

FIFTH AMENDMENT  
TO  
ANTIOCH MALL  
TAX INCREMENT FINANCING PLAN

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KANSAS CITY, MISSOURI

TIF COMMISSION APPROVAL:

*N/A*

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DATE	RESOLUTION No.
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CITY COUNCIL APPROVAL:

11/9/17                      170875

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DATE	ORDINANCE No.
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# FIFTH AMENDMENT TO THE ANTIOCH MALL TIF PLAN

## I. Introduction

The purpose of the Fifth Amendment to the Antioch Mall Tax Increment Financing Plan (the "Fifth Amendment") is to amend the Antioch Mall Tax Increment Financing Plan, as approved by Ordinance No. 050833 and as amended by the First Amendment approved by Ordinance 071008, the Second Amendment approved by Ordinance No. 090036, the Third Amendment approved by Ordinance 120176 and the Fourth Amendment approved by Ordinance 170535 (collectively referred to herein as the "Plan").

The proposed Fifth Amendment to the Plan provides for the addition of guidelines for the Antioch Mall Enhancing Neighborhoods Housing Program.

## II. Specific Plan Text Amendments

In accordance with this Fifth Amendment the Plan shall be amended as follows:

**Amendment No 1:** Delete the Section III. C., entitled "Redevelopment Program/Project Improvements" and insert the following paragraph in its place:

"C. Redevelopment Program/Project Improvements. The Project Improvements will consist of the construction of a 5,000 square foot convenience store/gasoline retail building. Estimated construction and employment information for Redevelopment Project 10 is set forth on Exhibit 4. PILOTS and EATs (collectively, the "TIF Revenue") generated within the Redevelopment Project Area will be used to fund the Antioch Mall Enhancing Neighborhoods Housing Program."

**Amendment No 2:** Delete the Section III. D., entitled "Neighborhood Improvement Program" and insert the following paragraph in its place:

"D. Antioch Mall Enhancing Neighborhoods Housing Program. The Antioch Mall Enhancing Neighborhoods Housing Program provides for the rehabilitation of single family homes within the Redevelopment Area, which shall be administered by the Commission, with the support and cooperation of the City and the Commission's designated housing administrator, pursuant to and in accordance with the Guidelines, attached as Exhibit 15."

**Amendment No 3:** Delete Section III. I., entitled "Advisory Committee" and insert the following paragraph in its place:

"I. Advisory Committee. The Antioch Mall Advisory Committee shall be created by the Commission to provide advice to the Commission regarding the use and disbursement of funds placed in an account designated for expenses

related to the Antioch Mall Enhancing Neighborhoods Housing Program and to serve as a liaison with the Taxing Districts, City departments and other parties having an interest in and directly adjacent to the Redevelopment Area. The Commission will approve the composition of the Advisory Committee and the Advisory Committee shall serve in an advisory capacity to the Commission.”

**Amendment No 4:** Delete the first paragraph of Section IV. A., entitled “Estimated Redevelopment Project Costs” and insert the following paragraph in its place:

“A. Estimated Redevelopment Project Costs. Redevelopment Project Costs related to the Antioch Mall Enhancing Neighborhoods Housing Program to be funded with TIF Revenue generated by Redevelopment Project 10 are estimated to be \$1,652,728, as set forth on Exhibit 5. The Plan proposes that approximately \$1,652,728 in Redevelopment Project Costs be reimbursable from TIF Revenue generated by Redevelopment Project 10, as detailed on Exhibit 6.”

**Amendment No 5:** Delete Exhibit 3 of the Plan, entitled “Specific Objectives” and insert the attached Exhibit 3 in its place.

**Amendment No 6:** Add the attached “Antioch Mall Enhancing Neighborhoods Housing Program Guidelines” as Exhibit 15 to the Plan.

**Amendment 5:**

**Exhibit 3**

**Specific Objectives**

1. To eliminate adverse conditions which are detrimental to public health, safety, morals, or welfare in the Redevelopment Area and to eliminate and prevent the recurrence thereof for the betterment of the Redevelopment Area and the community at large;
2. To enhance the tax base of the City and the other Taxing Districts, encourage private investment in the surrounding area;
3. To increase employment opportunities;
4. To stimulate construction and development and generate tax revenues, which would not occur without Tax Increment Financing assistance;
5. To implement the Antioch Mall Enhancing Neighborhoods Housing Program in the Redevelopment Area.

