

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI CREATING A NEW CHAPTER 150 IN THE MUNICIPAL CODE ESTABLISHING A PROCESS FOR THE CITY'S CONSIDERATION OF REDEVELOPMENT PLANS AND TAX ABATEMENTS PURSUANT TO THE URBAN REDEVELOPMENT CORPORATIONS LAW, CHAPTER 353 OF THE REVISED STATUTES OF MISSOURI.

WHEREAS, the Urban Redevelopment Corporations Law, Chapter 353 of the Revised Statutes of Missouri ("Chapter 353"), allows the City to establish policies and procedures in association with the consideration of development plans and grants of tax abatement; and

WHEREAS, the City desires to establish policies and procedures for the consideration of development plans and grants of tax abatement pursuant to Chapter 353, including requiring certain information to be included in a development plan and establishing formal notice procedures for public hearings required by Chapter 353;

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

Section 1. That a new Chapter 150 consisting of Sections 150.010 through 150.050 of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Section 150.010 Submission of a Development Plan and Funding Agreement.

Applicants seeking approval of a development plan providing for ad valorem real property tax abatement available under Chapter 353 shall submit the development plan and an application form, in a form acceptable to the City Administrator, to the City. Prior to consideration of any development plan by the Board, an Applicant shall enter into a funding agreement with the City and submit an initial deposit of Twenty Thousand Dollars (\$20,000.00) which the City will use to fund out-of-pocket costs associated with the consideration of the development plan and the application, including, without limitation, costs associated with any legal, financial or planning consultants retained by the City.

Section 150.020 Development Plan Contents. All development plans seeking tax abatement under Chapter 353 shall include the following information:

(a) *Legal description.* A legal description of the redevelopment area by metes and bounds or other definite designation.

(b) *Design plan.* A general description and preliminary design plan of the proposed redevelopment project and plans or narrative showing or describing general location of structures, general height, size and scale of structures, proposed land use, materials, general landscaping and traffic circulation.

(c) *Stages of project.* A statement of the various stages, if more than one is intended, by which the redevelopment project is proposed to be constructed or undertaken, and the approximate time limit for the commencement and completion of each stage, together with a legal description of the real property to be included in each stage.

(d) *Property to be demolished.* A statement of the existing buildings or improvements in the redevelopment area to be demolished, if any, and an estimate of the time of such demolition.

(e) *Building rehabilitation.* A statement of existing buildings to remain, if any, the proposed improved to each such building to remain and the approximate period of time during which improvements, repairs or alterations are to be made.

(f) *New construction.* A statement of the general type, size, number, character and materials of each new industrial, commercial, residential or other building or improvement to be erected or made and the estimate of the timing of such construction.

(g) *Open space.* A statement of those portions, if any, of the redevelopment area which may be permitted or will be required to be left as open space, the use to which each such open space is to be put, the period of time each such open space will be required to remain an open space, and the manner in which it will be improved and maintained, if at all.

(h) *Property for public agencies.* Statement of those portions, if any, of the redevelopment area which are proposed to be sold, donated, exchanged or leased to any public agency or political subdivision of the Federal, State or local government, and an outline of the terms of such proposed sale, donation, exchange or lease.

(i) *Zoning changes.* A statement of the proposed changes, if any, in zoning ordinance or maps, necessary or desirable for the redevelopment project and its protection against blighting influences.

(j) *Street changes.* A statement of the proposed changes in streets or street levels and proposed street closing within, adjacent to or in the proximity of the redevelopment area, if any.

(k) *Utility changes.* A statement of the changes, if any, which will be required in utility source to accommodate the redevelopment project and changes, if any, in utility lines, easements or location.

(l) *Tax abatement.* A statement of the tax abatement to the redevelopment project, if any, and any payments in lieu of taxes, together with the conditions upon which tax abatement, if any, will pass to or insure to the benefit of a subsequent owner of the redevelopment project or be lost.

(m) *Acquisition plan.* A statement giving the legal description of the real property owned by or under option or contract of purchase, if any, by the applicant and the time schedule for acquisition.

(n) *Eminent domain by City.* A statement giving the legal description of the real property, if any, to be acquired by the City in furtherance of the development plan and the terms and conditions for such acquisition.

