

**ORDINANCE NO. 2444**

**AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF BONNER SPRINGS, KANSAS, PURSUANT TO K.S.A. 12-1770 ET SEQ., AS AMENDED (WESTGATE REDEVELOPMENT DISTRICT).**

**WHEREAS**, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Bonner Springs, 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. 2016-15 (the “Resolution”) on December 19, 2016, finding and determining that it is desirable to encourage the development and redevelopment of certain real property within the City generally located at the southwest corner of State Avenue and North 118<sup>th</sup> Street and to consider the establishment of a tax increment financing redevelopment district at such location (the “Redevelopment District” as further described herein);

**WHEREAS**, the Resolution provided for a notice of a public hearing considering the establishment of the Redevelopment District to be given in accordance with the Act and that said public hearing would be held on January 23, 2017;

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

**WHEREAS**, on January 23, 2017, the Governing Body of the City conducted and concluded a public hearing on the Redevelopment District;

**WHEREAS**, an area that is determined by the governing body of a city to be “blighted” 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 BONNER SPRINGS, KANSAS AS FOLLOWS:**

**Section 1.** The Governing Body of the City hereby finds and determines that the area of the Redevelopment District is “blighted” 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 January 23, 2017.

**CITY OF BONNER SPRINGS, KANSAS**

(Seal)

\_\_\_\_\_  
Jeff Harrington, Mayor

ATTEST:

\_\_\_\_\_  
Amber McCullough, City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION OF THE REDEVELOPMENT DISTRICT

A tract of land in the North Half of the Northeast Quarter of Section 9, Township 11, range 23 in the City of Bonner Springs, Wyandotte County, Kansas being more particularly as follows:

Commencing at the Northeast corner of said Northeast Quarter; thence South 02°22'21" East, along the East line of said Northeast Quarter, a distance of 89.32 feet; thence South 87°37'39" West, a distance of 60.00 feet to the point of beginning; thence South 02°22'21" East, 60 feet west and parallel to said East line, a distance of 983.49 feet; thence Southeasterly on a curve to the left, having a radius of 1689.02 feet, a central angle of 08°32'15", a distance of 251.70 feet; thence South 87°52'57" West, a distance of 2609.81 feet to a point of the West line of said Northeast Quarter; thence North 02°05'23" West, along said West line, a distance of 1272.05 feet to a point on the South Right of Way line of State Avenue; thence North 87°50'45" East, along said Right of Way, a distance of 605.60 feet; thence South 02°09'15" East, continuing along said Right of Way, a distance of 20.00 feet; thence North 87°50'45" East, continuing along said Right of Way, a distance of 300.00 feet; thence North 02°09'15" West, continuing along said Right of Way, a distance of 20.00 feet; thence North 87°50'45" East, continuing on said Right of Way, a distance of 1079.67 feet; thence South 02°09'15" East, continuing along said Right of Way a distance of 15.00 feet; thence North 87°50'45" East continuing along said Right of Way a distance of 584.75 feet; thence South 33°46'25" East continuing along said Right of Way a distance of 28.82 feet to the point of beginning.