**Amendment 6:**  
**Exhibit 15**

**Antioch Mall Enhancing Neighborhoods Housing Program Guidelines**

**I. General**

A. For owner occupied, single family homes.

The program is designed to offer homeowners funds to repair their property.

1. Code and non-code items are eligible.
2. Exterior repairs must be addressed first. Interior repairs up to 30% of the grant will be allowed.
3. Ineligible rehab: The following are some examples of items that cannot be funded through the grant program:
  - a) Install swimming pools, hot tubs, saunas, skylights, Jacuzzi
  - b) Window air conditioners, washer/dryer, or other freestanding appliance
  - c) Pay owners for their own labor (owners' relatives may be paid only if they are licensed in the specific trade)
  - d) Construction of additional structure.
  - e) If the owner has any questions regarding any other work items to be done under this section, the TIF Housing staff will advise as to whether it can or cannot be done. Exceptions based on medical need must be supported by a physician's letter.
4. Applicants will be made aware of code violations, which may be eligible. If the owner elects not to address code violations, (unless related work requires a City Permit) then the owner will be asked to sign a statement acknowledging responsibility for any code violations cited by the City of Kansas City. **Note: any serious code violations, which endanger the health and safety of the occupants, must be addressed.**
5. Guidelines will require repair or replacement of specified exterior or interior deficiencies that may cause the property to become uninhabitable or substantially affect the underlying value of the collateral.

**II. Financing Contribution**

The Housing Program will provide grants to qualified participants for costs of exterior and interior improvements, as described in Section III below, to residential properties.

A. Single Family

1. Only owner-occupied single-family residences are eligible.
2. The maximum grant amount of up to \$10,000 for single family residences.
3. Residency requirement: No pre-existing residency requirements. Post loan/grant award residency of five (5) years is required. The Housing Program loan/grant funds will be written off 20% per year for five years. Re-payment will be required for the prorated period if residency period is not accomplished.

4. Match Funding Requirements: Applicants must apply for TIF Housing Grants through the PDC. Depending upon income, grants may require matching funds. Matching funds requirements are outlined below.

<u>Household Income</u>	<u>Matching Private/Loan Funds</u>
Lower than 100% of Median	No match required
Equal to or Greater than 100% of Median	1 for 1 match required

Households with incomes below 100% of median income are eligible to receive loan/grant funding without a matching requirement. If the household income is equal to or greater than 100% of median income, then one dollar of grant must be matched by one dollar in loan proceeds and/or owner cash.

B. Single Family and Multi-Family Rental

The Housing Program is not intended to address rental property.

## II. Specific Guidelines for Program

The TIF Housing Department, upon assignment of a new case and following pre-approval, will contact the owner to arrange an appointment for inspection of the property.

Upon arrival at the property, the TIF Housing staff will present identification to the owner.

Before beginning the inspection of the property, TIF Housing staff will explain to the owner why the inspection is required. During this discussion, the TIF Housing staff will learn what problems exist and what other work the owner would like completed. When the interview has been completed, the Program Delivery Contractor, ("PDC") will proceed with the property inspection.

If there exists a condition that will hinder proper inspection of the property, the TIF Housing staff will request the owner to remedy the condition and to notify the TIF Housing staff when it is done, so the inspection can be completed. The TIF Housing staff will take pictures of entire property (before) and also specific areas showing the condition at the time of initial inspection.

The TIF Housing staff will check the following items and make recommendations to the owner(s) as warranted.

