

**AN ORDINANCE APPROVING THE AMENDED BRANSON LANDING TAX INCREMENT FINANCING PLAN.**

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**WHEREAS**, on January 23, 2003, the Board of Aldermen adopted Ordinance No. 2003-016, which approved the Branson Landing Tax Increment Financing Plan ("Redevelopment Plan"), approved the Redevelopment Area for that Redevelopment Plan, approved HCW Development Company, LLC as the Developer under the Redevelopment Plan, and authorized other actions with respect to the Redevelopment Plan, all pursuant to the provisions of the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the "Act"); and

**WHEREAS**, the City has prepared amendments to the Redevelopment Plan to update the Plan and bring the Plan text, data and exhibits into conformance with revised estimated reimbursable and redevelopment project costs, development schedules, sources of funds, estimated payments in lieu of taxes and economic activity taxes, updated land valuation data and other updated information; and

**WHEREAS**, the amendments to the Redevelopment Plan do not alter the exterior boundaries of the Redevelopment Area, affect the general land uses within the Redevelopment Area or change the nature of any of the redevelopment projects, all as originally approved by Ordinance No. 2003-016; and

**WHEREAS**, the City and the Developer have jointly determined the location of the Redevelopment Project Areas within the Redevelopment Area, in which the City will adopt tax increment financing in each Redevelopment Project Area pursuant to the Redevelopment Plan and the Act; and

**WHEREAS**, pursuant to the provisions of the Act, the Branson Tax Increment Financing Commission ("Commission") notified the affected taxing jurisdictions of their right to designate representatives to serve as members of the Commission for the purpose of conducting a public hearing and making recommendations regarding amendments to the Redevelopment Plan and the designation of Redevelopment Project Areas, and the taxing jurisdictions thereafter designated representatives to the Commission; and

**WHEREAS**, on February 28, 2005, after due notice in accordance with the Act, the Commission so constituted held a public hearing at which all interested persons and taxing districts affected by the Redevelopment Plan were afforded an opportunity to make comments, file written objections, protests and be heard orally regarding amendments to the Redevelopment Plan and the designation of Redevelopment Project Areas; and

**WHEREAS**, on February 28, 2005, the Commission having heard and considered the objections, protests, comments, and other evidence adduced at the public hearings, closed the public hearing and voted to recommend approval of amendments to the Redevelopment Plan and approval of the Redevelopment Project Areas; and

**WHEREAS**, after February 28, 2005, certain additional amendments to the Redevelopment Plan were deemed necessary in order to better identify two of the Redevelopment Project Areas; and

**WHEREAS**, the Board of Aldermen, having considered the objections, protests, comments, and other evidence adduced at the Commission public hearing, and the recommendation of the Commission, desires to approve the amended Redevelopment Plan, including without limitation the amendments described in the prior recital.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, as follows:**

**SECTION 1.** The Board of Aldermen hereby re-affirms and ratifies the findings set forth in Ordinance No. 2003-016 regarding the Redevelopment Plan.

**SECTION 2.** The Board of Aldermen hereby re-affirms and ratifies the designation of the Redevelopment Area in Ordinance No. 2003-016.

**SECTION 3.** The amended Redevelopment Plan, a copy of which is on file in the Office of the City Clerk, is hereby approved and adopted as amended. In the event of any conflict or inconsistency between the Redevelopment Plan and this Ordinance, the provisions of this Ordinance shall control.

**SECTION 4.** The City Attorney, the City's special counsels and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance, to create those funds and accounts required by the Act to implement the amended Redevelopment Plan, and to execute and deliver for and on behalf of the City all certificates, instruments and agreements or other documents as may be necessary, desirable, convenient or proper to perform all matters authorized herein.

**SECTION 5.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

Read this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Read this second time, passed, and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Louis E. Schaefer  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa K Westfall  
City Clerk

\_\_\_\_\_  
Gilmore & Bell, P.C.  
Special Counsel to the City

**AMENDMENT TO BRANSON LANDING  
TAX INCREMENT FINANCING PLAN**

1. In Exhibit 1, under the heading "LEGAL DESCRIPTION OF THE REDEVELOPMENT PROJECT AREAS" the legal description under the subheading "PROJECT 1: WATERFRONT ENTERTAINMENT DISTRICT" is hereby deleted in its entirety and replaced with the following legal description:

2. In Exhibit 2, under the heading "LEGAL DESCRIPTION OF THE REDEVELOPMENT PROJECT AREAS" the legal description under the subheading "PROJECT 2: CONVENTION CENTER" is hereby deleted in its entirety and replaced with the following legal description:

3. In Exhibit 3, under the heading "LEGAL DESCRIPTION OF THE REDEVELOPMENT PROJECT AREAS" the legal description under the subheading "PROJECT 4: BASS PRO PAD" is hereby deleted in its entirety and replaced with the following legal description:

**EXHIBIT 1**

**DESCRIPTION OF  
REDEVELOPMENT PROJECT 1  
WATERFRONT ENTERTAINMENT DISTRICT**

All of Lots 1, 2, 3, 4, 5 and 6 of the Final Replat of Branson Landing, except the following area:

