

[Summary Published in *The Gardner News* on August 28, 2019]

ORDINANCE NO. 2021

AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Edgerton, Kansas (the “City”) is authorized to assist in the development and redevelopment of eligible areas within the City in order to promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities;

WHEREAS, pursuant to the Act, the Governing Body of the City adopted Resolution No. 07-11-19B (the “Resolution”) on July 11, 2019, finding and determining that it is desirable to encourage the development and redevelopment of certain real property within the City generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane, and to consider the establishment of a tax increment financing redevelopment district at such location (the “Redevelopment District”);

WHEREAS, the Resolution provided for a notice of a public hearing considering the establishment of the Redevelopment District to be given in accordance with the Act and that said public hearing would be held on August 22, 2019;

WHEREAS, a notice of the public hearing was duly given in accordance with the Act;

WHEREAS, on this date the Governing Body of the City conducted and concluded a public hearing on the Redevelopment District;

WHEREAS, an improved area of the City comprising 15% or less of the land area within the corporate limits of the City in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of certain factors as described in K.S.A. 12-1770a(d), may be deemed a “conservation area” which is eligible to be considered for the financing of redevelopment projects pursuant to the Act; and

WHEREAS, the Governing Body of the City has received and reviewed a Redevelopment Area Qualification/Eligibility Analysis related to the proposed Redevelopment District.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS AS FOLLOWS:

Section 1. Conservation Area; Findings of Fact. The Governing Body of the City

hereby finds and determines that the area of the Redevelopment District is a "conservation area," as defined in K.S.A. 12-1770a(d), which makes it an "eligible area" as defined by the Act. The Governing Body of the City hereby finds and determines that the redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

Section 2. Redevelopment District Plan. The district plan for the Redevelopment District includes two redevelopment project areas. Project area A is located on the northeast corner of Interstate 35 and Homestead Lane. Project area B is located on the northwest corner of Interstate 35 and Homestead Lane. Both project areas will contain truck stops, truck maintenance facilities, restaurants, hotels and other transportation and workforce related services, along with associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and other associated and appurtenant structures and facilities.

Section 3. Redevelopment District Description. A sketch of the area to be included in the Redevelopment District is attached hereto as **Exhibit A**. The legal description of the Redevelopment District is set forth on **Exhibit B** attached hereto and incorporated herein by reference.

Section 4. Boundaries. The Redevelopment District is within the boundaries approved by the resolution setting the hearing for the proposed Redevelopment District and published in the notice of the public hearing.

Section 5. Establishment of Redevelopment District. The Governing Body of the City hereby establishes the Redevelopment District in compliance with the Act.

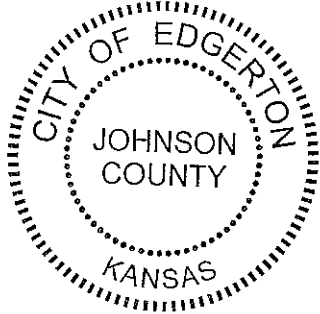
Section 6. Ability to Terminate. The Redevelopment District may be terminated by the Governing Body at any time by passage and publication of an ordinance; provided that following the execution and delivery of a redevelopment agreement or agreements by the City entered into between the City and an entity or entities with rights to develop property within the Redevelopment District, the termination of the Redevelopment District may be limited by the terms and conditions of such agreement or agreements.

Section 7. Project Plan Approval. Nothing contained in this Ordinance shall obligate the City to approve any project plan within the Redevelopment District.

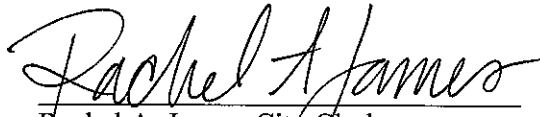
Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Board of the City and publication in an official City newspaper.


PASSED by the Council of the City of Edgerton, Kansas, this 22nd day of August, 2019.

[SEAL]



ATTEST:


Rachel A. James, City Clerk


Donald Roberts, Mayor

Approved as to form:



Scott W. Anderson, Bond Counsel

EXHIBIT A

Map of Boundaries of Proposed Redevelopment District



EXHIBIT B

Legal Description

Kansas Uniform Parcel # 046-202-09-0-10-01-009.02-0

TRACT I:

All that part of the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150 feet to the point of beginning, said point being on the Northerly right-of-way line of I-35 Highway; thence South 0 degrees 34 minutes 28 seconds East, along the Northerly right-of-way line of said I-35 Highway, 278.50 feet; thence South 54 degrees 55 minutes 40 seconds West, along the Northerly right-of-way line of said I-35 Highway, 255.31 feet; thence South 61 degrees 00 minutes 19 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.51 feet; thence South 55 degrees 17 minutes 10 seconds West, along the Northerly right-of-way of said I-35 Highway, 300.00 feet; thence South 49 degrees 33 minutes 32 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.45 feet; thence South 56 degrees 17 minutes 10 seconds West, along the Northerly right-of-way line of said I-35 Highway, 332.33 feet; thence Southwesterly along the Northerly right-of-way line of said I-35 Highway on a curve to the Right having a radius of 22,768.30 feet, 1,865.80 feet, to a point on the West line of the Southeast Quarter of said Section 9; thence North 0 degrees 27 minutes 14 seconds West, along the West line of the Southeast Quarter of said Section 9, 1,904.32 feet to the Northwest corner of the Southeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East, 2,480.69 feet to the Point of Beginning, except those parts in streets or roads.

