

**ORDINANCE NO. 2385**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.**

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the “Act”), the City of De Soto, Kansas (the “City”) is authorized to establish redevelopment districts within a defined area of the City which is an area within the City that was designated as an enterprise zone prior to July 1, 1992, and is therefore an “eligible area” as said term is defined in the Act; and

**WHEREAS**, the Governing Body adopted Resolution No. 960 on July 23, 2015 calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on September 3, 2015; and

**WHEREAS**, notice of the public hearing was given as required by the Act; and

**WHEREAS**, the public hearing was held on September 3, 2015 and closed on the same day; and

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

**Section 1. Findings.** The Governing Body hereby finds that:

(a) the real property described in **Exhibits A and B** (the “Redevelopment District”) attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is property is an area within the City that was designated as an enterprise zone prior to July 1, 1992;

(b) the real property described in **Exhibits A and B** does not contain any real property that was not designated in the notice of public hearing given as required by the Act and Resolution No. 960;

(c) the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City; and

(d) due notice of the public hearing conducted on September 3, 2015 was made in accordance with the Act.

**Section 2. Creation of TIF District.** The Governing Body hereby establishes the Redevelopment District, which shall consist of the area depicted on the map attached hereto as **Exhibit A** as legally described on **Exhibit B**. The district plan is hereby approved, and consists of buildings and facilities to be constructed within the Redevelopment District generally described as follows:

A retail development consisting of some or all of the following uses: retail uses; restaurant uses; other general commercial development; associated public and private infrastructure; and other items allowable under the Act.

**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 Councilmembers of Johnson County, Kansas or the Board of Education of Unified School District No. 232 determines by resolution adopted within thirty days following the public hearing held this date, that the Redevelopment District will have an adverse effect on Johnson County or Unified School District No. 232, respectively. 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 Johnson County or Unified School District No. 232.

**Section 5. Reimbursement.** The Act authorizes the issuance by the City of bonds to finance all or a portion of the costs of implementing the district plan. Said 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 in the maximum principal amount of \$2,000,000.

**Section 6. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, City consultants, 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 City Council and publication one time in the official City newspaper.

**PASSED** by of the City Council of the City of De Soto, Kansas on September 3, 2015 and **APPROVED AND SIGNED** by the Mayor.

[SEAL]

