

(Published in *Russell County News* on August 15, 2019)

ORDINANCE NO. 1936

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 (24/7 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. 14-19, 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 August 6, 2019, and provided for notice of such public hearing; and

WHEREAS, a public hearing was opened on August 6, 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. 14-19, 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 or adjacent to the Redevelopment District may be described in a general manner as follows:

- (i) construction of a new travel store, with gas pumps and related equipment; (ii) removal of existing travel store, pumps and equipment; (iii) site preparation, grading, and infrastructure development; (iv) construction of new paving and infrastructure within and contiguous to the Redevelopment District; and (v) 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, and publication one time in the official City newspaper.

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PASSED by the governing body of the City of Russell, Kansas and **APPROVED** by the Mayor on





Mayor



City Clerk

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 1936 of the City of Russell, Kansas (the "City"); that said Ordinance was passed by the governing body on August 6, 2019; that the record of the final vote on its passage is found on file in my office; that it was published in the official newspaper of the City on August 15, 2019; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: August 15, 2019.



City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

A tract of land in the Northwest Quarter (NW/4) of Section 2, Township 14 South, Range 14 West of the 6th P.M., being more fully described as follows:

Beginning at a point on the East right-of-way line of U.S. 281 767.6' North and 129.8' East of the Southwest corner of said Quarter Section; thence South, parallel to the West line of said Quarter Section, 210.00' to a point on the North right-of-way line of Interstate 70; thence Southeasterly, along said North right-of-way line 394.95' to a point 409.01' North of the South line of said Quarter Section; thence North, parallel to the West line of said Quarter Section 657.03'; thence West, parallel to the South line of said Quarter Section, 396.46' to a point on the East right-of-way of U.S. 281; thence Southeasterly along said East right-of-way line, 300.00' to the point of beginning, EXCEPT the following tracts:

Beginning at a point located on the East right-of-way line of Highway U.S. 281 that is 557.6 feet North and 129.8 feet East of the Southwest corner of the Northwest Quarter (NW/4) of said Section 2; thence North 0° East, along the East right-of-way line of Highway U.S. 281, a distance of 129.24 feet; thence North 90° East a distance of 365.94 feet; thence South 0°15' East a distance of 237 feet; thence South 90° West a distance of 20 feet; thence South 0° 15' East a distance of 27.2 feet to the North right-of-way line of Interstate Highway I-70; thence North 68°41' West along said North right-of-way, a distance of 373.37 feet to the place of beginning.

Beginning at a point 1,066.04 feet North and 111.8 feet East of the Southwest corner of said Northwest Quarter (NW/4) of Section 2; thence East 384 feet; thence South parallel with the West line of said Northwest Quarter (NW/4) of Section 2 a distance of 180 feet; thence West 374.5 feet; thence Northwesterly a distance of 180.3 feet to the point of beginning, said tract also being a part of Block 1, Witt-Carter Addition to the City of Russell, Russell County, Kansas; and

A tract of land commencing at the Southwest Corner of Grantor's property; thence North a distance of Forty Feet (40'); thence East a distance of One Hundred Fifty Feet (150'); thence South a distance of Forty Feet (40'); thence West a distance of One Hundred Fifty Feet (150') to the point of beginning; all located with the following described tract of land, to-wit:

A tract of land situated on a portion of the Northwest Quarter (NW/4) of Section Two (2), Township Fourteen (14) South, Range Fourteen (14) West of the 6th P.M., Russell County, Kansas, more particularly described as follows, to-wit: Beginning at a point 1066.04 feet North and 111.8 feet East of the Southwest corner of said Northwest Quarter (NW/4) of Section 2; thence East 384 feet; thence South parallel with the West line of said Northwest Quarter (NW/4) of Section 2 a distance of 180 feet; thence West 374.5 feet; thence Northwesterly a distance of 180.3 feet to the point of beginning, said tract also being a part of Block 1, Witt-Carter Addition to the City of Russell, Russell County, Kansas.

The foregoing real estate is generally described as being located in an area of the City bounded on the west by Fossil Street/U.S. 281 and the Fossil Street Frontage Road, on the north by a line that is approximately 368 feet north of the Interstate 70 right-of-way line, on the east by a line that is approximately 370 feet east of the Fossil Street Frontage Road, and on the south by a line that is approximately 130 feet north of the Interstate 70 right-of-way line (with a street address of 1415 S. Fossil Street, which is just north of the existing McDonald's restaurant)