

(Published in the *Russell County News* on September 12, 2019)

**ORDINANCE NO. 1942**

**AN ORDINANCE OF THE CITY OF RUSSELL, KANSAS ADOPTING A 24/7 TRAVEL STORE PROJECT PLAN FOR USE IN CONJUNCTION WITH A PREVIOUSLY ESTABLISHED REDEVELOPMENT DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH.**

**WHEREAS**, the City of Russell, Kansas (the "City") desires to promote, stimulate and develop the general and economic welfare of the City by providing for the development and redevelopment of certain eligible areas located within the City; 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 defined eligible areas of the City, and the governing body of the City has by Ordinance No. 1936 established a redevelopment district under the Act in such an eligible area (the "24/7 Redevelopment District 2019"); and

**WHEREAS**, pursuant to the Act, the City is authorized to approve redevelopment project plans for the completion of redevelopment projects within the 24/7 Redevelopment District 2019 and to finance all or a portion of the costs of such redevelopment projects; and

**WHEREAS**, each redevelopment project plan approved by the governing body of the City must be prepared in consultation with the City's planning commission (which must make a finding that such redevelopment project plan is consistent with the intent of the comprehensive general plan for the development of the City) and must include: (a) a summary of the feasibility study done as defined in K.S.A. 12-1770a; (b) a reference to the redevelopment district plan established under K.S.A. 12-1771 that identifies the redevelopment project area that is set forth in the project plan that is being considered; (c) a description and map of the redevelopment project area to be redeveloped; (d) the relocation assistance plan required by K.S.A. 12-1777; (e) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and (f) any other information the governing body deems necessary to advise the public of the intent of the project plan; and

**WHEREAS**, prior to the adoption of any redevelopment project plan the governing body must conduct a public hearing on such matters after giving notice of such hearing in accordance with the provisions of the Act; and

**WHEREAS**, the governing body of the City has been presented a proposed redevelopment project within the 24/7 Redevelopment District 2019 (the "24/7 Travel Store Project") and has prepared a redevelopment project plan in conjunction therewith (the "24/7 Travel Store Project Plan"); and

**WHEREAS**, the planning commission of the City has heretofore determined that the proposed 24/7 Travel Store Project Plan is consistent with the comprehensive plan for development of the City; and

**WHEREAS**, the governing body of the City has heretofore, pursuant to Resolution No. 16-19 called a public hearing under the provisions of the Act in connection with such proposed 24/7 Travel Store Project Plan and the financing of the same; and

**WHEREAS**, a public hearing was held this date, after Resolution No. 16-19 was duly published, delivered or mailed notice in accordance with the provisions of the Act, specifically including mailing or delivery of copies of Resolution No. 16-19 and the proposed 24/7 Travel Store Project Plan to the Board of County Commissioners of Russell County, the Board of Education of Unified School District No. 407 and each owner and occupant of land within the proposed redevelopment project area; and

**WHEREAS**, upon reviewing the proposed 24/7 Travel Store Project Plan, and considering the information and public comments received at the public hearing conducted this date, the governing body of the City hereby deems it advisable to adopt the 24/7 Travel Store Project Plan and determine the method of financing the 24/7 Travel Store Project Plan; and

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

**Section 1. Redevelopment Project.** The 24/7 Travel Store Project is a redevelopment project within the 24/7 Redevelopment District 2019, all as more fully described in the proposed 24/7 Travel Store Project Plan.

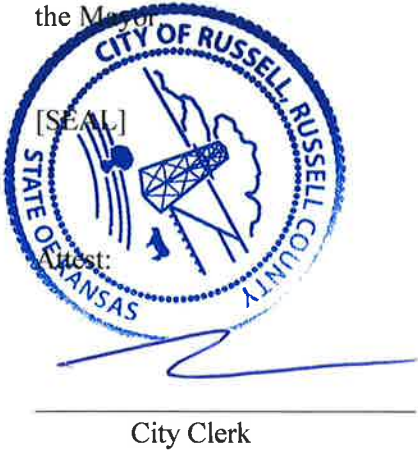
**Section 2. Adoption of Redevelopment Project Plan.** The proposed 24/7 Travel Store Project Plan attached hereto as *Exhibit A* is incorporated herein by reference, including the changes referenced in the recitals to this Ordinance. The 24/7 Travel Store Project Plan contains the information required by the Act, specifically including the information and changes referenced above in the preamble of this Ordinance. In this regard, the 24/7 Travel Store Project Plan total costs are estimated to be \$4,875,000, plus an estimated \$1,250,000 for contiguous road and other public infrastructure improvements, of which the City expects that approximately \$2,648,300 will be paid from tax increment financing referenced in the following section. The 24/7 Travel Store Project Plan is hereby adopted for use in the 24/7 Redevelopment District 2019.

**Section 3. Project Financing.** It is anticipated that the City will, from tax increment (as prescribed in K.S.A. 12-1775) generated in the 24/7 Redevelopment District 2019 or from special obligation tax increment bonds, pay all or a portion of the costs of the 24/7 Travel Store Project, and certain financing costs, all in accordance with the 24/7 Travel Store Project Plan, with any such bonds to mature in not more than 20 years, from the date of this ordinance. The feasibility study contained within the 24/7 Travel Store Project Plan demonstrates that the benefits derived from the 24/7 Travel Store Project and the available tax increment and other revenue available under K.S.A. 12-1774(a)(1) will exceed the cost or be sufficient to pay the costs of the 24/7 Travel Store Project.

