

RESOLUTION NO. 11- -23

RESOLUTION OF THE LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF KANSAS CITY, MISSOURI (“AUTHORITY”) APPROVING AMENDMENT TO SECOND AMENDED AND RESTATED REDEVELOPMENT CONTRACT; APPROVING SECOND ASSIGNMENT, ASSUMPTION, AND IMPLEMENTATION AGREEMENT – PHASE TWO (AS REVISED); AND AUTHORIZING ANY FURTHER ACTION RELATED THERETO.

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

WHEREAS, the Authority and Columbus Park Developers, L.C., a Missouri limited liability company (“Original Redeveloper”), entered into the Redevelopment Contract effective as of September 13, 2007, and recorded as Document No. 2007E0159420, as amended and restated by the Amended and Restated Redevelopment Contract between the Authority and the Original Redeveloper effective as of August 25, 2015, and recorded as Document No. 2015E0081640, as amended by the Amendment to Amended and Restated Redevelopment Contract between the Authority and Columbus Park Development Group, LLC, a Missouri limited liability company (“Redeveloper”), effective as of July 7, 2017, and recorded as Document No. 2017E0087115, and the Partial Release and Amendment to Redevelopment Contract between the Authority and the Redeveloper dated October 25, 2021, and recorded as Document No. 2021E0128993 (collectively, the “Redevelopment Contract”). Unless otherwise defined in this Resolution, all capitalized terms shall have the meaning given to them in the Redevelopment Contract; and

WHEREAS, the Redevelopment Contract contemplates the development of a phased, mixed-use, commercial and residential "urban village" known as the Columbus Park/Guinotte Manor Phase III redevelopment project as shown in the urban redevelopment district zoning plan approved by the City pursuant to Committee Substitute for Ordinance No. 090441 on June 25, 2009, as amended (“URD Zoning Plan”), which includes the property identified in the Redevelopment Contract and certain other adjacent properties within the Columbus Park Urban Renewal Area (collectively, the “Project”); and

WHEREAS, the Redevelopment Contract required the significant input of the Housing Authority of Kansas City, Missouri (“HAKC”) when determining the satisfactory completion of various provisions of the Redevelopment Contract concerning HAKC’s ownership, control, and/or disposition of the HAKC Property consistent with the Guinotte Cooperative Agreement and requirements of the Department of Housing and Urban Development. On or about December 6, 2022, HAKC issued a Request for Proposals for the development of the HAKC Property and HAKC has selected, or is nearing the selection of, a developer for such separate project; and

WHEREAS, the Authority consented to the assignment of Original Redeveloper’s rights and obligations under the Redevelopment Contract to the Redeveloper and to the Redeveloper’s

limited assignment of Redeveloper's rights and obligations under the Redevelopment Contract to CP Lofts, LP, a Missouri limited partnership ("Phase One Redeveloper"), as to the Phase One Property only, as further described in the Assignment, Assumption and Ratification Agreement ("Phase One Assignment") among the Authority, the Original Redeveloper, the Redeveloper, and the Phase One Redeveloper effective as of August 25, 2015 and recorded as Document No. 2015E0090131; and

WHEREAS, pursuant to the Redevelopment Contract, the Authority acquired and sold the Phase One Property to the Phase One Redeveloper by the Real Estate Sale Contract dated September 23, 2015, as amended, and by the Special Warranty Deed dated August 11, 2015, and recorded as Document Number 2015E0091881. Phase One is complete and the Authority has issued its Certificate of Qualification for Tax Abatement for the Phase One Property in accordance with the Redevelopment Contract and the LCRA Law; and

WHEREAS, the Authority consented to the limited assignment of the Redeveloper's rights and obligations under the Redevelopment Contract to Columbus Park Development Group 2, LLC, a Missouri limited liability company ("Phase Two Redeveloper"), as to the Phase Two Property only, as further described in the Assignment, Assumption and Implementation Agreement ("Phase Two Assignment") among the Authority, the Redeveloper, and the Phase Two Redeveloper effective as of July 7, 2017, and recorded as Document No. 2017E0087121; and