A. Exterior

1. Grading and drainage
2. Concrete/asphalt
3. Roofing
4. Windows, doors, soffits, fascia, walls and other surface areas, including porches
5. Gutters and downspouts
6. Paint/tuck pointing

B. Interior

1. Walls, ceilings, windows, doors

2. Floors and floor coverings
3. Paint
4. Basements
  - a) Plumbing (incl. hot water tanks)
  - b) Electrical
  - c) Heat
  - d) Walls
  - e) Beam, joists, support columns
5. Termite extermination/Pest control
  - a) Check wood beam, wood joists, wood support columns, windows and other surfaces
  - b) If there is evidence of active infestation, the owner needs to be advised that a termite inspection must be conducted, and may be required. Only licensed exterminators are to treat properties. **If there is active infestation of roaches, mice or rats, the property must be treated by a licensed pest control company.**

Property Inspections will consider the following:

A. Exterior

1. Roof

- a) When the inspection of roof shingles or confirmation by the owner indicates that the roof has five (5) years or more of remaining life, the existing roof can remain.
- b) If, upon inspecting, the roof proves to have 3 or more overlays and is in good condition, the existing roof can remain, with the recommendation of PDC.
- c) If an inspection by the PDC shows shingles are curling, loss of granules, missing and broken shingles, or leaking, the roof must be replaced.
- d) Inspect attic for visible signs of leakage.
- e) If there is only (1) layer and basically the roof is in fair condition, an overlay is permissible.
- f) When replacing or installing roof shingles, a 30-year laminated shingle is to be used.
- g) Rafters and ridge board need to be inspected for warping, splitting, broken and collar ties after shingles are removed, or the attic in case of overlays.
- h) At the request of the owner, install a minimum of two (2) roof vents, per manufacturer's specifications and soffit vent, if possible.
- i) Chimneys, vent pipes, dormers, and edges, install new galvanize or aluminum metal flashing. Asphalt base tar is not acceptable as flashing.

- j) The PDC must inspect and approve plywood sheathing and shingles prior to installation. If the contractor installs without notifying the PDC, the contractor could be subject to removing shingles at the contractor's expense to allow an inspection by PDC.
2. Chimneys
- a) There are basically three types of chimneys used in properties that will be inspected. They are lined and unlined brick, rock and metal bestoes.
  - b) Inspect cleanout in basement to check if bricks or other material has been dislodged, which could be hazardous in using the chimney. Chimney cleaning is an allowable expense.
  - c) Exterior inspection of chimney should be made to see if it is pulling away from the structure. If the chimney has not moved very much, caulking generally will take care of the problem.
  - d) Tuck point mortar joints as needed.
  - e) At owner's request, installation of a rain cap with screening is allowed.
  - f) In cases where the chimney has excessive height, it can be reduced to approximately 3 linear feet in height above roof.
  - g) In cases where there is an existing furnace and/or the hot water heater is vented into the chimney, an inspection from a heating & cooling company should be made to determine if the chimney should be re-lined. If so, this requires an inspection from the City Codes Department and a permit for the installation of the liner.
3. Gutters, Downspouts and Storm Drains
- a) Galvanized or aluminum downspouts that are in good condition and appear to be draining property need not be replaced.
  - b) Gutters and downspouts that are not being replaced should be cleaned and painted, if galvanized, and inspected for proper drainage fall.
  - c) Storm drains in good condition and operating properly can remain. Drains not operating property (letting water enter the basement or drains with broken tile) must be removed and sealed.
  - d) Box gutters that indicate no visible signs of damage or leaking can remain.
  - e) Box gutters that are damaged or leaking may be repaired, relined, or covered up and replaced with traditional guttering.
4. Soffits, Fascia and Rafter Tails:
- a) Soffits, fascia and rafter tails can remain as-is if they are in good condition. If needed, they can be repaired or replaced. Wrapping is allowable.
5. Siding
- a) The PDC will find the following types of siding generally used: wood siding shingles and various types of lap siding, including wood, vinyl,



steel and aluminum. Vinyl, aluminum or steel siding can be repaired, installed or replaced in order to make maintenance easier for the owner.

6. Windows – Exterior

- a) Operating windows that have missing ropes, locks, lifts and small glass cracks can remain at the owner's request or can be repaired.
- b) Windows showing excessive damage and missing parts need to be replaced with new window units.
- c) Window units being replaced must meet an Energy Star Rating.
- d) Replacement of storm windows is eligible. Any broken or missing storm windows must be replaced to conserve energy.