\_\_\_\_\_  
Mayor

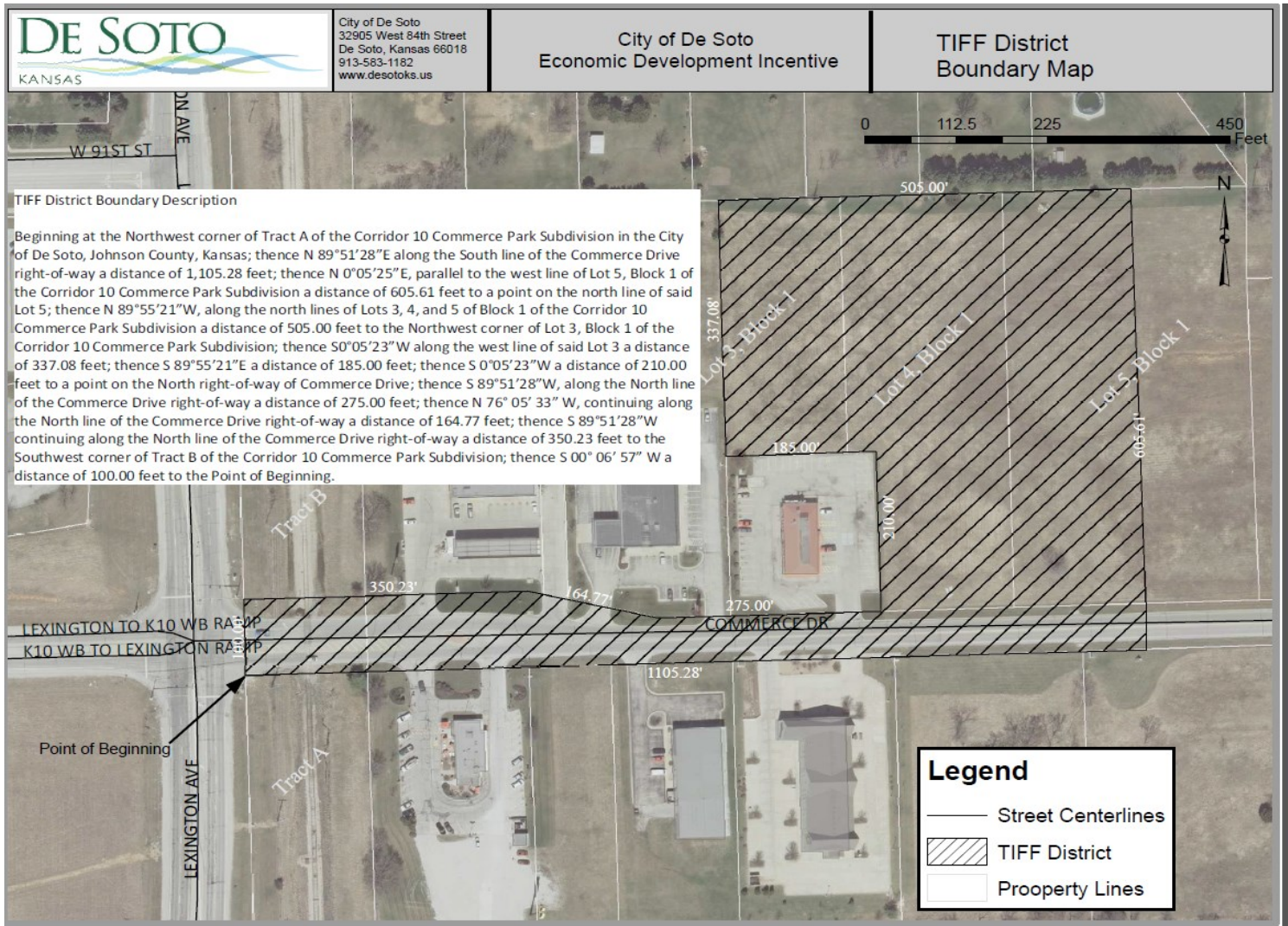
Attest:

\_\_\_\_\_  
City Clerk

# EXHIBIT A

## MAP OF REDEVELOPMENT DISTRICT

The following property located in Johnson County, De Soto, Kansas:



## **EXHIBIT B**

### **LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT**

Beginning at the Northwest corner of Tract A of the Corridor 10 Commerce Park Subdivision in the City of De Soto, Johnson County, Kansas; thence N 89°51'28" E along the South line of the Commerce Drive right-of-way a distance of 1,105.28 feet; thence N 0°05'25" E, parallel to the west line of Lot 5, Block 1 of the Corridor 10 Commerce Park Subdivision a distance of 605.61 feet to a point on the north line of said Lot 5; thence N 89°55'21" W, along the north lines of Lots 3, 4, and 5 of Block 1 of the Corridor 10 Commerce Park Subdivision a distance of 505.00 feet to the Northwest corner of Lot 3, Block 1 of the Corridor 10 Commerce Park Subdivision; thence S 0°05'23" W along the west line of said Lot 3 a distance of 337.08 feet; thence S 89°55'21" E a distance of 185.00 feet; thence S 0°05'23" W a distance of 210.00 feet to a point on the North right-of-way of Commerce Drive; thence S 89°51'28" W, along the North line of the Commerce Drive right-of-way a distance of 275.00 feet; thence N 76° 05' 33" W, continuing along the North line of the Commerce Drive right-of-way a distance of 164.77 feet; thence S 89°51'28" W continuing along the North line of the Commerce Drive right-of-way a distance of 350.23 feet to the Southwest corner of Tract B of the Corridor 10 Commerce Park Subdivision; thence S 00° 06' 57" W a distance of 100.00 feet to the Point of Beginning.