WHEREAS, pursuant to the Redevelopment Contract, the Authority acquired and sold the Phase Two Property to the Phase Two Redeveloper by Real Estate Sale Contract dated July 7, 2017, as amended, and by the: (i) Special Warranty Deed dated September 6, 2017, and recorded as Document No. 2017E0111710; (ii) Special Warranty Deed dated May 28, 2020, and recorded as Document No. 2020E00434301; and (iii) Special Warranty Deed dated July 22, 2020, and recorded and Document No. 2020E0063264; and

WHEREAS, the Authority does not own any other property in connection with the Project; and

WHEREAS, the Redeveloper has completed, or is nearing completion of, the redevelopment of the existing building located at 401 Charlotte Street as a mixed-used project as part of Phase Two; and

WHEREAS, by Resolution No. 10-01-23 dated October 13, 2023, the Authority consented to a further limited assignment of redevelopment rights and obligations under the Redevelopment Contract to 5 Cherry, LLC, a Missouri limited liability company ("5 Cherry") as to certain portions of the Phase Two Property only, and approved amendment of the Phase Two Assignment to reflect the assignment to 5 Cherry pursuant to the Second Assignment, Assumption and Implementation Agreement – Phase Two ("Second Phase Two Assignment") among the Authority, the Redeveloper, the Phase Two Redeveloper, and 5 Cherry; and

WHEREAS, by Resolution No. 10-01-23 dated October 13, 2023, the Authority also approved, without amending in any way the Redevelopment Contract or the Phase One Assignment pertaining to Phase One, the Second Amended and Restated Redevelopment Contract

(“Second A/R Redevelopment Contract”) among the Authority, the Redeveloper, and the Phase Two Redeveloper to update, amend, and restate the Redevelopment Contract to provide for the assignment of the Phase Two Redeveloper’s right, title and interest in the Redevelopment Contract to 5 Cherry as to the Phase Two Assigned Property only, to assist the Redeveloper, the Phase Two Redeveloper, and 5 Cherry in the development of the Phase Two Project Improvements, to revise Exhibit A attached to the Redevelopment Contract for the purpose of removing certain properties from the definition of the Property for the Project and updating legal descriptions and to replace it with the Second A/R Redevelopment Contract; and

WHEREAS, on November 10, 2023, the Phase Two Redeveloper conveyed the Phase Two Assigned Property to 5 Cherry and the Second A/R Redevelopment Contract was recorded as Instrument No. 2023E_____ ; and

WHEREAS, the Second A/R Redevelopment Contract contemplated that 5 Cherry would be majority owned by an entity controlled by Lance Carlton and Leland Berman. Instead, 5 Cherry, which is controlled by the Phase Two Redeveloper, conveyed 51% of its interest in the property to 19 Harris, LLC, under a tenants-in-common (TIC) arrangement. 19 Harris, LLC is controlled by Lance Carlton and Leland Berman. The TIC entity intends to contract with Polar Dev LLC (“Polar Dev”), which is controlled by Lance Carlton and Leland Berman, to undertake development of Phase 2; and

WHEREAS, the parties desire to revise the Second Phase Two Assignment and amend the Second A/R Redevelopment Contract to reference the additional transactions and to designate Polar Dev as the assignee redeveloper entity for Phase Two under the agreements.

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 Authority approves the Amendment to Second A/R Redevelopment Contract and the Second Phase Two Assignment (as revised). Each of the Chair, Vice Chair and Executive Director is authorized and directed to execute and deliver the Amendment to Second A/R Redevelopment Contract and the Second Phase Two Assignment (as revised) in substantially the forms as such documents have been presented to the Board of Commissioners on this date, subject to any changes, additions, or revisions they, upon the advice of counsel, may deem necessary or desirable, for and on behalf of the Authority and the execution of the same shall be conclusive evidence of their approval thereof.

2. Each of the Chair, Vice Chair and Executive Director is authorized and directed to execute and deliver such other affidavits, agreements, and documents, and to take such other further actions as necessary or desirable, upon the advice of counsel, to accomplish the intent of this Resolution, with the execution any such ancillary documents being conclusive evidence of their approval thereof.

3. This Resolution shall take effect immediately.

ADOPTED by the Land Clearance for Redevelopment Authority of Kansas City, Missouri this 21st day of November, 2023.