7. Doors

- a) Exterior solid core doors with **operable keyed lock set, hinges**, in good operating condition are acceptable.
- b) Hollow core doors are not acceptable for exterior use.
- c) Exterior doors should have a proper fitting threshold and weatherstripping to provide a seal against weather.
- d) Screen or aluminum combination storm doors can be installed, repaired or replaced.
- e) Exterior doors that are replaced need to be a pre-hung insulated door.

8. Sidewalks and Driveways

- a) Private sidewalks and driveways shall have an all-weather surface to prevent mud tracking.
- b) Sidewalk surfaces are to be concrete. Driveway surfaces can be asphalt or concrete.
- c) Sidewalks and driveways with: an offset displacement exceeding three (3) inches, cracks exceeding one (1) inch, or ponding water (for more than 5 days) shall be repaired or replaced unless otherwise requested by owner.

9. Porches

- a) Porches are to be inspected to determine safety and soundness.
- b) Porch decking, headers, joists, support columns, ceiling, and rafters should be solid, secure and safe to use.
- c) Balustrades need to be anchored securely. Balustrades missing or not in usable condition should be replaced.
- d) Wood-type porches, at the request of owner, can be converted to a concrete deck porch including new steps, balustrade and support columns.
- e) Existing concrete porch decks that are badly cracked, ponding water and presenting a safety hazard should be replaced with either wood or concrete.

10. Foundations
  - a) If visual inspection of the foundation cannot determine the problems, the PDC is to obtain an engineering report with the approval of the TIF Commission staff. This may be an allowable expense.
  - b) Foundation walls can be tuck-pointed, parged, replaced, repaired, or rebuilt as needed and/or required.
11. Lead-Based Paint/Asbestos
  - a) If there are children under the age of 7 residing in the property, TIF Housing staff is to inspect interior and exterior of the property for obvious lead-based paint hazards.
  - b) The contractor is responsible for removal and disposal of lead-based paint per the work specification and contract for all purchase-rehab properties. In the case of owner-occupied single family homes, the owner may do the disposal. Work-site requirements include: remedy wet sanding, drop clothes removed daily, encapsulation, 2 layers 100% acrylic latex (25 year) paint, and follow work safe standards.
  - c) Asbestos remediation is not permitted. However, leaking asbestos relative to heating elements, old ductwork, etc., must be removed in plastic, sealed bags following standard rules for contractor waste management of old furnaces.
  - d) The PDC, at the time of the final inspection, will ensure compliance by the contractor with the above and that the contractor has adhered to lead/asbestos-safe practices.
12. Painting – Exterior and Interior
  - a) Exterior and interior painting by the contractor will be done in compliance with the work specifications.
  - b) The contractor will remove and dispose of lead-based paint scrapings as outlined in the work specifications.
  - c) The contractor should notify the TIF Housing staff for paint inspections as required by the work specifications.
13. Existing Garages/Outbuildings/Fences. If the TIF Housing staff determines that the condition constitutes a code violation, remediation of the violation is allowable (e.g. repair/demolition) to be paid by the property owner

**B. Interior**

After the TIF Housing staff completes the exterior inspection, the interior will be reviewed.

1. Plumbing (includes interior and exterior lines)
  - a) Galvanized water lines with sufficient pressure and showing no signs of leakage or corrosion need not be replaced.
  - b) Vertical and horizontal galvanized water lines that are replaced will be done with hard copper piping and lead free solder or pix tubing.

- c) If horizontal galvanized water lines are being replaced, vertical lines above the first floor need to be replaced at the same time. If not replaced, a loss of water pressure to the upper floors could be caused due to calcium in the galvanized pipe
- d) Existing copper water lines connected to galvanized pipe must have dielectric couplings (see 1 above).
- e) Owners should be advised of repairing/replacing leaking faucets and/or fittings. Replacement of faucets shall include a low flow aerator.
- f) Hot water tanks older than 5 years old may be replaced. However, if the tank is not leaking or showing any signs of rust at the base of the tank, replacement is not required. If the tank is to be replaced, install minimum of 40-gallon Energy Star Rated tank complete with new vent pipe and pop off valve with overflow pipe for single family. If the hot water tank is not replaced, inspect vent pipe for rust, holes, leaking pop off valve, and drip leg.
- g) Copper gas lines must be replaced with black iron pipe.
- h) Waste lines going to the kitchen or bath that are leaking or showing extensive corrosion should be replaced or repaired.
- i) Repairs to septic systems are allowed. However, if public sanitary sewer is available, hookup to the system is strongly recommended and, in most cases, a city requirement. (Check with city before any repairs are made).

