

AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF OSAGE BEACH, MISSOURI, AS A REDEVELOPMENT AREA; APPROVING THE LAKEPORT VILLAGE TAX INCREMENT FINANCING REDEVELOPMENT PLAN; MAKING FINDINGS RELATED THERETO; APPROVING A REDEVELOPMENT PROJECT FOR THE REDEVELOPMENT AREA AND ADOPTING TAX INCREMENT FINANCING WITH RESPECT THERETO; AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS.

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the “Act”), authorizes municipalities to approve redevelopment projects pursuant to the Act; and

WHEREAS, the City of Osage Beach, Missouri (the “City”), duly created the Tax Increment Financing Commission of the City of Osage Beach, Missouri (the “TIF Commission”), pursuant to the Act; and

WHEREAS, the Act authorizes the TIF Commission to hold public hearings with respect to proposed redevelopment areas, redevelopment plans and redevelopment projects and to make recommendations thereon to the Board of Aldermen of the City; and

WHEREAS, the TIF Commission has reviewed a plan for redevelopment known as the “Lakeport Village Tax Increment Financing Redevelopment Plan,” attached as Exhibit A hereto and incorporated herein by this reference (the “Redevelopment Plan”), for an area consisting of approximately 24 acres located northeast corner of the Jefferies Road and U.S. Route 54 interchange (as further described on Appendix 1 to the Redevelopment Plan, the “Redevelopment Area”); and

WHEREAS, the Redevelopment Plan describes a redevelopment project consisting of the construction of a family-friendly resort and entertainment district, which is expected to include an approximately 350-425 room hotel with at least 15,000 square feet of conference center facilities (inclusive of ballroom space, business center space, and/or meeting space), an outdoor area, amusement and entertainment uses, a boardwalk overlooking the Lake of the Ozarks, a multi-story parking garage and not less than approximately 15,000 square feet of commercial space to accommodate restaurant, retail and other commercial uses (collectively, the “Redevelopment Project”); and

WHEREAS, implementation of the Redevelopment Plan and the Redevelopment Project will remediate the conditions that cause the Redevelopment Area to be a “blighted area” under the Act; and

WHEREAS, after all proper notice was given, the TIF Commission held a public hearing in conformance with the Act on April 17, 2023 and received comments from all interested persons and taxing districts relative to (1) the Redevelopment Plan, (2) the designation of the Redevelopment Area and (3) the approval of the Redevelopment Project; and

WHEREAS, on April 17, 2023, after due deliberation, the TIF Commission passed a resolution (attached as Exhibit B hereto) recommending that the Board of Aldermen (1) approve the Redevelopment Plan, (2) designate the Redevelopment Area as a “redevelopment area,” as defined by the Act, (3) approve the Redevelopment Project and (4) adopt tax increment financing with respect to the Redevelopment Project;

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

Section 1. Findings Required by the Act. The Board of Aldermen hereby makes the following findings:

A. The Redevelopment Area on the whole is a “blighted area,” as defined in Section 99.805(1) of the Act, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. This finding includes, and the Redevelopment Plan sets forth and the Board of Aldermen hereby finds and adopts by reference: (i) the study prepared by PGAV Planners, a consulting firm specializing in land use and urban planning, which includes a detailed description of the factors that qualify the Redevelopment Area as a “blighted area” and qualify the Redevelopment Project pursuant to the provisions of Section 99.810.1(1) of the Act, and (ii) an affidavit, signed on behalf of the proposed developer of the Redevelopment Project, attesting that the provisions of Section 99.810.1(1) of the Act have been met.

B. The Redevelopment Plan conforms to the comprehensive plan for the development of the City as a whole.

C. The estimated dates of completion of the Redevelopment Project and retirement of obligations incurred to finance Redevelopment Project costs have been stated in the Redevelopment Plan, and these dates are no more than 23 years from the date of adoption of this Ordinance approving the Redevelopment Plan and the Redevelopment Project.

D. The City has developed a plan for relocation assistance for businesses and residences in conformity with the requirements of Sections 523.200 through 523.205 of the Revised Statutes of Missouri, as amended.

E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area is attached as Exhibit C hereto and is incorporated herein as if fully set forth herein, which cost-benefit analysis shows the impact on the economy if the Redevelopment Project is not built and if the Redevelopment Project is built pursuant to the Redevelopment Plan. The cost-benefit analysis also includes a fiscal impact study on every affected political subdivision and sufficient information from the proposed developer of the Redevelopment Project for the TIF Commission to evaluate whether the Redevelopment Project, as proposed, is

financially feasible, and the TIF Commission found that the Redevelopment Project, as proposed, is financially feasible.

