

(Published in *Russell County News* on January 17, 2019)

**ORDINANCE NO. 1917**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS, ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (HOTEL RUSSELL REDEVELOPMENT DISTRICT 2019).**

**WHEREAS**, the City of Russell, Kansas (the "City") desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues; and

**WHEREAS**, an "eligible area," as defined in the Act, includes an "enterprise zone," as defined in the Act; and

**WHEREAS**, prior to the creation of any redevelopment district the governing body of the City must adopt a resolution stating that the City is considering the establishing of a redevelopment district, which resolution shall: (1) Give notice that a public hearing will be held to consider the establishment of a redevelopment district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than 30 nor more than 70 days following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district, (3) describe a proposed redevelopment district plan, (4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated, and (5) state that the governing body will consider findings necessary for the establishment of a redevelopment district; and

**WHEREAS**, notice of such public hearing is to give to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed redevelopment project area, and to each owner and occupant of land within the proposed redevelopment district; and

**WHEREAS**, upon the conclusion of such public hearing, the governing body may pass an ordinance which shall: (1) make findings that the redevelopment district proposed to be redeveloped is in an "eligible area," as defined in the Act, and that the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the city (2) contain the redevelopment district plan as approved, (3) contain the legal description of the redevelopment district, and (4) may

establish the redevelopment district, provided that the boundaries of the redevelopment district shall not include any area not designated in the notice of public hearing on the creation of the redevelopment district; and

**WHEREAS**, no privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of the Act, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district that the proposed redevelopment district will have an adverse effect on such county or school district; and

**WHEREAS**, upon the creation of a redevelopment district pursuant to the Act, the City may propose to undertake one or more redevelopment projects and shall prepare a redevelopment project plan, which may be implemented in separate development stages, in consultation with the City's planning commission; and

**WHEREAS**, the Governing Body has heretofore adopted Resolution No. 39-18, which made a finding that the City is considering the establishment of a redevelopment district pursuant to the Act, set forth the boundaries of the proposed redevelopment district, provided a summary of the proposed redevelopment district plan, called a public hearing concerning the establishment of a redevelopment district for January 2, 2019, and provided for notice of such public hearing; and

**WHEREAS**, a public hearing was opened on January 2, 2019 after duly published and delivered notice in accordance with the provisions of the Act; and

**WHEREAS**, at the public hearing the governing body received and reviewed evidence that the District is an area within the City that was designated as an enterprise zone prior to July 1, 1992, pursuant to K.S.A. 12-17,107 through 12-17,113, and amendments thereto, prior to its repeal, and the conservation, development or redevelopment of the area is necessary to promote the general and economic welfare of the City (an "Enterprise Zone"); and

**WHEREAS**, upon and considering the information and public comments received at the public hearing conducted this date, the Governing Body hereby deems it advisable to make certain findings and to create the redevelopment district; and

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

**Section 1. Findings.** The governing body hereby finds that notice of the public hearing conducted this date was made in accordance with the provisions of the Act. The governing body hereby further finds and that the proposed redevelopment district described herein constitutes an Enterprise Zone and is therefore an "eligible area" (as said term is defined in the Act), and the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

**Section 2. Creation of Redevelopment District.** A redevelopment district is hereby created within the City in accordance with the provisions of the Act, which shall consist of the real estate legally described on *Exhibit A* attached hereto, which is incorporated herein by reference (the "Redevelopment District"). The boundaries of the Redevelopment District do not contain any property not referenced in Resolution No. 39-18, which provided notice of the public hearing on the creation of the Redevelopment District.

**Section 3. Redevelopment District Plan.** The preliminary plan for the proposed Redevelopment District (the "District Plan"), as presented to the governing body this date, is hereby approved. The buildings and facilities to be constructed or improved in the Redevelopment District may be described in a general manner as follows:

(i) construction of a 4-story hotel on Parcel A and related site work; (ii) site preparation, grading, and infrastructure development on Parcel B, for the purpose of creating one or more developable commercial/retail pad sites; (iii) construction of new public infrastructure located within the TIF district; and (iv) eligible soft costs and financing costs related to the project.