## 2. Heating and Air Conditioning

- a) Gravity flow furnaces and ducts that appear to be in good condition and showing no deterioration can remain. However, the TIF Housing staff should suggest to the owner that a mechanical inspection is advised. If any wrapping on heat runs or the furnace itself shows deterioration, the furnace needs to be checked for asbestos and abated or sealed by a certified company.
- b) The mechanical inspection can be waived for forced-air furnaces and ducts that have been installed in the past 5 years. Units over 5 years old, or at the request of owner, should have a mechanical inspection.
- c) Hot water or steam systems can remain as long as there is no sign of leakage. The system should have a mechanical inspection to verify the condition of the unit. If steam pipes are wrapped the system should be checked for asbestos and abated or sealed by a certified company.
- d) If there is any doubt regarding the condition of the furnace, the TIF Housing staff can request a mechanical inspection of the furnace. The owner will pay for inspection.
- e) Flue pipes that are missing, defective, rusted, and/or have improper fall, should be replaced or repaired. All flue pipes going into the chimney must be sealed.

- f) Free standing gas or oil heating units, e.g., space heaters, must be disconnected. Vented heaters sitting on fire resistant mats are the only units that are approved for heating.
- g) If there is central air conditioning, the same procedure to inspect the units will be used.
- h) There are no requirements regarding mercury thermostats.
- i) Replacement of a furnace shall be with a new unit that has a minimum of 90% energy efficiency and is side vented.
- j) Replacement of a/c unit shall have a minimum of 13 SEER rating.

### 3. Electrical

- a) Existing 30 or 60 amp services are acceptable, if a minimal number of appliances are being used.
- b) Services that are blowing fuses or circuit breakers due to overload should be replaced with either a 100 or 200 amp service panel depending on the amount of load being used. The homeowner can inform the PDC of this situation. (Examples of some items that could cause overload in services with less than 100 amps are electric stoves, window or central air conditioners, garbage disposals, or a combination of various appliances.)
- c) Installation of updated service could require a masthead. It will be determined by KCP&L as to where the service entrance will be located. The PDC should include this item when doing an electric service update.
- d) Knob and tube wiring that has not been tampered with is acceptable. If the wiring has been tampered with, the wiring and service panel must be replaced to comply with electrical code. (This includes wiring in the attic).
- e) In any room above basement level, when removal of plaster or drywall has resulted in the exposure of knob and tube wiring, replacement with Romex must be done and a permit for city inspection pulled. If done, installation of outlets every twelve feet should be included.
- f) Electric outlets in rooms where plaster or drywall is not being removed do not have to comply with paragraph e above. One (1) outlet is all that will be required unless the owner requests additional units. Appliance outlets may be installed as needed.
- g) Existing two (2) hole outlets do not have to be replaced with grounded units. New outlets must be grounded.
- h) GFI outlets need not be installed unless the electric wiring in the home is being updated. However, the owner should be advised as to the GFI safety factor and the need for grounded outlets in kitchen and bath areas.
- i) Electric switches operating properly need not be replaced. Pull chain switch fixtures operating properly need not be replaced except in kitchens and bathrooms. These two (2) areas must have wall switches installed if electrical work is being done.