F. The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

Section 2. Designation of Redevelopment Area. The Redevelopment Area is hereby designated as a “redevelopment area” as defined in Section 99.805(13) of the Act.

Section 3. Approval of Redevelopment Plan. The Redevelopment Plan is hereby adopted and approved.

Section 4. Approval of Redevelopment Project. The Redevelopment Project is hereby adopted and approved. The Board of Aldermen finds that the Redevelopment Area includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed Redevelopment Project.

Section 5. Approval of Tax Increment Allocation Financing. Tax increment allocation financing is hereby adopted within the Redevelopment Area.

Section 6. Taxes and Payments in Lieu of Taxes. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the taxable real property in the Redevelopment Area, as determined in accordance with the Act, the ad valorem taxes and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the Act each year after the effective date of this Ordinance until the payment in full of all Redevelopment Project costs shall be divided as follows:

A. That portion of taxes, penalties and interest levied upon each taxable lot, block, tract or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Redevelopment Area shall be allocated to and, when collected, shall be paid by the County Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing; and

B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the Redevelopment Area and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the Redevelopment Area shall be allocated to and, when collected, shall be paid to the City’s Treasurer, who shall deposit such payments in lieu of taxes into a special fund called the “Lakeport Village Special Allocation Fund” of the City for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the Redevelopment Area from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

Section 7. Economic Activity Taxes. In addition, fifty percent (50%) of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within the Redevelopment Area, over the amount of such taxes, penalties and interest in the calendar year prior to the adoption of this Ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, taxes levied pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, for the purpose of public transportation and any other tax or fee excluded by law, shall be allocated to and paid by the collecting officer to the City's Treasurer, who shall deposit such funds into a separate segregated account within the Lakeport Village Special Allocation Fund.

Section 8. Lakeport Village Special Allocation Fund. The Lakeport Village Special Allocation Fund is hereby established. The Lakeport Village Special Allocation Fund shall have a "PILOTs Account," an "EATs Account," a "New State Revenues Account," a "City Hotel Sales Tax Rebate Account" and such other accounts and subaccounts as may be necessary or desirable for the administration of the Redevelopment Plan. All moneys deposited in the Lakeport Village Special Allocation Fund shall be applied in a manner consistent with the Redevelopment Plan, as determined by the Board of Aldermen.

Section 9. Directives to City Staff. The City Clerk is hereby directed to submit a certified copy of this Ordinance to the County Assessor, who is directed to determine the total equalized assessed value of all taxable real property within the Redevelopment Area as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Redevelopment Area and shall certify such amount as the total initial equalized assessed value of the taxable real property within the Redevelopment Area. The City Clerk is further directed to submit a certified copy of this Ordinance to the County Collector, and the City's Treasurer is directed to certify to the County Collector the amount of taxes derived from economic activities within the Redevelopment Area in the calendar year prior to the adoption of this Ordinance, as prescribed in **Section 7.**

Section 10. State Supplemental Tax Increment Financing. The City is hereby authorized to apply to the State of Missouri for state supplemental tax increment financing ("Super TIF") to assist with the implementation of the Redevelopment Plan. All actions taken to date by the officers of the City with respect to applying for Super TIF, including, without limitation, the submission of the precertification form to the Department of Economic Development, are hereby ratified.

Section 11. Further Authority. The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions to the documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

EXHIBIT A
REDEVELOPMENT PLAN

(On file in the office of the City Clerk)

EXHIBIT B

TIF COMMISSION RESOLUTION

(On file in the office of the City Clerk)

EXHIBIT C

COST-BENEFIT ANALYSIS

(On file in the office of the City Clerk)

Section 12. 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: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the Board of Aldermen has or would have enacted the valid sections without the void one; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 13. Effective Date. This Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: May 18, 2023

READ SECOND TIME: June 1, 2023

I hereby certify that Ordinance No. 23.44 was duly passed on by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 0

Abstentions: 0

Absent: 2

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

June 1, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approved Ordinance No.23.44.

Michael Harmison
Michael Harmison, Mayor

June 1, 2023
Date

Tara Berreth
Tara Berreth, City Clerk