COUNCIL BILL NO. 2023-530 ORDINANCE NO.

AN ORDINANCE approving the First Amendment to Amended and Restated Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC; authorizing the City Manager and the Mayor to execute said First Amendment on behalf of the City of Joplin; and containing an emergency clause.

WHEREAS, the City of Joplin, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri; and

WHEREAS, on August 3, 2020, the City Council adopted Ordinance No. 2020-113 creating the 32nd Street Place Community Improvement District (the "District") as a political subdivision of the State of Missouri to fund certain public facilities and the rehabilitation of blighted private property within the project area, all in accordance the Missouri Community Improvement District Act, Sections 67.1401-67.1571, Revised Statutes of Missouri, as amended (the "CID Act)"; and

WHEREAS, the boundaries of the District have been subsequently amended by: Ordinance No. 2020-193 dated December 7, 2020; Ordinance No. 2020-205 dated December 21, 2020; Ordinance No. 2021-012 dated January 19, 2021; and Ordinance No. 2021-177 dated December 6, 2021; and

WHEREAS, the District, the City, and Woodsonia Joplin, LLC, a Nebraska limited liability company ("Woodsonia") entered into the Cooperative Agreement dated December 30, 2020, as amended by the First Amendment to Cooperative Agreement dated April 26, 2022 (collectively, the "Cooperative Agreement"), which sets forth the parties' rights and obligations with respect to District administration and the financing and construction of the District's project, which specifically includes: (a) acquisition of property within the District for public improvements; (b) capital improvements within the District as permitted by the CID Act, including (i) Hammons Boulevard improvements and realignment, (ii) traffic light at the intersection of 32nd Street and Hammons Boulevard and other improvements along 32nd Street to its intersection with Rangeline Road, (iii) 36th Street improvements and its intersection with Rangeline Road; and (iv) related hardscape, landscaping, and utility improvements; (c) remediation of blighting conditions on private property within the District as permitted under the CID Act provided that the City Council first determines that the action to be taken is reasonably anticipated to remediate the blighting conditions and will serve a public purpose; (d) administration and operation of the District as permitted under the CID Act; and (e) further all other lawful purposes of the District under the CID Act and services authorized by the formation petition as approved by the City Council (collectively, the "Project"); and

WHEREAS, the qualified voters within the District approved a community improvement sales tax (the "Sales Tax") in a mail-in ballot election and the Sales Tax became effective on January 1, 2021, all in accordance with the CID Act; and

WHEREAS, to finance the Project, the Industrial Development Authority of the City of Joplin, Missouri, issued as of February 15, 2021, its Sales Tax Revenue Bonds (32nd Street Place Community Improvement District Project), Series 2021, in the original principal amount of $15,925,000 (the "2021 Bonds"). The 2021 Bonds are payable solely from the Sales Tax; and

WHEREAS, the District, the City and Woodsonia amended and restated the Cooperative Agreement by the Amended and Restated Cooperative Agreement ("Amended and Restated Cooperative Agreement") dated August 16, 2023, to allow the District to fund in whole or in part: (i) the acquisition of property and the design and construction of public parking lot improvements ("Parking Lot") for a planned movie theater within the District ("Movie Theater Project"); and (ii) demolition of a vacant hotel ("Hotel Demolition") to facilitate the development of one new hotel (and possibly two new hotels) by the HDDA-Joplin, LLC, a Missouri limited liability company ("Hotel Developer"), pursuant to a separate side-letter agreement among the City, Woodsonia, and the Hotel Developer, and such additional improvements and services shall be included as part of the "Project"; and

WHEREAS, Woodsonia has contracted for certain detention area improvements located on Tract C and it is necessary for such work to be added as a Detention Area Improvement as defined in the Amended and Restated Cooperative Agreement and to update the budget attached as Exhibit E-2 to the Amended and Restated Cooperative Agreement to add line items for work related to Tract C; and

WHEREAS, Woodsonia, the City and the District desire to amend the Amended and Restated Cooperative Agreement by the First Amendment to Amended and Restated Cooperative Agreement, in substantially the form attached hereto as Exhibit A, to: (a) revise the definition of Detention Area Improvement to include work performed on detention area Tract C; and (b) update Exhibit E-2, the District's Project budget, to provide for the funding of certain detention area improvements located on Tract C with available 2021 Bond proceeds; and

WHEREAS, Woodsonia, the City and the District desire to enter into the Stormwater Retention/Detention Easement Agreement for detention area Tract C, which is referenced in the First Amendment to Amended and Restated Cooperative Agreement, in substantially the form attached hereto as Exhibit B.

BE IT ORDAINED BY THE COUNIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the First Amendment to Amended and Restated Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC, in substantial form as attached hereto as Exhibit A, is approved and the City is authorized to execute said amendment on behalf of the City.

Section 2. That the Stormwater Retention/Detention Easement Agreement among the City of Joplin, Missouri, the 32nd Street Place Community Improvement District, Woodsonia Joplin, LLC, and Woodsonia Joplin Apartments, LLC, in substantial form as attached hereto as Exhibit B, is approved and the City is authorized to execute said amendment on behalf of the City.

Section 3. The City Manager, the Mayor, the City Clerk and any other appropriate City officials are hereby authorized to take any action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City the First Amendment to Amended and Restated Cooperative Agreement, the Stormwater Retention/Detention Easement Agreement, and all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

Section 4. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 5. This Ordinance relating to the First Amendment to Amended and Restated Cooperative Agreement and the Stormwater Retention/Detention Easement Agreement is declared by the City Council to be an emergency within this meaning of Section 2.12, subparagraph (6), of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its passage. The First Amendment to Amended and Restated Cooperative Agreement and the Stormwater Retention/Detention Easement Agreement need to be approved to advance the District's project.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____day of

_____, 2023, by a _____ vote.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

Exhibit A

First Amendment to Amended and Restated Cooperative Agreement

Exhibit B

Stormwater Retention/Detention Easement Agreement