- j) Electric fixtures that are working properly need not be replaced even though shades are missing. Light fixtures equipped with pull chain switches and operating properly can remain. The owner can decide if any fixtures need to be replaced.
  - k) Ceiling fans equipped with light kit can be installed at the owner's request.
  - l) Existing doorbells can be made operable or installed new at the owner's request.
  - m) Exterior floodlights can be repaired, replaced or installed new at the owner's request.
  - n) There should be a smoke detector on each floor, located generally in basements, hallways, and other areas adjacent to bedrooms. The PDC should advise owners that they can purchase and install their own units. Units must be in place prior to final inspection of the property.
4. Walls and Ceilings
- a) Plaster walls and ceilings having few cracks or holes, and in wallpaper-good condition, will not require any action.
  - b) Large holes and cracks in walls and ceilings may be indicative of other problems, and should be thoroughly reviewed by the PDC regarding resolution.
  - c) Depending on the condition of walls and ceilings, overlay with drywall is acceptable.
  - d) Defective ceiling plaster, adjacent to the attic, should generally be repaired (if small) or covered with sheetrock if removed.
  - e) Removal of plaster from walls and ceiling may require that the wiring be brought up to electrical code. Therefore, it is recommended that walls/ceilings be laminated with sheetrock if serious cracks/deterioration occurs.
5. Doors and Trim
- a) Missing or non-operable interior doors can be replaced or repaired.
  - b) Bathroom doors should be equipped with operable locks.
  - c) Interior doors should fit openings, and have working passage sets and hinges.
  - d) Door trim that is missing may be repaired or replaced.
6. Windows and Trim
- a) Windows that are non-operable can remain, at the request of the owner.
  - b) Missing hardware and sash cords can be repaired or replaced.
  - c) Sashes with broken or rotted wood should be repaired or replaced.
  - d) Window glass that is missing or with large holes and cracks exceeding ¼ inch displacement should be replaced.

- e) Basement windows should be operable or sealed and glass not broken. Small cracks in glass are permissible. Basements should have one operating window for ventilation.
  - f) Windows nailed shut can be left as-is at the request of the owner (unless this causes a safety hazard).
7. Floors and Floor Covering
- a) Hardwood and pine floors needing repair or refinishing can remain as-is at the request of the owner, provided there is no safety hazard.
  - b) Hardwood floors can be sanded and refinished at the request of the owner.
  - c) Pine or softwood floors are not to be sanded. They can be refinished only.
  - d) Floors can be carpeted instead of being refinished.
  - e) Kitchens, dinettes, and adjoining walls may have new vinyl floor covering at the request of the owner. Existing floor covering must be removed if there are soft spots or several layers.
  - f) Carpet may sometimes be repaired at the request of the owner, or new carpet can be installed. (Carpet stretching is also allowed).
8. Stairs, Steps and Handrails
- a) Stairs, steps, and handrails in good condition can be left as-is.
  - b) Owners should be told of the availability of repair and/or replacement of basement stairs, steps and handrails that are missing or broken, as well as mill finished stairs, steps and handrail parts that are missing or broken.
9. Insulation
- a) Attic insulation needs to be inspected by the TIF Housing staff as to the R-factor.
  - b) Attic insulation should be brought up to a minimum (R-30) standard using cellulose or fiberglass. (R-42 recommended).
  - c) Sidewall insulation can be blown-in as needed to fill the space.
  - d) Insulating outside walls from the interior: remove plaster/lathe and install vapor barrier battens, then re-sheetrock.
  - e) Insulating outside walls from the exterior: blow-in cellulose or fiberglass insulation through a series of drilled holes. When the cavity is filled, holes must be plugged and repainted.
  - f) Install adequate amount of roof venting depending on square footage of attic.
  - g) Exterior doors and windows should be weather-stripped to prevent entry of air and moisture.
  - h) Caulk all areas around doors, windows, and other adjoining surfaces as requested by the owner.
  - i) Basement area between rim joists: install batts to an acceptable, by current standards, insulation value.

10. Energy Reduction

- a) When making changes to any energy related items all efforts shall be made to achieve a reduction in energy usage.