Contains: 3,280,720.54 Square Feet or 75.31 Acres more or less

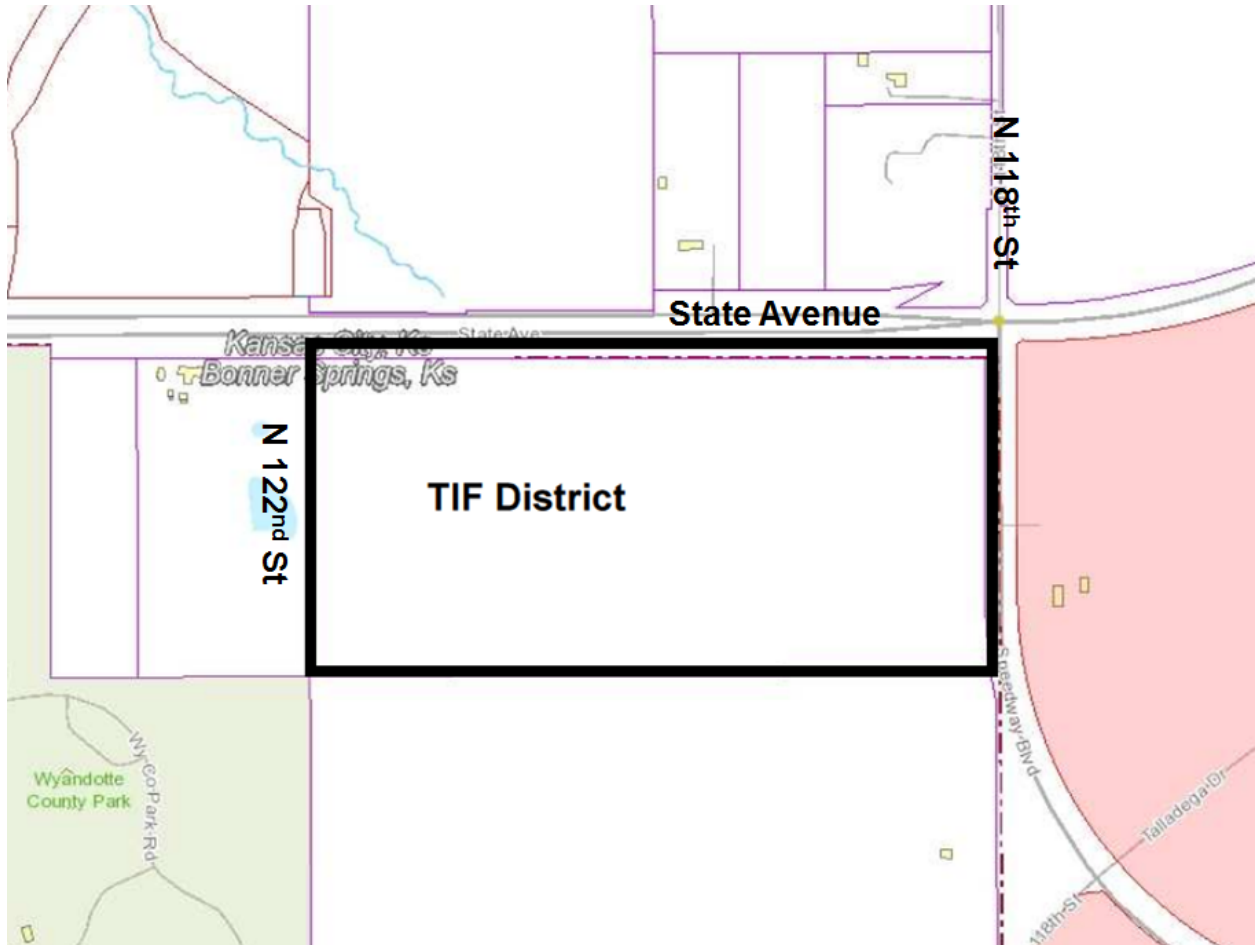
#### CLOSURE CALCULATIONS:

$7,770.87'$  (plat boundary) /  $0.01'$  (closing distance) = unadjusted error of closure 1 in 777,087.

Together with any and all public right-of-way immediately adjacent to the above described land.

**EXHIBIT B**

**SKETCH OF THE REDEVELOPMENT DISTRICT**



## **EXHIBIT C**

### **REDEVELOPMENT DISTRICT PLAN**

The Redevelopment District will consist of three 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 (generally located in the western portion of the Redevelopment District)  
– Approximately sixty-nine (69) triplex residential units and approximately one hundred twelve (112) duplex residential units, along with associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities and other associated and appurtenant structures and facilities.
- Project Area 2 (generally located in the northeast portion of the Redevelopment District)  
– Approximately seven (7) buildings totaling approximately 63,400 square feet to be utilized for a mixture of uses including commercial, retail, restaurant and office, along with associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities and other associated and appurtenant structures and facilities.
- Project Area 3 (generally located in the southeast portion of the Redevelopment District)  
– One (1) approximately 100-room hotel, one (1) assisted living facility of approximately ninety (90) units and approximately six (6) apartment buildings (including a clubhouse facility) containing approximately one hundred eighty (180) units, along with associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities and other associated and appurtenant structures and facilities.