And except

A tract of land lying in the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Commencing on the Northeast corner of the Southeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150.00 feet to the Northerly right-of-way line of I-35 Highway; thence along said Northerly right-of-way line South 00 degrees 34 minutes 28 seconds East, 278.50 feet; thence continuing along said Northerly right-of-way line South 54 degrees 55 minutes 40 seconds West, 255.31 feet; thence continuing along said Northerly right-of-way line South 61 degrees 00 minutes 19 seconds West, 100.51 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 300.00 feet; thence continuing along said Northerly right-of-way line South 49 degrees 33 minutes 32 seconds West, 21.48 feet to the point of beginning; thence continuing South 48 degrees 33 minutes 32 seconds West along said Northerly right-of-way line of I-35 Highway, 79.05 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 332.23 feet; thence Southwesterly, along said Northerly right-of-way line, along a curve to the Right, having a radius of 22,768.30 feet, a central angle of 04 degrees 41 minutes 43 seconds, 1,865.80 feet to the West line of the Southeast Quarter of Section 9; thence North 00 degrees 27 minutes 14 seconds West along said West line of the Southeast Quarter of Section 9, 1,242.01 feet; thence South 89 degrees 54 minutes 42 seconds East, 1,918.80 feet to the point of beginning, except that part in road and highway.

TRACT II:

Beginning at a point 879.74 feet West of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence North 330 feet; thence West 1320 feet; thence South 330 feet;

thence East 1320 feet to the point of beginning, except those parts in streets or roads.

And:

A tract of land in the South Half of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Beginning at a point 879.74 West and 330.00 feet North of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence West 1320.00 feet to the center of a cul-de-sac; thence North 330.00 feet along the center line of an access road; thence East 330.00 feet and along the center line of said access road; thence continuing East 990.00 feet; thence South 330.00 feet to the point of beginning, except that part thereof in streets, roads or public right-of-way.

Except:

All that part of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West along the South line of the Northeast Quarter of said Section 9, 879.74 feet to the true point of beginning; thence North 00 degrees 21 minutes 16 seconds West parallel to the East line of said Section 9, 680.00 feet; thence North 89 degrees 50 minutes 55 seconds West 980.53 feet; thence South 00 degrees 27 minutes 14 seconds East along the Easterly right-of-way line of Pepper Tree Lane, 25.00 feet; thence North 89 degrees 50 minutes 55 seconds West along the Southerly right-of-way line of Pepper Tree Lane, 300.00 feet; thence South 00 degrees 27 minutes 16 seconds East, 50.00 feet; thence South 89 degrees 50 minutes 55 seconds East, 350.00 feet; thence South 31 degrees 48 minutes 49 seconds East, 63.40 feet; thence South 01 degrees 02 minutes 55 seconds East, 107.74 feet; thence South 39 degrees 42 minutes 31 seconds West, 27.31 feet; thence South 12 degrees 18 minutes 34 seconds East, 32.12 feet; thence South 39 degrees 22 minutes 58 seconds East, 35.76 feet; thence South 88 degrees 39 minutes 55 seconds East, 48.26 feet; thence North 78 degrees 35 minutes 27 seconds East, 29.31 feet; thence North 53 degrees 35 minutes 10 seconds East, 26.17 feet; thence North 43 degrees 04 minutes 52 seconds East, 17.52 feet; thence South 51 degrees 56 minutes 36 seconds East, 78.15 feet; thence South 89 degrees 50 minutes 55 seconds East, 252.55 feet; thence South 00 degrees 21 minutes 16 seconds East, 330.00 feet; to a point on the South line of the Northeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East along the South line of the Northeast Quarter of said Section 9, 442.00 feet to the point of beginning.

Kansas Uniform Parcel # 046-202-09-0-10-01-001.00-0

The East One-Third (1/3) of the Northeast Quarter (NE 1/4) excluding that part in roads and Highways of Section 9, Township 15, Range 22, in the City of Edgerton, Johnson County, Kansas.

Kansas Uniform Parcel # 046-202-10-0-20-01-002.00-0

Part of the Northwest One-Quarter of Section 10, Township 15 South, Range 22 East of the 6th Principal Meridian, Johnson County, Kansas. Lying North of Highway 35 as now established, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwesterly right-of-way of Highway I-35 as recorded in Book 201108, Page 001191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (decd 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right of way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING. Except part in road and highway.

Kansas Uniform Parcel # 046-202-10-0-20-01-001.00-0

The North Half of the Northwest Quarter of Section 10, Township 15, Range 22, in Johnson County, Kansas, and

The North 25 Acres of Southeast Quarter, Northwest Quarter Section 10, Township 15, Range 22, Johnson County, Kansas, and

The West Half (W 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4), and the South Fifteen Acres (S 15 Acres) of the East Half (E 1/2) of the South Half (S 1/2) of the Northwest Quarter of Section Ten (10), Township Fifteen (15) Range Twenty Two (22), Johnson County, Kansas, containing Fifty Five (55), acres, more or less, and

All of Lot 6 Except the South 514.50 feet of the east 121.7 feet; and except the South 145 feet of the West 100.3 feet of the East 222 feet of County Clerk's subdivision of the NW 1/4 of Section 7, Township 15, Range 22, in Johnson County, Kansas.