

(Published in the Leavenworth Times on _____, 2020)

ORDINANCE NO. 8135

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (PRICE CHOPPER PROJECT).

WHEREAS, the City of Leavenworth, Kansas (the "City"). desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto;

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 eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues;

WHEREAS, an "eligible area," as defined in the Act, includes a "blighted area," as defined in the Act;

WHEREAS, prior to the creation of any redevelopment district the governing body of the City must adopt a resolution stating that the City is considering the establishing of a redevelopment district, which resolution shall: (1) Give notice that a public hearing will be held to consider the establishment of a redevelopment district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than thirty (30) days, nor more than seventy (70) days, following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district, (3) describe a proposed redevelopment district plan, (4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated, and (5) state that the governing body will consider findings necessary for the establishment of a redevelopment district;

WHEREAS, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail return, receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed redevelopment project area, and to each owner and occupant of land within the proposed redevelopment district not more than ten (10) days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one (1) week or more than two (2) weeks preceding the date fixed for the public hearing, which publication shall include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the redevelopment district area;

WHEREAS, upon the conclusion of such public hearing, the governing body may pass an

ordinance which shall: (1) make findings that the redevelopment district proposed to be redeveloped is in an "eligible area," as defined in the Act, and that the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the city (2) contain the redevelopment district plan as approved, (3) contain the legal description of the redevelopment district, and (4) may establish the redevelopment district, provided that the boundaries of the redevelopment district shall not include any area not designated in the notice of public hearing on the creation of the redevelopment district;

WHEREAS, no privately-owned property subject to ad valorem taxes shall be acquired and/or redeveloped under the provisions of the Act, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within thirty (30) days following the conclusion of the hearing for the establishment of the redevelopment district that the proposed redevelopment district will have an adverse effect on such county or school district;

WHEREAS, upon the creation of a redevelopment district pursuant to the Act, the City may propose to undertake one or more redevelopment projects and shall prepare a redevelopment project plan, which may be implemented in separate development stages, in consultation with the City's planning commission;

WHEREAS, the City Commission has heretofore adopted Resolution No. B-2256, which made a finding that the City is considering the establishment of a redevelopment district pursuant to the Act, set forth the boundaries of the proposed redevelopment district, provided a summary of the proposed redevelopment district plan, called a public hearing concerning the establishment of a redevelopment district for July 28, 2020, and provided for notice of such public hearing as provided in the Act;

WHEREAS, a public hearing was held on July 28, 2020, after duly published, delivered and mailed notice in accordance with the provisions of the Act;

WHEREAS, at the public hearing the governing body received a report (the "Report") from Development Initiatives, a consultant engaged by the owner/developer of the subject property, about the condition of the area within the proposed redevelopment district, including that the property constitutes a "blighted area" as defined in the Act, and which Report provided factual evidence concerning the presence or absence within the proposed redevelopment district of a majority of the factors defining a "blighted area," as set forth in K.S.A. 12-1770a(c); and

WHEREAS, upon and considering the information and public comments received at the public hearing conducted this date, the City Commission hereby deems it advisable to make certain findings and to create the redevelopment district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. Findings. The City Commission hereby finds and determines that:

(a) notice of the public hearing conducted this date was made in accordance with the provisions of the Act;

(b) based on the Report and additional testimony received at the public hearing, the City Commission finds that the subject property contains the presence of the following

factors, which substantially impair or arrest the development and growth of the City or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use: (i) a substantial number of deteriorated or deteriorating structures; (ii) deterioration of site improvements; (iii) improper subdivision or obsolete platting or land uses; (iv) the existence of conditions which endanger life or property by fire or other causes; and (v) conditions which create economic obsolescence;

(c) based on the Report and additional testimony received at the public hearing, the City Commission further finds that the subject property has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, feasibility study and remediation, or other similar state or federal action;

(d) the proposed redevelopment district described in Resolution No. B-2256 constitutes a "blighted area" and is therefore an "eligible area" (as said terms are defined in the Act); and

(e) the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

Section 2. Creation of Redevelopment District. A redevelopment district is hereby created within the City in accordance with the provisions of the Act, which shall consist of the real estate legally described on Exhibit A attached hereto, which is incorporated herein by reference (the "Redevelopment District"). A map depicting the boundaries of the Redevelopment District is attached hereto as Exhibit B, which is incorporated herein by reference. The boundaries of the Redevelopment District do not contain any property not referenced in Resolution No. B-2256, which provided notice of the public hearing on the creation of the Redevelopment District.

Section 3. Redevelopment District Plan. The preliminary plan for the proposed Redevelopment District (the "District Plan"), as presented to the City Commission this date, is hereby approved. The buildings and facilities to be constructed or improved in the Redevelopment District may be described in a general manner as follows: The District Plan provides for the redevelopment of the existing Price Chopper grocery store within the Redevelopment District, within one project area, and associated infrastructure improvements and other improvements, including potential environmental improvements, and all related expenses to redevelop and finance the redevelopment project.

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 Commissioners of Leavenworth County, Kansas, or the Board of Education of Unified School District No. 453 determines by resolution adopted within thirty (30) days following the public hearing held by the City on July 28, 2020, that the Redevelopment District will have an adverse effect on Leavenworth County or Unified School District No. 453, 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 Leavenworth County or Unified School District No. 453.

Section 5. Further Action. The Mayor, City Manager, City Clerk, City Attorney, and other officials and employees of the City, 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 6. Effective Date. Subject to the provisions of Section 4 above, this Ordinance shall be effective upon its passage by the City Commission of the City of Leavenworth, Kansas, and publication one time in the official City newspaper.

PASSED by the City Commission of the City of Leavenworth, Kansas on this 11th day of August, 2020.

APPROVED:

/s/ Myron J. "Mike" Griswold
Myron J. "Mike" Griswold, Mayor

ATTEST:

/s/ Carla K. Williamson
Carla K. Williamson CMC, City Clerk

{Seal}

EXHIBIT A

DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT

Lot 1, BALL'S SUBDIVISION REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas except that part conveyed by the deed recorded as Doc. No. 2015R03578

Parcel ID No 1010104002003020

EXHIBIT B

MAP OF PROPOSED REDEVELOPMENT DISTRICT