ORDINANCE NO. 170875

Accepting the recommendations of the Tax Increment Financing Commission as to the Fifth Amendment to the Antioch Mall 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"), the City Council of Kansas City, Missouri (the "Council") by Ordinance No. 54556 passed on November 24, 1982, and thereafter repealed and amended in certain respects by Committee Substitute for Ordinance No. 911076, as amended, passed on August 29, 1991, Ordinance No. 100089, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, and Committee Substitute for Ordinance No. 140823, as amended, passed on June 18, 2015 (the "Authorizing Ordinances") created the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission"); and

WHEREAS, on March 23, 2006, the City Council passed Second Committee Substitute for Ordinance No. 050833, which accepted the recommendations of the Commission to approve the Antioch Mall Tax Increment Financing Plan ("Redevelopment Plan") and to designate the Redevelopment Area described therein, which was determined to be a blighted area, as defined by Section 99.805 of the Act; and

WHEREAS, the First Amendment to the Redevelopment Plan was approved by passage of Ordinance No. 071008 on September 25, 2008; and

WHEREAS, the Second Amendment to the Redevelopment Plan (the "Second Amendment") was approved by passage of Ordinance No. 090036 on January 29, 2009; and

WHEREAS, the Third Amendment to the Redevelopment Plan (the "Third Amendment") was approved by passage of Ordinance No. 120176 on April 12, 2012; and

WHEREAS, the Fourth Amendment to the Redevelopment Plan (the "Fourth Amendment") was approved by passage of Ordinance No. 170535 on August 3, 2017; and

WHEREAS, a Fifth Amendment to the Redevelopment Plan, after due and proper notice required by Sections 99.825 and 99.830 RSMo, was introduced to the Council (the "Fifth Amendment"); and

WHEREAS, the Fifth Amendment provides for the addition of guidelines for the Antioch Mall Enhancing Neighborhoods Housing Program, a housing program that has been contemplated by the Redevelopment Plan, as amended; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:



ORDINANCE NO. 170875

Section 1. That the Fifth Amendment, a copy of which is attached hereto, is hereby approved and adopted and the Redevelopment Projects contained therein are hereby authorized.

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

Section 3. The Council hereby finds that:

- (a) Good cause has been shown for amendment of the Redevelopment Plan, and that the findings of the Council in Second Committee Substitute for Ordinance No. 050833, 071008, 090036, 120176, and 170535, with respect to the Redevelopment Plan are not affected by the Fifth Amendment and apply equally to the Fifth 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, and the Fifth Amendment;
- (c) The Redevelopment Plan, as amended by the Fifth Amendment, conforms to the comprehensive plan for the development of the City as a whole;
- (d) The areas selected for Redevelopment Projects include only those parcels of real property and improvements therein which will be directly and substantially benefited by the improvements contemplated by the Redevelopment Plan, as amended by the Fifth Amendment;
- (e) 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 Fifth Amendment, and are not more than 23 years from the adoption of any ordinance approving a Redevelopment Project within the Redevelopment Area, as amended;
- (f) The plan has been developed for relocation assistance for businesses and residences;
- (g) The cost benefit analysis showing the impact of the Redevelopment Plan, as amended by the Fifth Amendment on each taxing district which is at least partially within the boundaries of the Redevelopment Area has been prepared in accordance with the Act;

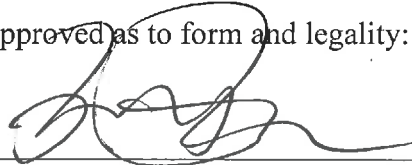
ORDINANCE NO. 170875

- (h) The Fifth Amendment does not include the initial development or redevelopment of any gambling establishment.
- (i) A blight study has been completed and the findings of such study satisfy the requirements provided under Section 99.805, RSMo.

Section 4. The Commission is authorized to issue obligations in one or more series of bonds secured by available payments in lieu of taxes and economic activity taxes on deposit in the Special Allocation Fund to finance Redevelopment Project Costs identified by the Redevelopment Plan, as amended, 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 stake 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 Authorizing Ordinances. Any obligations issued to finance Redevelopment Project Costs shall contain a recital that they are issued pursuant to Sections 99.800 and 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 5. Pursuant to the provisions of the Redevelopment Plan, as amended, the City Council approves the pledge of all funds generated from Redevelopment Projects that are deposited into the Special Allocation Fund to the payment of Redevelopment Project Costs identified by the Redevelopment Plan, as amended, and authorizes the Commission to pledge such funds on its behalf.

Approved as to form and legality:



Brian Rabineau  
Assistant City Attorney



Authenticated as Passed



Shy James, Mayor



Marilyn Sanders, City Clerk

NOV 09 2017

Date Passed