(o) *Financing.* A detailed statement of the proposed method of financing the

redevelopment project which shall set forth the estimated development cost of the project and the proposed sources of funds, debt and equity to meet such estimated costs. The detailed statement shall include evidence satisfactory to the city that sufficient funds or securities to acquire and clear the land involved are available from such equity and/or other funds, and that there are sufficient assurances that the redevelopment project will be further financed to completion. Such evidence shall include any commitments for leases or purchases, but in any event shall include evidence of marketability of the redevelopment project

(p) *Management.* A list of the persons who it is proposed will be active in or associated with the management of the redevelopment project during a period of at least one year from the date of approval of the development plan and a list of the officers, directors and principal stockholders of the applicant.

(q) *Public property.* A statement listing any real property in the redevelopment area in public use or belonging to the City, County, State or any political subdivision thereof together with a statement that the consent of such entity, other than City, has been obtained to the acquisition of such property if such property is to be acquired.

(r) *List of all political subdivisions affected by the tax abatement.* The development plan shall contain a complete list of all political subdivisions affected by the tax abatement including the name of the chief operating officer or highest elected official of such district, the district's mailing address and contact information and a written statement of the impact on ad valorem taxes any tax abatement will have on such political subdivisions.

(s) *Applicants background and identity.* The development plan shall clearly identify the legal status of the applicant, the key officers and owners thereof and provide clear and accurate information on the applicant's background and development experience and financial ability to successfully complete the project. Applicant shall disclose any threatened or pending litigation or unresolved claims; the nature of which would need to be disclosed if the applicant were applying for or participating in a transaction using public debt financing or which might be considered a regulated securities transaction.

(t) *Other information.* Before submission of an ordinance to approve the development plan to the Board of Aldermen, the applicant shall include such other statements, information or exhibits as requested by the City Administrator. After submission of the ordinance to approve the development plan to the Board of Aldermen the applicant shall include such other statements, information or exhibits as requested by the Board of Aldermen or the City Administrator.

Section 150.030 Staff Review of Development Plan. Upon receipt of a development plan and application, the City Administrator will review the development plan and application for completeness. If the development plan and application are determined to be incomplete, the City Administrator will notify the applicant of any additional information needed to complete the development plan and application. Once the City Administrator determines that a development plan and application is complete, the City Administrator shall forward the

complete development plan and application to the Board of Aldermen for preliminary review. If the Board of Aldermen wishes to further consider the development plan, the Board of Aldermen shall schedule a public hearing regarding the development plan and grants of tax abatement contemplated therein. The City shall provide notice of such public hearing in the manner required by Section 150.040 below.

Section 150.040 Public Hearing Notices. Notices of any public hearing scheduled by the Board of Aldermen pursuant to Section 3 above shall be given in the following manner:

(a) if the development plan relates to property not currently owned by the applicant, notice of the public hearing shall be given by hand delivery, certified mail or nationally-recognized overnight courier service to the owner or owners of property within the redevelopment area described in the development plan at least fifteen (15) days prior to the public hearing;

(b) notice of the public hearing shall be published in a newspaper of general circulation in the City at least fifteen (15) days prior to the public hearing; and

(c) notice of the public hearing, together with a written statement of the impact on ad valorem real property taxes that the tax abatement described in the development plan will have on political subdivisions affected by the tax abatement, shall be given by hand delivery, certified mail or nationally-recognized overnight courier service, to the political subdivisions affected by the tax abatement at least fifteen (15) days prior to the public hearing.

Section 150.050 Acceptance of State Enabling Act. The provisions of the Urban Redevelopment Corporations Law, found at Chapter 353 of the Revised Statutes of Missouri are hereby accepted and shall apply to all persons and corporations operating under this article, insofar as such provisions may be applicable thereto.

Section 2. 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 3. 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 4. 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: July 7, 2022 READ SECOND TIME: July 21, 2022

I hereby certify that Ordinance No.22.52. was duly passed on July 21, 2022, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	6	Nays:	0
Abstentions:	0	Absent:	0

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

July 21, 22
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.22.52.

Michael Harmison
Michael Harmison, Mayor

July 21, 22
Date

Tara Berreth
Tara Berreth, City Clerk