

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, TERMINATING THE MARINA VIEW TAX INCREMENT FINANCING PROJECT BY REPEALING THE FOLLOWING ORDINANCES, 1) ORDINANCE 07-56 ADOPTING THE TIF PLAN, 2) ORDINANCE 07-76 WHICH AUTHORIZED THE REDEVELOPMENT AGREEMENT WITH JQH – LAKE OF THE OZARKS DEVELOPMENT, LLC., 3) ORDINANCE 07-69 WHICH CREATED THE MARINA VIEW COMMUNITY IMPROVEMENT DISTRICT AND 4) ORDINANCE 07-70 AUTHORIZING A COOPERATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE MARINA VIEW COMMUNITY IMPROVEMENT DISTRICT AND JQH – LAKE OF THE OZARKS DEVELOPMENT, LLC

**WHEREAS** on December 6, 2007, the Board adopted Ordinance No. 07.56 which adopted and approved the Marina View TIF Redevelopment Plan dated August 9, 2007, and made associated findings in accordance with the requirements of the TIF Act; and,

**WHEREAS** on December 6, 2007, the Board adopted Ordinance No. 07-76 authorizing the Marina View Tax Increment Financing Redevelopment Agreement between the City of Osage Beach and JQH – Lake of the Ozarks Development, LLC; prescribing the form and details of said agreement; and,

**WHEREAS** on December 20, 2007, the Board adopted Ordinance No. 07-69 to approve the petition for the creation of the Marina View Community Improvement District; and,

**WHEREAS** on December 20, 2007, the Board adopted Ordinance No. 07-70 authorizing a cooperation and development agreement between the City and the Marina View Community Improvement District and JQH – Lake of the Ozarks Development, LLC; prescribing the form and details of said agreement; and,

**WHEREAS** the Board of Aldermen understands that JDHQ Land Holding LLC, a Delaware limited liability company (hereinafter referred to as JDHQ), is the legal successor in interest to JQH Lake of the Ozarks Development LLC and is the owner of the real property in the City of Osage Beach upon which the Marina View Tax Increment Financing Project was proposed and which property is the location of the Marina View Community Improvement District; and,

**WHEREAS** the Board and JDHQ Land Holdings LLC desire to terminate the Marina View project and associated ordinances and to that end have entered into a Termination and Release Agreement for The Marina View Tax Increment Financing Plan and Redevelopment Project, which is attached hereto as Exhibit A; and,

**WHEREAS**, the Board of Aldermen conclude that termination of the Marina View Tax Increment Financing Plan, the Redevelopment Agreement, the Cooperation and Development Agreement and the Community Improvement District are in the best interest of the city:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That the Mayor is hereby authorized to execute on behalf of the City the Termination and Release Agreement for The Marina View Tax Increment Financing Plan and Redevelopment Project, which is attached hereto as Exhibit A.

Section 2. That Ordinance No. 07-56 approving The Marina View Tax Increment Financing Plan, Making Findings Relating To The Plan, Establishing The Marina View Special Allocation Fund, Establishing A Redevelopment Area, Designating The Redevelopment Area As A Blighted Area, Designating The Redevelopment Project And Adopting Tax Increment Financing Therein, Authorizing Certain Actions By City Officials, And Designating JQH – Lake Of The Ozarks Development, LLC, As The Developer, And Containing A Severability Clause, adopted on December 6, 2007, be and is hereby repealed.

Section 3. That Ordinance No. 07-76 which authorized the execution of the Redevelopment Agreement between the City and JQH – Lake of the Ozarks Development LLC for the Marina View Tax Increment Financing Redevelopment Project approved on December 20, 2007, be and is hereby repealed.

Section 4. JDHQ has requested in paragraph 3 of the Termination and Release Agreement that Ordinance 07-69 which approved the petition to establish the Marina View Community Improvement District on December 20, 2007, be repealed.

Section 5. That Ordinance No. 07-69 which approved the Petition to establish the Marina View Community Improvement District approved on December 20, 2007, be and is hereby repealed.

Section 6. That Ordinance No. 07-70 an ordinance that authorized and created a cooperation and development agreement between the City and the Marina View Community Improvement District and the JQH–Lake of the Ozarks Development LLC approved on December 20, 2007, be and is hereby repealed.

Section 7. The Board hereby finds that Marina View Community Improvement District, although authorized by Ordinance 07-69, never organized nor held an initial meeting. The Marina View Community Improvement District holds no assets or bank accounts. Neither Party nor JQH-Lake of the Ozarks Development LLC shall have any further obligations or liabilities to any other party under Ordinance 07-69.

Section 8. Severability. The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 9. Repeal of Ordinances not to affect liabilities, etc. Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 10. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: June 17, 2021

READ SECOND TIME: July 1, 2021

I hereby certify that Ordinance No. 21.36 was duly passed on July 1, 2021 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	5	Nays:	0
Abstentions:	0	Absent:	1

This Ordinance is hereby transmitted to the Mayor for his signature.

July 1, 2021  
Date

Tara Berreth  
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker  
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.21.36

John Olivarri  
John Olivarri, Mayor

July 1, 2021  
Date

Tara Berreth  
Tara Berreth, City Clerk