LAND CLEARANCE REDEVELOPMENT AUTHORITY
OF THE CITY OF KANSAS CITY, MISSOURI

[SEAL]

By: _____
Tammy Henderson, Chairwoman

ATTEST:

Daniel Moye, Secretary

Exhibit A
Amended Legal Description of the Property¹
and Map of the Phase One Property and the Phase Two Property

Parcel	Address	Jackson Co. Parcel #	Legal Description	Phase
1	700 E. 4 th Street	12840220300000000	BLOCK 2, LOT 1, COLUMBUS PARK PHASE 1	1
2	750 E. 4 th Street	12840220400000000	BLOCK 2, TRACT C, COLUMBUS PARK PHASE 1	1
3	800 E. 4 th Street	12840230400000000	BLOCK 5, LOT 1, COLUMBUS PARK PHASE 1	1
4	850 E. 4 th Street	12840230500000000	BLOCK 5, TRACT B1, MINOR SUBDIVISION LOT SPLIT OF TRACT B, COLUMBUS PARK PHASE 1	1
5	880 E. 4 th Street	12840230600000000	BLOCK 5, LOT 2, COLUMBUS PARK PHASE 1	2
6	No Address	12840230700000000	BLOCK 5, TRACT B2, MINOR SUBDIVISION LOT SPLIT OF TRACT B, COLUMBUS PARK PHASE 1	2

¹ The property at 508 Charlotte (formerly 12-840-31-15-00-0-00-000) was originally included as part of the Property. A portion of that parcel was subsequently redeveloped as the City Market Townhouses pursuant to a separate LCRA redevelopment contract (now 12-840-31-15-01-0-00-000) and it, along with the separate townhouse parcels, have been removed from the Project Property legal description. The two remaining lots (now 12-840-31-15-02-0-00-000) have also been removed. Parcels 12-840-21-02-00-0-00-000 and 12-840-21-01-00-0-00-000 were removed by the Partial Release and Amendment to Redevelopment Contract dated October 25, 2021, and recorded as Instrument No. 2021E0128993. In addition, the following parcels have been removed and are no longer subject to this Contract:

- 315 Cherry Street (12-840-21-03-00-0-00-000) currently owned by Anh T. Nguyen
- 300 Gillis Street (12-840-24-01-00-0-00-000) currently owned by the Housing Authority of Kansas City, Missouri
- No Address (12-840-49-01-00-0-00-000) currently owned by the Housing Authority of Kansas City, Missouri
- 1007 E. 4th Street (12-840-47-01-01-0-00-000) currently owned by the Housing Authority of Kansas City, Missouri
- 700 E. 5th Street (12-840-26-04-00-0-00-000) currently owned by 5 Holmes LLC
- 706 E. 5th Street (12-840-26-05-00-0-00-000) currently owned by 5 Holmes LLC
- 708 E. 5th Street (12-840-26-06-00-0-00-000) currently owned by 5 Holmes LLC
- 808 E. 5th Street (12-840-25-12-00-0-00-000) currently owned by C&S Hall Loft, LLC

Except for these changes and for updated legal descriptions of the Phase One Property and the Phase Two Property, the Property remains the same as described in the Original Contract.

Parcel	Address	Jackson Co. Parcel #	Legal Description	Phase
7	401 Cherry Street	12840271200000000	BLOCK 1, LOT 1, COLUMBUS PARK PHASE 1	2
8	701 E. 4 th Street 770 E. 5 th Street 400 Charlotte Street	12840260900000000	BLOCK 3, LOT 1, COLUMBUS PARK PHASE 1	1
9	751 E. 4 th Street	12840261000000000	BLOCK 3, TRACT A, COLUMBUS PARK PHASE 1	1
10	401 Charlotte Street	12840251300000000	BLOCK 4, LOT 2, COLUMBUS PARK PHASE 1	2
11	881 E. 4 th Street	12840251400000000	BLOCK 4, LOT 3, COLUMBUS PARK PHASE 1	2
12	808 E. 5 th Street	12840251200000000	BLOCK 4, LOT 1, COLUMBUS PARK PHASE 1	2

Legal Description of the Phase One Property (according to the recorded plats thereof dated July 15, 2015, as Document No. 2015E0062508, Book 157, Pages 1-15 and August 5, 2015, as Document No. 2015E0070325, Book 14, Pages 10-11)