**Section 4. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, the City's 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 5. Effective Date.** This Ordinance shall become effective upon its passage by 2/3 vote of the governing body of the City and publication in the official newspaper of the City.

PASSED AND APPROVED by the Governing Body on September 3, 2019 and SIGNED by  
the Mayor



Mayor

**CERTIFICATE**

I, the undersigned City Clerk of the City of Russell, Kansas (the "City"), hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 1942 (the "Ordinance") of the City; that said Ordinance was passed by the governing body on September 3, 2019; that the record of the final vote on its passage is found on page \_\_\_\_ of journal \_\_\_\_; that it was published in the official newspaper of the City on September 12, 2019; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: September 3, 2019.



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Clerk

***EXHIBIT A***

**PROJECT PLANS FOR  
THE 24/7 TRAVEL STORE PROJECT**

**IN THE  
24/7 REDEVELOPMENT DISTRICT 2019**

**SECTION 1: PURPOSE**

The City of Russell, Kansas, has prepared the following redevelopment plans pursuant to K.S.A. 12-1772(a) for the 24/7 Travel Store Project, which is a redevelopment project within the redevelopment district known as 24/7 Redevelopment District 2019.

**SECTION 2: REDEVELOPMENT PLANS**

The redevelopment plans for the 24/7 Travel Store Project include the following:

**(1) Summary of the feasibility study**

A feasibility study as defined by K.S.A. 12-1770a has been prepared for the 24/7 Travel Store Project and is attached as *Exhibit A*. The study shows that the benefits tax increment revenue and other revenues derived from the projects will be sufficient to pay for a portion of the project costs that are to be funded from such revenues on a pay as you go basis.

**(2) Reference to the redevelopment district plan**

The redevelopment plans for the 24/7 Travel Store Project have been prepared with reference to the district plan established pursuant to K.S.A. 12-1771 for the 24/7 Redevelopment District 2019. The plans include (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. These plans are encompassed by the district plan for the 24/7 Redevelopment District 2019, as these plans and the district plan are essentially the same.

**(3) Descriptions and maps of the areas to be redeveloped**

Descriptions of the areas to be redeveloped by the 24/7 Travel Store Project are attached hereto in *Exhibit B*. Maps of the areas to be redeveloped by the 24/7 Travel Store Project are attached in *Exhibit C*. The redevelopment project areas identified in this paragraph are all within the boundaries of the 24/7 Redevelopment District 2019.

**(4) Relocation assistance plan**

No relocation of residents or buildings is expected, but, if such relocation becomes necessary, the relocation assistance plans required by K.S.A. 12-1777 for the 24/7 Travel Store Project are as follows:

(i) Relocation payments shall be made to persons, families and businesses who move from real property or who move personal property from real property as a result of the acquisition of the real

property by the City as a part of the 24/7 Travel Store Project. Such payments shall not be less than \$500.00.

(ii) No persons or families residing in the redevelopment district shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents within their ability to pay. Such housing units shall be suitable to the needs of such displaced persons or families and must be a decent, safe, sanitary and otherwise standard dwelling.

(iii) Reasonable compensation shall be paid for any damages sustained by any retailer, as defined by K.S.A. 79-3702, and amendments thereto, by reason of the liquidation of inventories necessitated by the relocation.

(iv) These relocation assistance plans shall become effective upon the approval and adoption of the respective 24/7 Travel Store Project by the governing body of the City of Russell.

**(5) Description of the facilities proposed to be constructed**

The facilities proposed to be constructed or undertaken as a part of the 24/7 Travel Store Project are: razing of the existing travel store on site; site development and site preparation; constructing, furnishing and equipping a new travel store; paving, including parking and contiguous road improvements and other public infrastructure; signage; and acquisition and installation of petroleum equipment

**(6) Other information deemed necessary to advise the public of the intent of the project plans**

Not applicable at this time.

**EXHIBIT A**

**FEASIBILITY STUDY**

Existing Mill Levy on Redevelopment District Property: 195.202  
 Mill levy eligible for tax increment<sup>1</sup>: 165.712

<sup>1</sup>Excludes statewide levy of 1.5 mills, statewide school finance levy of 20.0 mills and school district capital outlay levy of 7.99 mills.

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Base Year Valuation: \$303,740.00  
 Base Year Assessed Valuation: \$77,390.00

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Assumed Future Valuation: \$3,500,000.00  
 Less Base Year Valuation: -\$303,740.00  
 Assumed Future TIF Eligible Valuation: \$3,196,260.00  
 Assumed Future TIF Eligible Assessed Valuation: \$799,065.00  
 Mill Levy Eligible for TIF: 165.712  
**Assumed Yearly Increment: \$132,415.00**

**Total TIF revenue over 20 years: \$2,648,300.00**

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PROJECT COSTS	TIF Eligible	CID Eligible
Site Development	\$ 90,000	\$ 90,000
Petroleum Equipment		\$1,100,000
Building		\$1,200,000
Site Work and Paving	\$2,000,000 <sup>2</sup>	\$2,000,000 <sup>2</sup>
Signs		\$ 285,000
Store Fixtures/Equip		\$ 200,000
Contiguous road and other public infrastructure	\$1,250,000	

<sup>2</sup>A portion of these costs are expected to be TIF Eligible and the remaining amount would be eligible for Community Improvement District (CID) funding.

## EXHIBIT B

### DESCRIPTION OF REDEVELOPMENT PROJECT AREAS

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:

An area 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).



**EXHIBIT C**

**MAP OF 24/7 TRAVEL STORE PROJECT AREAS**