A tract of land being a part of Lot 4 of the FINAL REPLAT OF BRANSON LANDING, a subdivision recorded in Plat Book/Slide G, at Pages 767 through 770 of the records of Taney County, Missouri, said tract being situated in the W1/2 of Section 4, Township 22 North, Range 21 West in the City of Branson, Taney County, Missouri, being more particularly described as follows:

Commencing at the Northwest corner of said Lot 4 of BRANSON LANDING; thence South 88° 11' 53" East, along the North line of said Lot 4, 71.62 feet to the Southwest corner of Lot 3 of said FINAL REPLAT OF BRANSON LANDING; thence South 10° 25' 37" East 178.74 feet for a POINT OF BEGINNING; thence North 82° 07' 39" East, 201.30 feet; thence South 65° 07' 06" East, 104.44 feet; thence North 77° 23' 51" East, 89.41 feet; thence South 01° 44' 13" West, 17.70 feet; thence South 00° 16' 15" East 340.31 feet; thence South 01° 39' 50" East 112.28 feet; thence South 04° 23' 03" West 96.02 feet; thence South 12° 05' 57" West 100.87 feet; thence South 13° 54' 54" West 17.84 feet; thence North 85° 03' 51" West 252.06 feet; thence North 04° 09' 13" East 91.70 feet; thence North 87° 51' 54" West 62.12 feet; to a point on the East side of Branson Landing Boulevard; along Branson Landing Boulevard as follows; thence Northwesterly along a segment of a curve to the Left having an arc length of 286.78 feet (said segment having a chord bearing and distance of North 01° 08' 44" West, 286.22 feet and having a radius of 1331.00 feet; thence North 07° 39' 04" West 34.51 feet; thence Northwesterly along a segment of a curve to the left having an arc length of 245.48 feet (said segment having a chord bearing and distance of North 08° 59' 45" West 245.46 feet and having a radius of 5230.03 feet); thence North 82° 07' 39" East, leaving Branson Landing Boulevard 4.00 feet to the said POINT OF BEGINNING. Containing 5.20 acres of land, more or less.

## EXHIBIT 2

### DESCRIPTION OF REDEVELOPMENT PROJECT 2 CONVENTION CENTER

A tract of land being situated in the SE1/4 of the SW1/4 of Section 33, Township 23 North, Range 21 West and Lot 9 of fractional Section 4, Township 22 North, Range 21 West, in the City of Branson, Taney County, Missouri, being more particularly described as follows:

Beginning at an existing "+" in concrete marking the Southeast corner of the intersection of Main Street and Sycamore street; Thence South  $88^{\circ}19'30''$  East, along the south right-of-way line of Main street, a distance of 157.23 feet to a point on the proposed new westerly right-of-way line of Missouri Pacific Railroad; Along the proposed westerly right-of-way line of Missouri Pacific Railroad as follows: Thence South  $03^{\circ}42'47''$  East a distance of 45.88 feet; Thence southerly along a curve to the left having an arc length of 50.74 feet (said curve having a chord bearing and distance of South  $05^{\circ}35'18''$  East, 50.73 feet, and having a radius of 775.00 feet); Thence South  $07^{\circ}27'50''$  East a distance of 11.42 feet; Thence southerly along a curve to the left having an arc length of 142.47 feet (said curve having a chord bearing and distance of South  $09^{\circ}45'48''$  East, 142.43 feet and having a radius of 1775.00 feet); Thence South  $12^{\circ}03'46''$  East a distance of 20.65 feet; Thence southerly along a curve to the left having an arc length of 64.58 feet (said curve having a chord bearing and distance of South  $12^{\circ}47'43''$  East, 64.57 feet, and having a radius of 2,525.00 feet); Thence South  $13^{\circ}31'57''$  East a distance of 17.97 feet; Thence South  $12^{\circ}55'24''$  East a distance of 171.68 feet; Thence southerly along a curve to the right having an arc length of 14.39 feet, (said curve having a chord bearing and distance of South  $12^{\circ}45'25''$  East, 14.39 feet and having a radius of 2,475.00 feet); Thence South  $12^{\circ}35'25''$  East a distance of 58.83 feet; Thence southerly along a curve to the right having an arc length of 39.52 feet (said curve having a chord bearing and distance of South  $11^{\circ}49'22''$  East, 39.52 feet, and having a radius of 1475.00 feet); Thence South  $11^{\circ}03'19''$  East a distance of 142.10 feet; Thence southerly along a curve to the right having an arc length of 16.09 feet (said curve having a chord bearing and distance of South  $10^{\circ}34'57''$  East, 16.09 feet and having a radius of 975.00 feet); Thence South  $10^{\circ}06'36''$  East a distance of 1.77 feet; Thence North  $79^{\circ}25'03''$  East a distance of 5.00 feet; Thence South  $10^{\circ}06'36''$  East a distance of 274.65 feet; Thence South  $79^{\circ}53'24''$  West a distance of 5.00 feet; Thence South  $10^{\circ}06'36''$  East a distance of 22.70 feet; Thence southerly along a curve to the right having an arc length of 19.91 feet (said curve having a chord bearing and distance of South  $08^{\circ}35'19''$  East, 19.91 feet and having a radius of 375.00 feet); Thence South  $07^{\circ}04'02''$  East a distance of 176.95 feet; Thence southeasterly along a curve to the right having an arc length of 3.99 feet a (said curve having a chord bearing and distance of South  $06^{\circ}09'08''$  East, 3.99 feet a radius of 125.00 feet); Thence southwesterly along a curve to the right having an arc length of 484.99 feet (said curve having a chord bearing and distance of South  $11^{\circ}57'57''$  West, 482.51 feet and having a radius of 1382.69 feet) to Sta 9927+59.2 on the existing Missouri-Pacific Railroad right-of-way line, said point being 50 feet distance from and parallel to the center line of the main track; Thence North  $67^{\circ}57'18''$  West, along a radial line, a