ALL OF LOT 1, BLOCK 2 AND LOT 1, BLOCK 3 AND LOT 1, BLOCK 5 AND TRACT A AND TRACT C, COLUMBUS PARK PHASE 1, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI, TOGETHER WITH ALL THAT PART OF TRACT B, COLUMBUS PARK PHASE 1, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK 5, SAID COLUMBUS PARK PHASE 1; THENCE S14°34'22"E, ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 1, 20.00 FEET TO THE SOUTHERLY LINE OF SAID TRACT B; THENCE S75°47'38"W, ALONG SAID SOUTHERLY LINE, 135.26 FEET; THENCE CONTINUING ALONG THE SOUTHERLY AND SOUTHWESTERLY LINES OF SAID TRACT B ON A CURVE TO THE RIGHT WITH A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 89°40'40", AN ARC DISTANCE OF 23.48 FEET; THENCE N14°31'43"W, ALONG THE WESTERLY LINE OF SAID TRACT B, 5.08 FEET, TO THE NORTHERLY LINE OF SAID TRACT B; THENCE N75°47'38"E, ALONG SAID NORTHERLY LINE, 150.16 FEET, TO THE POINT OF BEGINNING.

Legal Description of the Phase Two Property (according to the recorded plat thereof dated July 15, 2015, as Document No. 2015E0062508, Book 157, Pages 1-15 and August 5, 2015, as Document No. 2015E0070325, Book 14, Pages 10-11)

- 1. Block 1, Lot 1, Columbus Park Phase I, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof. (containing 55,110 square feet, more or less) ("Block 1, Lot 1")**
- 2. Block 4, Lot 1, Columbus Park Phase I, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.** TOGETHER WITH, ALL THAT PART OF LOT 2, BLOCK 4, COLUMBUS PARK PHASE 1, A SUBDIVISION IN SECTION 32, TOWNSHIP 50 NORTH, RANGE 33 WEST, KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE N14°41'26"W, ALONG THE WESTERLY LINE OF SAID LOT 2, 22.57 FEET, TO THE

WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 3 OF SAID BLOCK 4; THENCE N75°46'04"E, ALONG SAID WESTERLY PROLONGATION, 142.02 FEET, TO THE EASTERLY LINE OF SAID LOT 2; THENCE S14°39'13"E, ALONG SAID EASTERLY LINE, 20.60 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 2; THENCE S74°58'15"W, ALONG THE SOUTHERLY LINE OF SAID LOT 2, 142.01 FEET TO THE POINT OF BEGINNING, CONTAINING 19,137 SQUARE FEET, MORE OR LESS.

3. Block 4, Lot 2, Columbus Park Phase I, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof. EXCEPT, ALL THAT PART OF LOT 2, BLOCK 4, COLUMBUS PARK PHASE 1, A SUBDIVISION IN SECTION 32, TOWNSHIP 50 NORTH, RANGE 33 WEST, KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE N14°41'26"W, ALONG THE WESTERLY LINE OF SAID LOT 2, 22.57 FEET, TO THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 3 OF SAID BLOCK 4; THENCE N75°46'04"E, ALONG SAID WESTERLY PROLONGATION, 142.02 FEET, TO THE EASTERLY LINE OF SAID LOT 2; THENCE S14°39'13"E, ALONG SAID EASTERLY LINE, 20.60 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 2; THENCE S74°58'15"W, ALONG THE SOUTHERLY LINE OF SAID LOT 2, 142.01 FEET TO THE POINT OF BEGINNING, CONTAINING 22,579 SQUARE FEET MORE OR LESS.

