

ORDINANCE NO. 997

AN ORDINANCE APPROVING A SUBSTANTIAL CHANGE TO THE REDEVELOPMENT DISTRICT PLAN FOR A REDEVELOPMENT DISTRICT WITHIN THE CITY PURSUANT TO K.S.A. 12-1770 *ET SEQ.*, AS AMENDED, AND AMENDING ORDINANCE NOS. 965 AND 973 OF THE CITY (VILLAGE SOUTH AT EDWARDSVILLE REDEVELOPMENT DISTRICT).

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, the City previously established a redevelopment district commonly referred to as the “Village South at Edwardsville Redevelopment District” (the “Redevelopment District”), generally located at the southeast corner of Interstate 70 and 110th Street within the City, pursuant to the Act and Ordinance No. 965 of the City, passed on June 27, 2016, as amended by Ordinance No. 973 of the City, passed on January 9, 2017;

WHEREAS, the City has not received or distributed any tax increment funds from the Redevelopment District;

WHEREAS, the City and Compass Commodity Group III, LLC (the “Developer”), the Developer of the Redevelopment District, have mutually agreed on a substantial change to the original redevelopment district plan (the “Original District Plan” and, as so changed, the “Modified District Plan”) for the Redevelopment District to increase the number of redevelopment project areas in order to promote the general and economic welfare of the City;

WHEREAS, the Act authorizes the City to consider a substantial change to a redevelopment district plan for a redevelopment district subject to the same procedures for public notice and hearing as is required for the establishment of the redevelopment district;

WHEREAS, on July 9, 2018, following proper notice as provided in the Act, the Governing Body of the City held a public hearing to consider a substantial change to the Original District Plan; and

WHEREAS, the City hereby finds and determines it desirable to change the Original District Plan by increasing the number of redevelopment project areas as reflected in the Modified District Plan to promote the general and economic welfare of the City and to amend Ordinance Nos. 965 and 973 of the City;

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 modification of the Original District Plan to increase the number of redevelopment project areas is a “substantial change” as defined in K.S.A. 12-1770a(t) and that such change is necessary to promote the general and economic welfare of the City.

Section 2. The existing boundaries of the Redevelopment District are set forth in *Exhibit A* attached hereto and incorporated herein by reference. A map depicting the existing boundaries of the Redevelopment District is attached hereto as *Exhibit B* and incorporated herein by reference.

Section 3. The Modified District Plan for the Redevelopment District which identifies all of the redevelopment project areas and the general manner of all buildings, facilities and improvements in each redevelopment project area that are proposed to be constructed or improved in each redevelopment project area is attached hereto as *Exhibit C* and incorporated herein by reference.

Section 4. 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 development agreement or agreements between the City and the Developer or any other 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 5. Nothing contained in this Ordinance shall obligate the City to approve any project plan within the Redevelopment District.

Section 6. This Ordinance shall not alter, vary or affect any of the terms, provisions or conditions of Ordinance Nos. 965 and 973 other than as specifically stated herein.

Section 7. 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 the official City newspaper.

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PASSED AND APPROVED by the Governing Body of the City of Edwardsville, Kansas
this 9th day of July, 2018.



(SEAL)

ATTEST:



Zachary Daniel
Assistant City Manager/City Clerk



John McTaggart
Mayor

EXHIBIT A

LEGAL DESCRIPTION OF THE REDEVELOPMENT DISTRICT

All of Lots 1 & 2, Lustgraaf Acres, said lots being a replat of part of Tract 4 and Tract 5, the Norman Farms Subdivision and part of the Southeast Quarter of the Southwest Quarter, all in Section 11, Township 11 South, Range 23 East, City of Edwardsville, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 11; thence North $87^{\circ}31'44''$ East, along the South line of the said Southwest Quarter, a distance of 1330.00 feet to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 11, said point being the POINT OF BEGINNING; thence North $02^{\circ}06'16''$ West, along the West line of said Quarter-Quarter, a distance of 471.80 feet to the Southeast corner of Lot 2, said Lustgraaf Acres; thence South $87^{\circ}31'44''$ West (Measured – South $89^{\circ}37'49''$ West, Platted) along the South line of said Lot 2, a distance of 1300.00 feet to the Westerly line of said Lot 2 and Easterly Line of 110th Street, as now exists; thence North $02^{\circ}06'15''$ West (Measured – North $00^{\circ}00'00''$ East, Platted), along the Easterly line of said 110th Street and Westerly line of said Lot 2, a distance of 10.71 feet; thence North $87^{\circ}53'45''$ East (Measured – North $87^{\circ}39'49''$ East, Platted), continuing along the Easterly line of said 110th Street and Westerly line of said Lot 2 a distance of 20.00 feet; thence North $00^{\circ}17'22''$ East (Measured – North $02^{\circ}24'03''$ East, Platted), continuing along the Easterly line of said 110th Street and Westerly line of said Lot 2 and said Lot 1, a distance of 746.89 feet to the Southerly line of Right of Way conveyed to the City of Kansas City, Kansas by Document No. 1197804, recorded in Book 3744 at Page 543 in the Office of the Register of Deeds, Wyandotte County; thence North $66^{\circ}44'54''$ East, along said Southerly Right of Way, a distance of 655.90 feet to the Southerly right of way of the Kansas Turnpike, said point being on the Northwest Corner of Lot 2, Lustgraaf Acres; thence North $85^{\circ}25'56''$ East (Measured, North $87^{\circ}34'00''$ East, Platted) along the North line of said Lot 2 and South line of said Turnpike, a distance of 637.64 (Measured – 637.89', Platted) feet to the Northeast Corner of said Lot 2; thence North $85^{\circ}25'56''$ East, continuing along the South line of said Turnpike, a distance of 197.31 feet (Measured – 199.01 feet, Deeded) to the Northeast corner of Tract recorded as Document No. 2005R-20405, said point being monumented with a 1.5 inch iron bar; thence South $02^{\circ}07'26''$ East, along the Easterly line of said Tract, a distance of 1491.67 feet (Measured, 1489.90 feet, Deeded) to the South line of said Section 11; thence South $87^{\circ}31'44''$ West, along said South line, a distance of 197.64 feet (Measured, 198 feet, Deeded) to the POINT OF BEGINNING,

LESS AND EXCEPT

All that part of Lot 2, Lustgraaf Acres, a Replat of part of Tract 4 and Tract 5, the Norman Farms Subdivision in Edwardsville, Wyandotte County, Kansas described as follows:

Commencing at the Northeast corner of said Lot 2; thence South $85^{\circ}25'56''$ West (Measured - South $87^{\circ}34'00''$ West, Deeded), along the North line of said Lot 2, 76.29 feet; thence South $04^{\circ}34'04''$ E (Measured - South $02^{\circ}26'00''$ East, Deeded) a distance of 9.17 feet to the POINT OF BEGINNING of the tract to be herein described; thence South $26^{\circ}06'59''$ East (Measured - South $23^{\circ}58'55''$ East, Deeded) a distance of 52.13 feet; thence South $76^{\circ}41'41''$ West, (Measured - South $78^{\circ}49'45''$ West, Deeded) a distance of 23.03 feet; thence North $00^{\circ}35'20''$ West (Measured

- North 01° 34' 54" West, Deeded), a distance of 52.11 feet (Measured - 52.03 feet, Deeded)
POINT OF BEGINNING.

The Net Tract Area containing 1,477,015.6 square feet or 33.91 acres, more or less.

AND

Any and all public right-of-way immediately adjacent to the above-described land.