distance of 50.00 feet, said point being 100 feet distance from and parallel to the center line of the main track; Thence northeasterly along the existing Missouri-Pacific Railroad right-of-way line and along a segment of a curve left having an arc length of 197.85 feet, (said segment having a chord bearing and distance of North 17°45'40" East, 197.67 feet and having a radius of 1332.69 feet) to a point on the south line of Price Street extended and being on the north line of Block 38 of the plat of Block 37, 38 City of Branson, as recorded in Plat Book 3, at Page 60A; Thence North 89°06'05" West along the south line of Price Street extended, a distance of 175.16 feet to an existing 1/2" iron pin marking the Northwest corner of the property described in Book 393, at Page 4827 of the records of Taney County Recorder's Office; Thence South 01°20'01" West, a distance of 160.29 feet to an existing 1/2" iron pin; Thence North 88°46'18" West, a distance of 0.71 feet to the Northwest corner of the property described in Book 262, at Page 969 of the records of the Taney County Recorder's Office; Thence South 00°52'00" West a distance of 104.90 feet to a point on the north right-of-way line of Long Street and on the South line of said Block 38; Thence North 89°02'29" West, along the south line of Block 38, a distance of 147.25 feet to the Northeast corner of the intersection of Long Street and Sycamore Street; Thence North 00°57'44" East, along the east right-of-way line of Sycamore, a distance of 1475.51 feet to the southeast corner of the intersection of Pacific Street and Sycamore Street; Thence North 01°00'21" East to a point at the northeast intersection of Pacific Street and Sycamore Street; Thence North 01°03'02" East, along the east right-of-way line of Sycamore Street, a distance of 269.31 feet to the Point of Beginning, Containing 11.87 acres of land, more or less.

TOGETHER WITH:

All of Lots 13 through 19 of Block 3, all of Lots 7 through 18 of Block 4 and part of Lots 6 and 19 of Block 4 and portion of the platted alley through Block 4 and a portion of Pacific Street, in the Town of Branson, a subdivision plat recorded in Plat Book 1, at Page 12 of the records of Taney County, Missouri, all in the City of Branson, Taney County, Missouri.

Beginning at and existing 1/2" iron pin marking the northwest corner of Lot 19 of Block 3 of the Town of Branson; Thence South 88°15'06" East, along the north line of Lot 13 through 19 of Block 3, a distance of 175.13 feet to the northeast corner of Lot 13 of Block 3; Thence South 01°03'02" West a distance of 127.39 feet to the southeast corner of said Lot 13 of Block 3; Thence South 01°00'25" West a distance of 60.00 feet to the Northeast corner of Lot 12 of Block 4; Thence South 00°57'44" East along the west right-of-way line of Sycamore Street, a distance of 265.90 feet to the Southeast corner of Block 4 of the Town of Branson; Thence North 88°28'26" West, along the south line of said Block 4, a distance of 173.42 feet; Thence North 01°35'00" East a distance of 140.02 feet to a point on the South line of Lot 6 of Block 4; Thence South 88°28'00" East, along the south line of Lot 6 of Block 4, a distance of 12.00 feet; Thence North 00°58'01" East a distance of 126.44 feet to a point on the north line of Lot 6 of Block 4; Thence North 88°16'12" West, along the north line of Lot 6 of Block 4, a distance of 15.49 feet; Thence North 01°07'00" East a distance of 187.45 feet to the Point of Beginning, Containing 1.77 acres of land, more or less.

### EXHIBIT 3

#### DESCRIPTION OF REDEVELOPMENT PROJECT 4 BASS PRO PAD

A tract of land being a part of Lot 4 of the FINAL REPLAT OF BRANSON LANDING, a subdivision recorded in Plat Book/Slide G, at Pages 767 through 770 of the records of Taney County, Missouri, said tract being situated in the W1/2 of Section 4, Township 22 North, Range 21 West in the City of Branson, Taney County, Missouri, being more particularly described as follows:

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