4. Block 4, Lot 3, Columbus Park Phase I, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof. (22,570 square feet) ("Block 4, Lot 2")

5. Block 5, Lot 2, Columbus Park Phase I, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, TOGETHER WITH, ALL THAT PART OF TRACT B, COLUMBUS PARK PHASE 1, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 2 BLOCK 5, SAID COLUMBUS PARK PHASE 1; THENCE N75°47'38"E, ALONG THE NORTHERLY LINE OF SAID TRACT B, 150.16 FEET, TO THE EASTERLY LINE OF SAID TRACT B; THENCE S14°37'00"E, ALONG SAID EASTERLY LINE, 4.89 FEET; THENCE CONTINUING ALONG THE EASTERLY AND SOUTHEASTERLY LINES OF SAID TRACT B ON A CURVE TO THE RIGHT WITH A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90°24'38", AN ARC DISTANCE OF 23.67 FEET; THENCE S75°47'38"W, ALONG THE SOUTHERLY LINE OF SAID TRACT B, 135.07 FEET, TO THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 2; THENCE N14°34'22"W, ALONG SAID SOUTHERLY PROLONGATION, 20.00 FEET, TO THE POINT OF BEGINNING, CONTAINING IN TOTAL 29,978 SQUARE FEET MORE OR LESS.



PLAN	PLAN	PLAN	PLAN
61-N	61-E	61-S	61-W

TRAVERSE TABLE

LINE	BEARING	DISTANCE	ANGLE
1	S 74° 41' 00" E	150.00	74° 41' 00"
2	S 74° 41' 00" E	150.00	74° 41' 00"
3	S 74° 41' 00" E	150.00	74° 41' 00"
4	S 74° 41' 00" E	150.00	74° 41' 00"
5	S 74° 41' 00" E	150.00	74° 41' 00"

EXISTING STREET GRADES

STREET	DATE
100 FEET TO CAMPBELL ST.	APR. 15, 1977
454 FEET TO HOLMES ST.	MAY 15, 1977
324 FEET TO CHARLOTTE ST.	MAY 15, 1977
354 FEET TO CAMPBELL ST.	MAY 15, 1977
250 FEET TO HOLMES ST.	MAY 15, 1977
250 FEET TO CHARLOTTE ST.	MAY 15, 1977

STATE PLANE COORDINATES IN METERS

1	22854.100
2	22854.200
3	22854.300
4	22854.400
5	22854.500
6	22854.600
7	22854.700
8	22854.800
9	22854.900
10	22855.000
11	22855.100
12	22855.200
13	22855.300
14	22855.400
15	22855.500

BATCH LEGEND

[Symbol]	BOUNDARY TO BE RECORDED BY THIS PLAT
[Symbol]	BOUNDARY TO BE RECORDED BY THIS PLAT



STATE PLANE NOTE
 COORDINATES AND BOUNDARY DATA OF THIS PLAT WERE OBTAINED FROM THE MISSOURI DEPARTMENT OF CONSERVATION. THE MISSOURI DEPARTMENT OF CONSERVATION HAS CONDUCTED AN AERIAL PHOTOGRAMMETRIC SURVEY OF THIS PLAT AND HAS DETERMINED THAT THE COORDINATES AND BOUNDARY DATA ARE ACCURATE TO WITHIN ONE FOOT (0.3048 METERS). THIS PLAT WAS PREPARED FROM THE ORIGINAL SURVEY DATA OBTAINED FROM THE MISSOURI DEPARTMENT OF CONSERVATION. DATE: 12/28/2017

CURVE DATA

1	BACKSIGHT	APR 15 1977
2	BACKSIGHT	APR 15 1977
3	BACKSIGHT	APR 15 1977
4	BACKSIGHT	APR 15 1977
5	BACKSIGHT	APR 15 1977
6	BACKSIGHT	APR 15 1977
7	BACKSIGHT	APR 15 1977
8	BACKSIGHT	APR 15 1977
9	BACKSIGHT	APR 15 1977
10	BACKSIGHT	APR 15 1977
11	BACKSIGHT	APR 15 1977
12	BACKSIGHT	APR 15 1977
13	BACKSIGHT	APR 15 1977
14	BACKSIGHT	APR 15 1977
15	BACKSIGHT	APR 15 1977

DATE: 12/28/2017
 DRAWN BY: J. D. ...
 CHECKED BY: ...
 TALLEPPO & BROWN, INC.
 CONSULTING ENGINEERS, INC.
 300 S. 4TH ST. STE. 200
 KANSAS CITY, MO 64101
 TEL: 816-234-5678

LEGEND
 DIMENSIONS
 DISTANCE
 AREA
 PERCENTAGE

SHEET 2 OF 2