of land legally described in Appendix A to the Redevelopment Plan are hereby approved by the Council and designated as the Redevelopment Area for the Redevelopment Plan.

SECTION 3. The Council hereby finds that:

A. the Redevelopment Plan sets forth in writing a general description of the program to be undertaken to accomplish its objectives, including the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the Redevelopment Area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to Section 99.845, RSMo, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the Redevelopment Area;

B. the Redevelopment Area is a blighted area, as such term is defined in Section 99.805(1), RSMo, due to the presence of several blighting factors as set forth in Section III.C. of the Redevelopment Plan titled “Analysis of Blighted Area Factors.” In addition to incorporating such blight analysis into this Ordinance by reference, the Council bases its finding of blight on the primary factors discussed in Section III.C. of the Plan, that the (1) predominance of defective or inadequate street layout; (2) existence of unsanitary or unsafe conditions; (3) improper subdivision or obsolete platting; and (4) conditions which endanger life or property by fire or other causes, have and will continue to constitute an economic and social liability to the City. The Redevelopment Plan is also accompanied by an affidavit, signed by the Developer, attesting to the blighting elements of the Redevelopment Area;

C. the proposed redevelopment satisfies the “but for” test set forth in Section 99.810, RSMo, in that the Redevelopment Area 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 tax increment financing. The Redevelopment Plan is accompanied by an affidavit, signed by the Developer, attesting to this statement;

D. the Redevelopment Plan is in conformance with the Comprehensive Plan for the development of the City as a whole;

E. the Redevelopment Plan contains both estimated dates of completion of the redevelopment projects and estimated dates for the retirement of obligations incurred to finance redevelopment project costs, and said dates are not more than twenty-three (23) years from the adoption of each ordinance approving each Redevelopment Project within the Redevelopment Area;

F. there are no businesses existing in the Redevelopment Area that have been or will be required to relocate in order to implement the Redevelopment Plan. However, in the event relocation of any occupant is necessary, it will be carried out in accordance with Section 523.205, RSMo, and pursuant to the Relocation Assistance Plan attached as **Section IV.D.** of the Redevelopment Plan;

G. the Redevelopment Plan is accompanied by a Cost Benefit Analysis and other evidence and documentation from Developer which contains sufficient information to evaluate whether the Redevelopment Plan as proposed is financially feasible, showing the economic impact of the Redevelopment Plan on each taxing district and political subdivision, and that the proposed projects are financially feasible, but only with TIF assistance, and the Council finds that the Redevelopment Plan and Redevelopment Projects are financially feasible for the Developer only if TIF assistance is provided;

H. the Plan does not include the initial development or redevelopment of any gambling establishment; and

I. the area selected for the Redevelopment Projects includes only those parcels of real property and improvements thereon which will be directly and substantially benefited by the Redevelopment Project improvements.

SECTION 4. The applicant, K2 Commercial Group, is hereby designated as developer of record for the Redevelopment Plan.

SECTION 5. Approval of the Redevelopment Plan is conditioned upon the Developer entering into a tax increment financing redevelopment contract between the City and Developer for implementation of the Redevelopment Plan, upon terms acceptable to the City, to carry out the goals and objectives of the Redevelopment Plan. The City Administrator and the City's special legal counsel are authorized and directed to negotiate a tax increment financing redevelopment agreement with the Developer to implement the Redevelopment Plan. Failure of the Developer to enter into such contract within six (6) months following the effective date of this ordinance shall nullify and render void the approvals granted in this ordinance upon such declaration by the City Council.

SECTION 6. The City staff, the City's special legal counsel, and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance, to negotiate the tax increment financing redevelopment contract referenced in Section 5 above, to create those funds and accounts required by the TIF Act to implement the Redevelopment Plan, and to execute and

deliver for and on behalf of the City all certificates, instruments, and agreements or other documents as may be necessary, desirable, convenient, or proper to perform all matters authorized herein.

SECTION 7. It is hereby declared to be the intention of the City Council that each part of this Ordinance shall be separate and severable from each and every other part. In the event that any part of this Ordinance shall be determined to be unlawful or unconstitutional, the remaining parts shall remain in full force and effect.

SECTION 8. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED BY THIS _____ DAY OF _____ 2017.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MAYOR JACK PAHLMANN

ATTEST:

CITY CLERK MALLORY PREWETT