

BILL NO. 8970

ORDINANCE NO. 8970

**AN ORDINANCE TERMINATING AND DISSOLVING TAX
INCREMENT FINANCING WITHIN THE TIF #2
REDEVELOPMENT AREA; DISSOLVING THE SPECIAL
ALLOCATION FUND RELATED THERETO; AND
AUTHORIZING CERTAIN OTHER ACTIONS RELATED
THERETO.**

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865, inclusive, of the Revised Statutes of Missouri, as amended (the **“Act”**), authorizes municipalities to undertake redevelopment projects in blighted or conservation areas, as defined in the Act; and

WHEREAS, on March 2, 2005, the City Council adopted Ordinance No. 7533 (the **“TIF Ordinance”**), (a) approving the “TIF #2 Redevelopment Area Tax Increment Financing Redevelopment Plan” (as amended, the **“Redevelopment Plan”**) for an area designated therein and legally described in the Redevelopment Plan (the **“Redevelopment Area”**), a portion of which was designated as “RPA 1” as legally described in the Redevelopment Plan (**“RPA 1”**), which designated the Redevelopment Area as a “redevelopment area” within the meaning of the Act, (b) designating Lowe’s Home Centers, Inc. as the developer for RPA 1, (c) adopting tax increment financing within the Redevelopment Area, including both RPA 1 and RPA 2 (as described in the Redevelopment Plan) and (d) establishing a special allocation fund (the **“Special Allocation Fund”**); and

WHEREAS, on January 23, 2020, the City issued Tax Increment Refunding and Improvement Revenue Bonds (TIF #2 Redevelopment Area RPA 1 & 2), Series 2020, in the original principal amount of \$1,295,000 (the **“Series 2020 Bonds”**) pursuant to a Trust Indenture dated as of January 23, 2020 (the **“Indenture”**), between the City and UMB Bank, N.A., as trustee (the **“Trustee”**), in order to redeem certain outstanding bonds relating to the Redevelopment Plan, pay additional redevelopment project costs in furtherance of the Redevelopment Plan, fund a debt service reserve fund for the Series 2020 Bonds and pay costs of issuance relating to the Series 2020 Bonds; and

WHEREAS, all redevelopment project costs incurred in accordance with the Act and the Redevelopment Plan have been paid, and the Series 2020 Bonds that financed or refinanced certain redevelopment project costs incurred in accordance with Act and the Redevelopment Plan have been paid in full and are no longer outstanding; and

WHEREAS, the City Council of the City hereby finds that RPA 1 and RPA 2 have been completed and paid for, the Series 2020 Bonds have been paid in full, and it is in the best interest of the City and the other affected taxing districts to (a) terminate the tax increment financing within the Redevelopment Area designated for RPA 1, RPA 2 and any other redevelopment project areas located within the Redevelopment Area, which will effectively terminate tax increment financing for the entire Redevelopment Area and (b) dissolve the Special Allocation Fund;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF MONETT, MISSOURI, AS FOLLOWS:

Section 1. Declaration of EATS as Surplus. The City Council hereby declares as surplus all economic activity taxes (as defined in the Act) on deposit in the Special Allocation Fund created by Ordinance No. 7533. Such surplus economic activity taxes shall be paid to the taxing districts from which they originate, as provided in Section 99.820 of the Act.

Section 2. Termination of TIF Collections. The City Council hereby terminates tax increment financing within the Redevelopment Area from and after the effective date of this Ordinance.

Section 3. Dissolving of Special Allocation Fund. The City Administrator or other appropriate official is hereby directed to dissolve the Special Allocation Fund established by the TIF Ordinance. All administrative expenses, including legal fees, related to the dissolution of the Special Allocation Fund and the termination of tax increment financing within the Redevelopment Area shall be paid from the moneys in the Special Allocation Fund. All remaining moneys in the Special Allocation Fund, after the payment of the administrative expenses and the distribution of surplus economic activity taxes as described above, shall be paid to the County Collector or other appropriate office for distribution to the appropriate taxing districts in the manner provided in the Act.

Section 4. Series 2020 Bonds Paid in Full. The City Council hereby find that the Series 2020 Bonds have been paid in full, no further payments are due under the Indenture relating to the Series 2020 Bonds, and the City has no further obligation to reimburse any other costs related to the Redevelopment Plan.

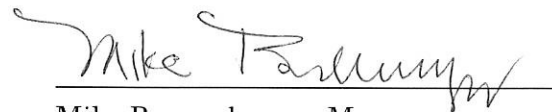
Section 5. Additional Actions. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable to carry out and perform the purpose of this Ordinance, including but not limited to executing terminations of any and all agreements relating to the Redevelopment Area as shall be identified as desirable for termination by the appropriate officers, agents and employees of the City.

Section 6. Severability. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones, unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after the 10th day after its passage by the City Council.

PASSED by the City Council, and **APPROVED** by the Mayor of the City of Monett, Missouri, this 21st day of August, 2023.

(SEAL)


Mike Brownsberger, Mayor

ATTEST:


Angie Irwin, City Clerk