ORDINANCE NO. 965

AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDWARDSVILLE, KANSAS PURSUANT TO K.S.A. 12-1770 *ET SEQ.*, AS AMENDED (VILLAGE SOUTH AT EDWARDSVILLE PROJECT).

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the City of Edwardsville, 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. 2016-11 (the "Resolution") on May 23, 2016, finding and determining that it is desirable to encourage the development and redevelopment of certain real property within the City generally located at the southeast corner of 110th Street and Interstate 70 and to consider the establishment of a tax increment financing redevelopment district at such location (the "Redevelopment District" as further described herein);

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 June 27, 2016;

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

WHEREAS, on June 27, 2016, the Governing Body of the City conducted and concluded a public hearing on the Redevelopment District;

WHEREAS, an area that is determined by the governing body of a city to be "blighted" as described in K.S.A. 12-1770a(c) 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 blight study related to the proposed Redevelopment District;

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

Section 1. The Governing Body of the City hereby finds and determines that the area of the Redevelopment District is "blighted" as defined in K.S.A. 12-1770a(c) and is therefore an "eligible area" as defined by the Act.

Section 2. The legal description of the Redevelopment District is set forth on *Exhibit A* attached hereto and incorporated herein by reference. A sketch of the area to be included in the Redevelopment District is attached hereto as *Exhibit B*.

Section 3. The Governing Body of the City hereby finds and determines that the development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

Section 4. The district plan for the Redevelopment District which identifies all of the project areas and identifies in a general manner all buildings, facilities and improvements in each project area that are proposed to be constructed or improved is attached hereto as *Exhibit C* and incorporated herein by reference.

Section 5. The Redevelopment District is within the boundaries approved by the Resolution and published in the notice of the public hearing.

Section 6. The Governing Body of the City hereby establishes the Redevelopment District in compliance with the Act.

Section 7. 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 8. Nothing contained in this Ordinance shall obligate the City to approve any project plan within the Redevelopment District.

Section 9. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in an official City newspaper.

[*Remainder of Page Intentionally Left Blank*]

PASSED AND APPROVED by the Governing Body of the City of Edwardsville, Kansas this 27th day of June, 2016.

John McTaggart
Mayor

(SEAL)

ATTEST:

Zachary Daniel
Assistant to the City Manager/City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE REDEVELOPMENT DISTRICT

A part of Lot 1 and Lot 2, Lustgraaf Acres, being a Replat of part of Tract 4 and Tract 5, The Norman Farm, all in Wyandotte County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 11, Township 11 South, Range 23 East, thence North 02°06'15" West, along the West line of the Southwest Quarter of said Section 11, with this and the following bearings based upon the Kansas State Plane Coordinate System of 1983, 2011 Adjustment, a distance of 471.80 feet to intersection of said West line with the South line of Lot 2, said Lustgraaf Acres; thence North 87°31'44" East (North 89°37'49" East – Platted), along said South line, a distance of 30.00 (measured and platted) feet to the Easterly right of way of 110th Street as dedicated by said Lustgraaf Acres, said point being the Southwestern most corner of said Lot 2 and POINT OF BEGINNING; thence North 02°06'15" West (North 00°00'00" East – Platted), along said Easterly right of way and Westerly line of said Lot 2, a distance of 10.71 feet (Measured and Platted); thence North 87°53'45" East (North 89°37'49" East – Platted), continuing along said right of way and Westerly line of said Lot 2, a distance of 20.00 feet (Measured and Platted) to the Easterly Right of Way of 110th Street as established for the Kansas Turnpike Authority, Contract 9-38-E(1), circa 1955; thence North 00°17'22" East (North 02°24'03" East – Platted), continuing along said Easterly right of way and Westerly line of said Lot 2 and Lot 1, a distance of 746.89 feet to the intersection of said Easterly right of way with the South line of a Permanent Easement recorded as Document No. 1197804, in Book 3744 at Page 543 in the Office of the Register of Deeds, Wyandotte County, Kansas; thence North 66°44'54" East, along said South line, a distance of 655.90 feet to the intersection of said South line with the Southerly Right of Way of said Kansas Turnpike and North line of said Lustgraaf Acres; thence North 85°25'56" East (North 87°34'00" East – Platted) along said Southerly Turnpike Right of Way and North line of said Lots 1 & 2, a distance of 637.64 feet (634.69' – Platted) to the intersection of said lines with the Easterly line of said Lot 2; thence South 02°06'15" East (South 00°00'00" East – Platted) along the East line of said Lot 2, a distance of 1,012.66 feet (1,009.20 feet – Platted) to the Southeast corner of said Lot 2; thence South 87°31'44" West (South 89°37'49" West – Platted), along the South line of said Lot 2, a distance of 1,300.00 feet (measured and platted) to the POINT OF BEGINNING.

EXHIBIT B

SKETCH OF THE REDEVELOPMENT DISTRICT

EXHIBIT C

REDEVELOPMENT DISTRICT PLAN

The Redevelopment District will consist of two redevelopment project areas, and a general description of the buildings, facilities and improvements that are proposed to be constructed or improved in each redevelopment project area is as follows:

- Project Area 1 (located in the northwest portion of the Redevelopment District) – Up to approximately seven (7) buildings to be utilized for a mixture of uses, including retail, restaurant, hotel, convenience store, conference/meeting center, or fast food, along with such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, other associated and appurtenant structures and facilities to the extent permitted under the City's Tax Increment Financing (TIF) Policy.

- Project Area 2 (located in the southeast portion of the Redevelopment District) – Up to approximately ten (10) buildings to be utilized for a mixture of uses including residential, restaurant, retail, or any other commercial structure or use, along with such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, other associated and appurtenant structures and facilities to the extent permitted under the City's Tax Increment Financing (TIF) Policy.