

ORDINANCE NO. 1993

AN ORDINANCE AUTHORIZING AND APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF RUSSELL, KANSAS AND RUSSELL LODGING, LLC, AS DEVELOPER; AND AUTHORIZING THE EXECUTION OF SUCH AGREEMENT.

WHEREAS, the City of Russell, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the second class; and

WHEREAS, the City and Russell Lodging, LLC., a Nebraska limited liability company (the “Developer”) have negotiated the terms of a Development Agreement, dated as of July 5, 2023 (the “Development Agreement”) relating to the redevelopment and development of an area which is generally located between the 1100 and 1300 blocks of South Fossil Street, on the west side of Fossil Street, and north of I-70 (the “Property”); and

WHEREAS, the Developer will redevelop and develop the Property by constructing a 65-room limited-service hotel in the City on the Property, including a 3-story structure built with an EIFS and stone exterior, an indoor swimming pool, fitness room, and adequate parking (the “Project”); and

WHEREAS, in order to induce the Developer to proceed with the Project, the City has formed the Hotel Russell Redevelopment District 2019 (the “TIF District”), a tax increment financing district created pursuant to K.S.A. 12-1770 *et seq* (the “TIF Act”) and is considering a 2023 Hotel Project for the TIF District (the “Project Plan”) in accordance with the provisions of the TIF Act; and

WHEREAS, the Project Plan provides for financing eligible costs of the Project, to the extent TIF District revenues are available; and

WHEREAS, the development and construction of the Project will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens; and

WHEREAS, pursuant to the Constitution, particularly Article 12, Section 5 thereof, and statutes of the State of Kansas, particularly of K.S.A. 12-101 *et seq.*, as amended, and the TIF Act, the Governing Body hereby finds and determines that it is necessary and desirable and in the interest of the public health, safety and welfare, including economic development, of the City and its inhabitants, that the City enter into the Development Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS:

Section 1. Public Benefit. The Governing Body hereby finds and determines that the Project is in the interest of the public health, safety and welfare, including economic development, of the City and its inhabitants will stimulate and foster economic development in the City and its environs in order to enhance and provide for the general and economic development and welfare of the City and its citizens.

Section 2. Development Agreement. The Development Agreement is hereby approved in substantially the form presented to the Governing Body. The Mayor or Vice Mayor of the City is hereby

authorized and directed to execute the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the Development Agreement, with such minor alterations, changes or additions in the Development Agreement as may be approved by the Mayor and approved as to form by the City Attorney, and the execution or taking of such actions shall be conclusive evidence of such necessity or advisability. The City Clerk or any Deputy City Clerk is hereby authorized to attest to and affix the seal of the City to the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.


Section 3. Further Authority. The City shall, and the officers, employees and agents of the City, including Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Development Agreement.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication of a summary thereof one time in the official City newspaper.


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PASSED by vote of the City Council of the City of Russell, Kansas, on July 5, 2023, and **APPROVED** and **SIGNED** by the Mayor.





Ashley Mai, City Clerk



Jim Cross, Mayor

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