**Section 4. Approval of Other Governmental Units.** No privately owned property subject to ad valorem taxation within the Redevelopment District shall be acquired and redeveloped pursuant to the Act, if the Board of County Commissioners of Russell County or the Board of Education of Unified School District No. 407 determines by resolution adopted within thirty days following the close of the public hearing on this date, that the Redevelopment District will have an adverse effect on Russell County or Unified School District No. 407, respectively. If such a resolution is delivered to the City, the governing body shall, within 30 days of the receipt of such a resolution, pass an ordinance dissolving the redevelopment district hereby created. As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Russell County or Unified School District No. 407.

**Section 5. Reimbursement.** The Act authorizes the issuance by the City to issue special obligation or general obligation bonds (the "Bonds") to finance all or a portion of the costs of implementing the District Plan. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of passage of this Ordinance, pursuant to Treasury Regulation §1.150-2.

**Section 6. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall be effective upon its passage by the governing body of the City of Russell, Kansas, execution by the Mayor or, without execution, upon the next regular meeting of the governing body, and publication one time in the official City newspaper.

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**PASSED** by the governing body of the City of Russell, Kansas, on January 2, 2019. The Mayor not having approved the ordinance on or before the next regular meeting, took effect without the Mayor's signature as of January 17, 2019.

Attest:



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City Clerk

***CERTIFICATE***

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1917 of the City of Russell, Kansas adopted by the governing body on January 2, 2019, as the same appears of record in my office, and that it was published in *Russell County News* on January 17, 2019

**DATED:** January 17, 2019.



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City Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT**

PARCEL A: All of Lot 11 and the North 66.50' of Lot 10, further described as: Beginning at a point on the West lot line of Lot 10, 133.50' North of the Southwest corner of a 1/2" rebar, the True Point of Beginning; thence East a distance of 268.16' to a 1/2" rebar; thence Northwesterly along the East lot line, the arc of a curve having a degree of curve of 2°36' and a radius of 2203.64' a distance of 67.82' to the Northeast corner of Lot 10, a 1/2" rebar; thence West on the North lot line a distance of 252.85' to the Northwest corner, a 1/2" rebar; thence South on the West lot line a distance of 66.50', the Point of Beginning;

AND

The South 99.85' of Lot 12, further described as: Beginning at a point on the West lot line of Lot 12, 90.00' South of the Northwest corner a 1/2" rebar, the True Point of Beginning; thence South on the West lot line a distance of 99.85' to the Southwest corner, a 1/2" rebar; thence Northeasterly on the South lot line a distance of 199.65' to the Southeast corner, a 1/2" rebar; thence Northwesterly along the East lot line, the arc of a curve having a degree of curve of 2°36' and a radius of 2,203.64', a distance of 32.51' and continuing 67.45' on tangent to the curve to a 1/2" rebar; thence Southwesterly a distance of 200.00' to the Point of Beginning,

All in Block 3, Witt-Carter Addition to the City of Russell, Russell County, Kansas.

and

PARCEL B: The South 133.50' of Lot 10, Block 3, Witt-Carter Addition to the City of Russell, Russell County, Kansas, further described as:

Beginning at the Southwest corner of Lot 10, the True Point of Beginning; thence East on the South lot line a distance of two hundred ninety-two and sixty one hundredths feet (292.60') to the Southeast lot corner; thence Northwesterly along the East lot line, the arc of a curve having a degree of curve of 2°36' and a radius of two thousand two hundred three and sixty-four one hundredths feet (2203.64'), a distance of one hundred thirty-six and fifteen one hundredths feet (136.15') to a 1/2" rebar; thence West a distance of two hundred sixty-eight and sixteen one hundredths feet (268.16') to a 1/2" rebar; thence South on the West lot line a distance of one hundred thirty-three and fifty one hundredths feet (133.50') to the Point of Beginning.