EXHIBIT B

MAP OF THE REDEVELOPMENT DISTRICT

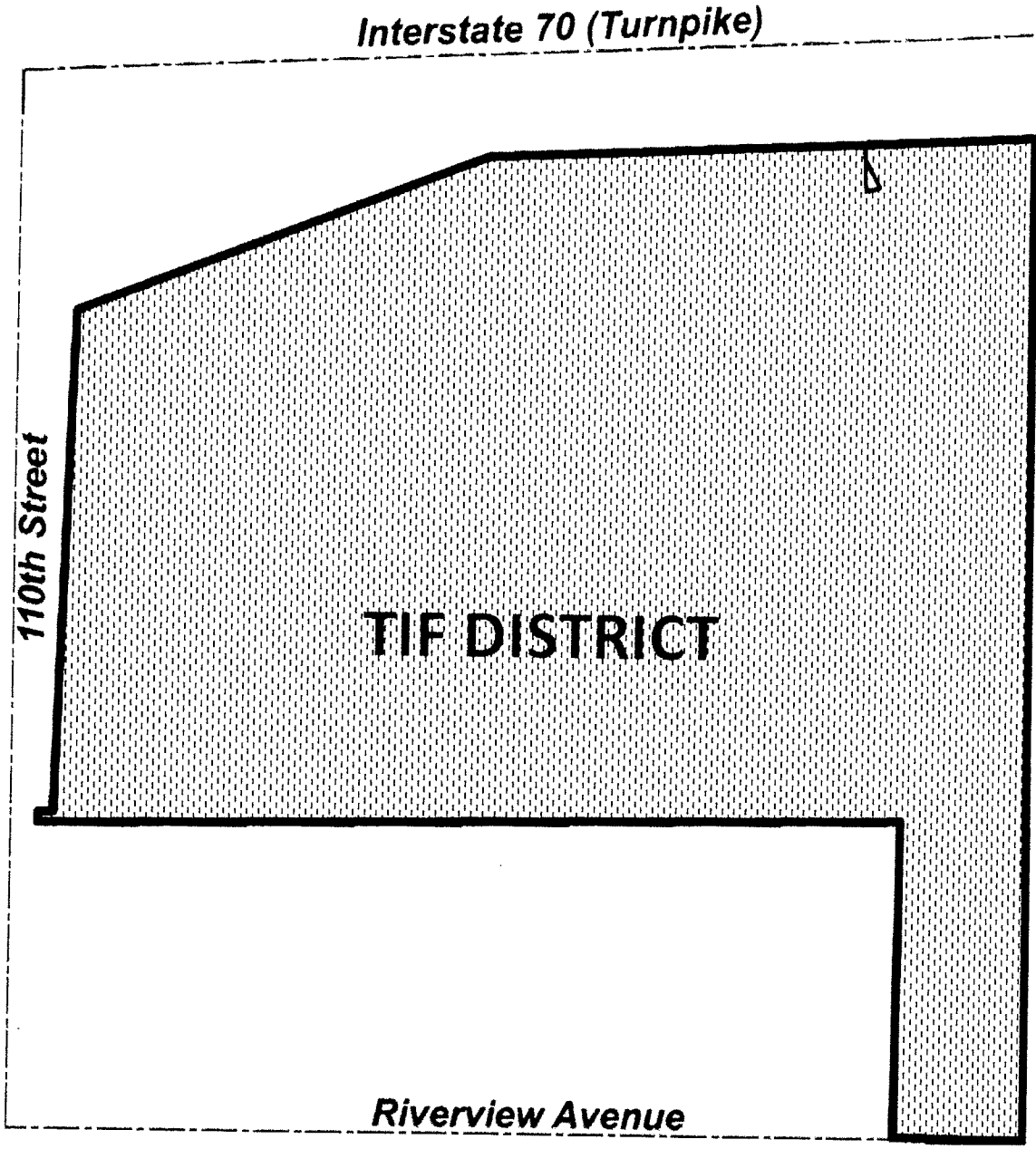


EXHIBIT C

MODIFIED DISTRICT PLAN

The Redevelopment District will consist of four (4) 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 generally in the northwest portion of the Redevelopment District) – Approximately three (3) 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 and other associated and appurtenant structures and facilities to the extent permitted under the City's Tax Increment Financing (TIF) Policy.
- Project Area 2 (located generally in the north central portion of the Redevelopment District) – Approximately three (3) buildings to be utilized for a mixture of uses, including retail, restaurant, hotel, and conference/meeting center, along with such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities and other associated and appurtenant structures and facilities to the extent permitted under the City's Tax Increment Financing (TIF) Policy.
- Project Area 3 (located generally in the northeast portion of the Redevelopment District) – Approximately two (2) 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 and other associated and appurtenant structures and facilities to the extent permitted under the City's Tax Increment Financing (TIF) Policy.
- Project Area 4 (generally located in the southeast portion of the Redevelopment District) – Up to approximately twelve (12) 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 and other associated and appurtenant structures and facilities to the extent permitted under the City's Tax Increment Financing (TIF) Policy.