

ORDINANCE NO. 2588

AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF GARDNER, KANSAS, PURSUANT TO K.S.A. 12-1770 *ET SEQ.*, AS AMENDED (MAIN STREET MARKET PLACE REDEVELOPMENT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Gardner, 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, pursuant to the Act, the Governing Body of the City adopted Resolution No. 1994 (the “Resolution”) on September 4, 2018, finding and determining that it is desirable to encourage the development and redevelopment of certain real property within the City generally located at the northwest corner of E. Main Street and N. Moonlight Road and to consider the establishment of a tax increment financing redevelopment district at such location to be known as the “Main Street Market Place TIF Redevelopment District” (the “Redevelopment District” as further described herein);

WHEREAS, the Resolution provided that notice of a public hearing considering the establishment of the Redevelopment District would be given in accordance with the Act and that said public hearing would be held on October 15, 2018;

WHEREAS, notice of the public hearing was duly given in accordance with the Act;

WHEREAS, on October 15, 2018, the Governing Body of the City conducted and concluded a public hearing on establishing the Redevelopment District;

WHEREAS, an area that is determined by the governing body of a city to be a “blighted area” as described in K.S.A. 12-1770a(c) is eligible to be considered for the financing of redevelopment projects pursuant to the Act; and

WHEREAS, the Governing Body of the City has received and reviewed a blight study related to the proposed Redevelopment District;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS AS FOLLOWS:

Section 1. The Governing Body of the City hereby finds and determines that the Redevelopment District is a “blighted area” as defined in K.S.A. 12-1770a(c) and is therefore an “eligible area” as defined by the Act.

Section 2. The legal description of the Redevelopment District is set forth on *Exhibit A* attached hereto and incorporated herein by reference. A sketch of the area to be included in the Redevelopment District is attached hereto as *Exhibit B*.

Section 3. The Governing Body of the City hereby finds and determines that the development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

Section 4. The district plan for the Redevelopment District which identifies all of the project areas and identifies in a general manner all buildings, facilities and improvements in each project area that are proposed to be constructed or improved is attached hereto as *Exhibit C* and incorporated herein by reference.

Section 5. The Redevelopment District is within the boundaries approved by the Resolution and published in the notice of the public hearing.

Section 6. The Governing Body of the City hereby establishes the Redevelopment District in compliance with the Act.

Section 7. 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 redevelopment agreement or agreements by the City entered into between the City and an 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 8. Nothing contained in this Ordinance shall obligate the City to approve any project plan within the Redevelopment District.

Section 9. 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 an official City newspaper.

PASSED by the Governing Body of the City and approved by the Mayor on October 15, 2018.

CITY OF GARDNER, KANSAS

(Seal)

_____/s/_____
Mayor

ATTEST:

_____/s/_____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE REDEVELOPMENT DISTRICT

All of Lot 47, WHITE ACRES, and a part of Lot 1, GAULTCEST REPLAT, and a part of Lot 1, MOONLIGHT PLAZA FIRST PLAT, and all of Lot 1 MOONLIGHT PLAZA CENTER, and all of Lot 1, COUNTRY MART, all being additions to the City of Gardner along with a part of the Southeast Quarter of Section 24, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, and being described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 24; thence S 02°07'55" E along the East line of said Southeast Quarter, 1755.65 feet to the centerline of Lincoln Lane extended; thence S 88°27'57" W along said centerline, 235.00 feet to the Northeast corner of said COUNTRY MART, said point being the Point of Beginning;

thence continuing S 88°27'57" W along said centerline extended, 1258.40 feet to a point on the East line of said WHITE ACRES;

thence S 02°05'19" E, along the East line of said WHITE ACRES, 601.53 feet to the Northeast corner of said Lot 47, WHITE ACRES;

thence S 88°04'45" W, along the North line of said Lot 47, 120.00 feet to the Northwest corner thereof;

thence S 01°53'27" E, along the West line of said Lot 47, 103.77 feet to the Southwest corner thereof;

thence N 88°04'45" E, along the South line of said Lot 47, 120.00 feet to the Southeast corner thereof;

thence S 01°53'27" E, along the East line of said WHITE ACRES and the West line of said Lot 1, GAULTCEST REPLAT, 154.00 feet to the Southwest corner of said Lot 1;

thence N 88°24'06" E, along the South line of said Lot 1, GAULTCEST REPLAT, 193.30 feet to a point on the West line of said Lot 1, QUIKTRIP STORE NO. 249;

thence N 02°06'59" W, along the West line of said Lot 1, QUIKTRIP STORE NO. 249, 298.13 feet to the Northwest corner thereof;

thence N 87°51'18" E, along the North line, 300.09 feet to the Northeast corner of said Lot 1, QUIKTRIP STORE NO. 249, said point also being on the West line of said MOONLIGHT PLAZA CENTER;

thence S 02°07'55" E, along said West line, 268.37 feet to the Southwest corner thereof;

thence N 80°31'36" E, along the South line of said MOONLIGHT PLAZA CENTER, 45.37 feet;

thence N 02°07'55" W, along an Easterly line, of said MOONLIGHT PLAZA CENTER, 254.96 feet;

thence N 88°27'57" E, along the Southerly line, 401.00 feet to the Southeast corner of said Lot 1, MOONLIGHT PLAZA CENTER, said point also being the Southwest corner of said Lot 1, COUNTRY MART;

thence departing said Southerly line, S 02°07'55" E through a portion said Lot 1, MOONLIGHT PLAZA FIRST PLAT, 165.44 feet to a point on the US Highway 56 Northerly Right of Way line as described in Deed Book 2564 at Page 398 of the records of said Johnson County;

thence N 75°26'05" E, along said Northerly Right of Way line and Southerly line of said Lot 1, Country Mart, 322.80 feet to the Southwest corner of said COUNTRY MART;

thence N 02°07'55" W, along the Easterly line of said COUNTRY MART, 294.00 feet to a corner;

thence N 87°52'05" E along said Easterly line, 5.20 feet to a corner;

thence N 02°07'55" W along said Easterly line, 363.50 feet to the POINT OF BEGINNING.

Said parcel contains 829,705 square feet, or 19.047 acres, more or less, inclusive of existing road and highway right of way.

EXHIBIT C

REDEVELOPMENT DISTRICT PLAN

The Redevelopment District consists of three redevelopment project areas, which have cumulative outer boundaries coterminous with the Redevelopment District's boundaries, as generally depicted on *Exhibit B* attached hereto and as labeled "Project 1", "Project 2", and "Project 3" thereon, respectively.

The first project area, referred to as Project 1, includes the following buildings and improvements: a new grocery store of approximately 60,000 square feet, a pad site to accommodate approximately 3,500 square feet of retail/restaurant use, site improvements, and public improvements, including utility relocations, a public road, new turn lanes along Main Street, and a new traffic signal.

The second project area, referred to as Project 2, includes the following buildings and improvements: redevelopment of the existing grocery store building into new commercial uses, a pad site to accommodate approximately 4,000 square feet of retail/restaurant use, and associated site and infrastructure improvements.

The third project area, referred to as Project 3, includes the following buildings and improvements: façade improvements to existing buildings, parking lot improvements, and associated site and infrastructure improvements.