

RESOLUTION NO. 6-__-23

A RESOLUTION OF THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF KANSAS CITY, MISSOURI, APPROVING A LICENSE AGREEMENT, AND AUTHORIZING FURTHER ACTION RELATED THERETO.

WHEREAS, the Land Clearance for Redevelopment Authority of Kansas City, Missouri (“Authority”) is a public body corporate and politic created by the Land Clearance for Redevelopment Authority Law, Section 99.300, *et seq.*, RSMo (“LCRA Law”), and is transacting business and exercising the powers granted by the LRCA Law by virtue of Committee Substitute for Ordinance No. 16120, duly passed by the City Council (“City Council”) of the City of Kansas City, Missouri (“City”) on November 21, 1952;

WHEREAS, following a Request for Proposals process, the Authority and St. Michael’s Veterans Center, Inc., a Missouri non-profit corporation (“Redeveloper”), entered into the Redevelopment Contract dated as of May 16, 2012 and recorded as Document No. 2012E0063449, as amended by the Amended and Restated Redevelopment Contract dated as of September 6, 2012 and recorded as Document No. 2012E0106473, as amended and restated by the Second Amended and Restated Redevelopment Contract dated as of May 3, 2013 and recorded as Document No. 2013E0049446, as amended by the Amendment to Second Amended and Restated Redevelopment Contract dated as of February 25, 2015 and recorded as Document No. 2015E0106279 (collectively, “Redevelopment Contract”), pursuant to which the Authority and the Redeveloper set forth their respective rights and obligations regarding the transfer of property and redevelopment of the St. Michael’s Veterans Center project (formerly known as the Holy Temple Homes site) to provide affordable housing and supportive services to veterans (“Project”);

WHEREAS, the Project property (“Property”) was owned by the Housing and Economic Development Financial Corporation and conveyed to the Authority to facilitate the Project in accordance with the Order issued by the U.S. District Court for the Western District of Missouri in receivership Case No. 05-00368-CV-W-GAF;

WHEREAS, pursuant to the Redevelopment Contract, the Authority conveyed a portion of the Property, defined and legally described as the Phase I Property in the Redevelopment Contract, to the Redeveloper by that Special Warranty Deed recorded on July 12, 2013 as Document No. 2013E0072500 to facilitate development of the first phase of the Project, consisting of 58 units of affordable veterans housing (“Phase I”);

WHEREAS, pursuant to the Redevelopment Contract, the Authority conveyed a portion of the Property, defined and legally described as the Phase II Property in the Redevelopment Contract, to the Redeveloper by that Special Warranty Deed recorded on November 25, 2015 as Document No. 2015E0106280 to facilitate development of the second phase of the Project, consisting of 58 units of affordable veterans housing (“Phase II”);

WHEREAS, the Redeveloper conveyed certain portions of the Phase II Property to: (a) St. Michael’s Housing Partners Investors II, L.P. (defined as the “Phase II Housing Property”) by that Special Warranty Deed recorded on November 25, 2015 as Document No. 2015E0106281; and

(b) St. Michael's Veterans Center Owners' Association, Inc. (defined as the "Phase II Common Area Property") by that Special Warranty Deed recorded on November 25, 2015 as Document No. 2015E0106282;

WHEREAS, Phase I (consisting of 58 units of affordable veterans housing) and Phase II (consisting of 59 units of affordable veterans housing and supportive services building) of the Project are complete and the Redeveloper has submitted a request to transfer the remaining Property owned by the Authority ("Phase III Property") to facilitate development of the third phase of the Project consisting of approximately 62 units of affordable veterans housing and related improvements ("Phase III");

WHEREAS, the financing for Phase III includes funding from (i) MHDC reserving 9% federal and state low-income housing tax credits to the Redeveloper, (ii) MHDC HOME funds, (iii) MHDC NHTF funds, (iv) Horizon Bank construction loan, and (v) Redeveloper equity for the Project;

WHEREAS, by Resolution No. 9-1-22 dated September 27, 2022, the Authority approved a sales tax exemption on the purchase of construction materials for Phase III as an additional incentive pursuant to a sale/leaseback transaction as permitted under the LCRA Law;

WHEREAS, by Resolution No. 9-2-22 dated September 27, 2022, the Authority authorized the issuance of its Taxable Industrial Revenue Bonds (St. Michael's Veterans Center, Inc., Phase III Project), in an original principal amount of \$17 million ("Bonds"), and approved, among other things, an amendment to the Redevelopment Contract, styled as Second Amendment to Second Amended and Restated Redevelopment Contract, to be entered into, among other documents, contemporaneously with the Authority's issuance of the Bond and the Redeveloper's financing closing for Phase III, which are planned for later in 2023;

WHEREAS, in the meantime, the Redeveloper has requested that the Authority grant access to the Redeveloper and its contractors to perform certain site preparation work in anticipation of Phase III pursuant to the License Agreement ("License Agreement") in substantially the form submitted to the Board of Commissioners on this date; and

WHEREAS, the Authority desires to approve the License Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Land Clearance for Redevelopment Authority of Kansas City, Missouri, as follows:

1. The License Agreement is approved in substantially the form as presented to the Board of Commissioners on this date.

2. Each of the Chairman, Vice Chairman, and Executive Director is authorized to execute and deliver for and on behalf of the Authority the License Agreement in substantially the form as presented to the Board of Commissioners on this date, subject to such changes, additions, or deletions that may be deemed necessary or desirable by the staff of the Authority or its legal counsel, and any and all additional certificates, agreements, documents or papers and to perform all other acts as the Authority may deem necessary or appropriate in order to facilitate the access

rights granted by the License Agreement, with such execution being conclusive evidence of their approval of the terms and conditions thereof.

3. Each of the Chairman, Vice Chairman, and Executive Director is authorized to take any additional steps within their powers under the LCRA Law necessary to carry out the intent of this Resolution.

4. This Resolution shall take effect immediately.

ADOPTED this 27th day of June, 2023

Rob Gardner, Chairman

ATTEST:

Daniel Moye, Secretary