

AN ORDINANCE approving the First Amendment to Cooperative Agreement among the City of Joplin, Missouri, the 32nd Street Place Community Improvement District, and Woodsonia Joplin, LLC; authorizing the City Manager to execute said 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 (the “Cooperative Agreement”) dated December 30, 2020, 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 and private improvements; (b) capital improvements within the District as permitted by the CID Act, including (i) Hammons Boulevard improvements and realignment, (ii) traffic light on 32nd Street, and (iii) 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, at the time the 2021 Bonds were issued, it was anticipated that 2021 Bond proceeds would be used to pay for additional public improvements north of the midline of 32nd Street and to 36th Street at its intersection with Rangeline Road, and the City Council by Ordinance No. 2021-177 dated December 6, 2021, approved: (i) the addition of property to the District to allow the District to fund such public improvements; and (ii) an update to the Five-Year Plan budget attached as Exhibit D-1 to the Formation Petition to include line items for such public improvements; and

WHEREAS, the 2021 Bond documents refer to the original Project budget attached as Exhibit E-2 to the Cooperative Agreement. To allow the District to utilize 2021 Bond proceeds to fund planned public improvements north of the midline of 32nd Street and on 36th Street at its intersection with Rangeline Road, it is necessary to amend the Project budget attached as Exhibit E-2 to the Cooperative Agreement to include such public improvements; and

WHEREAS, by its Resolution No. 2022-01 dated March 17, 2022, the District's Board of Directors approved the First Amendment to Cooperative Agreement (the "Amendment") among the District, the City, and Woodsonia to update the District budgets attached to the Cooperative Agreement as Exhibits E-1 and E-2 and to make such other amendments to the Cooperative Agreement included in the Amendment as presented to the City Council for approval.

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

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

Section 2. The City Manager, 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 all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

Section 3. 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 4. This Ordinance relating to the First Amendment to Cooperative 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 Cooperative Agreement needs to be approved to advance the District's project.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this ____ day
of _____, 2022, by a _____ vote.

Ryan D. Stanley, Mayor

ATTEST:

Holly Nagy, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney