

(Published in *The Legal Record* on January 25, 2022)

ORDINANCE NO. 2527

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 (SUNFLOWER REDEVELOPMENT)

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 “eligible area” as said term is defined in the Act; and

WHEREAS, the City Council (the “Governing Body”) adopted Resolution No. 1062 on November 18, 2021 calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on January 6, 2022; and

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

WHEREAS, the public hearing was opened on January 6, 2022, and continued to and closed on January 20, 2022; and

WHEREAS, the Governing Body has been presented with a Blight Analysis dated May 2021 prepared by Polsinelli PC (the “Report”) which provides factual evidence concerning the presence or absence within the proposed redevelopment district of the factors defining a “blighted area,” as set forth in the Act.

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) due notice of the public hearing was made in accordance with the Act;
- (b) the real property described in **Exhibits A and B** (the “Redevelopment District”) 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. 1062;
- (c) based on the Report, the Redevelopment District is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is in an area within the City that constitutes a “blighted area” and is therefore an “eligible area” (as said terms are defined in the Act); and
- (d) the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

Section 2. Creation of TIF District. The Governing Body hereby establishes the Redevelopment District as depicted on the map in **Exhibit A** and as legally described in **Exhibit B**, which shall consist of four (4) project areas as depicted on the map in **Exhibit A**. The district plan is hereby approved, and consists of buildings and facilities to be constructed within the Redevelopment District generally described as follows:

A mixed-use development containing at least four (4) redevelopment project areas consisting of some or all of the following uses, without limitation: manufacturing and warehousing; general commercial uses; wholesale and retail trade; transportation; energy production; professional, scientific and technical services; administrative support; waste management; remediation services; health care and social assistance; arts, entertainment and recreation; accommodation and food services; residential and other mixed uses including but not limited to those contemplated under the City's M-1 and M-2 zoning classification, with associated amenities and infrastructure, including but not limited to, parking, landscaping, lighting, utilities, storm water improvements, sidewalks/walkways, streets/drives, ingress/egress improvements, green space, other infrastructure improvements; and other items allowable under the Act.

Section 3. 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 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.

Section 4. Further Action. The Mayor, City Administrator, 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 5. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body and publication one time in the official City newspaper.

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PASSED by of the Governing Body of the City of De Soto, Kansas on January 20, 2022 and **APPROVED AND SIGNED** by the Mayor.

[SEAL]

Mayor

Attest:

City Clerk

Approved as to form and legality:

Gilmore & Bell, P.C.

EXHIBIT A
MAP OF REDEVELOPMENT DISTRICT

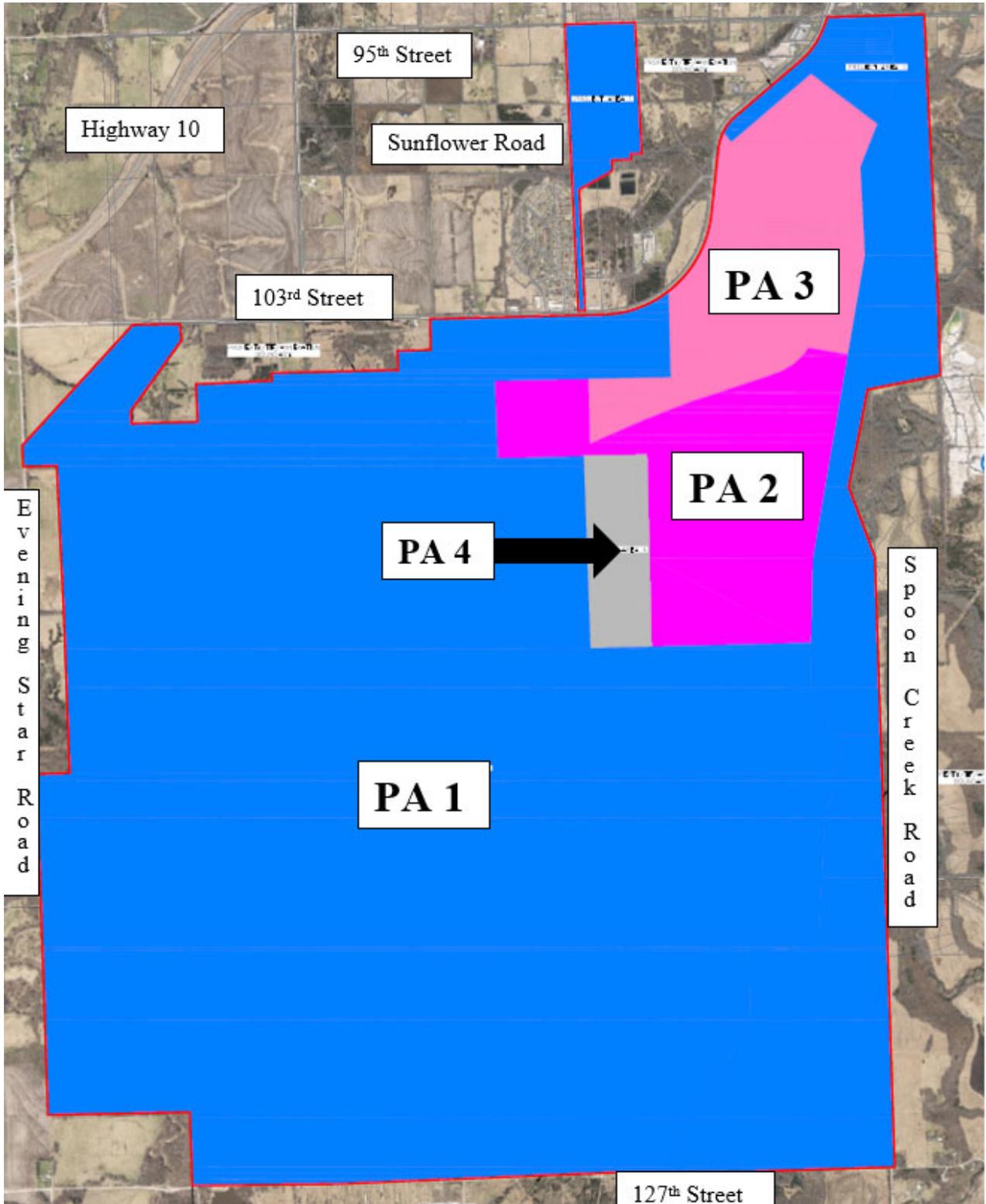


EXHIBIT B
LEGAL DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT

A TRACT OF LAND BEING LOCATED IN JOHNSON COUNTY, KANSAS, BEING ALL THAT PART OF SECTIONS 12, 13 AND 24, TOWNSHIP 13 SOUTH, RANGE 21 EAST AND ALL THAT PART OF SECTIONS 4, 5, 7 AND 9 AND ALL OF SECTIONS 8, 17, 18, 19 AND 20, TOWNSHIP 13 SOUTH, RANGE 22 EAST ALL EAST OF THE SIXTH PRINCIPAL MERIDIAN, JOHNSON COUNTY, KANSAS. THE INTENDED USE OF THIS DESCRIPTION IS FOR CREATING A TIF/ANNEXATION DISTRICT AND THEREFORE DOES NOT FALL UNDER K.S.A. 19-1434. IF THIS DESCRIPTION IS USED FOR THE TRANSFER OF PROPERTY OR OWNERSHIP A FIELD SURVEY AND CERTIFICATE OF SURVEY, AND NEW DESCRIPTION, MEETING THE MINIMUM STANDARDS FOR LAND SURVEYS IN KANSAS AND THE REQUIREMENTS OF K.S.A. 19-1434 WOULD NEED TO BE PERFORMED AND FILED FOR RECORD AT THE REGISTER OF DEEDS OFFICE IN JOHNSON COUNTY, KANSAS. THIS PARCEL WAS DESCRIBED BY KENNETH J. DEDRICK, PS-1067 ON THIS 7TH DAY OF JANUARY 2022 AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4, THENCE N 88°24'22" E ON THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 1311.45 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF SAID SECTION 4; THENCE S 02°46'32" E ON THE EAST LINE OF SAID WEST ONE-HALF OF THE WEST ONE-HALF, A DISTANCE OF 5,354.79 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF SAID SECTION 9; THENCE SOUTH 01°50'05" EAST ON THE EAST LINE OF SAID WEST ONE-HALF OF THE WEST ONE-HALF, A DISTANCE OF 1,280.47 FEET, MORE OR LESS TO THE NORTH LINE OF A PARCEL OWNED BY THE JOHNSON COUNTY PARKS & RECREATION DEPARTMENT, AS DESCRIBED IN KANSAS LIMITED WARRANTY DEED FILED IN BOOK 200508, AT PAGE 003613; THENCE SOUTH 78°43'12" WEST ON SAID NORTH LINE, A DISTANCE OF 1,364.98 FEET, MORE OR LESS TO THE WEST LINE OF SAID PARCEL; THENCE SOUTH 10°58'53" WEST ON SAID WEST LINE, A DISTANCE OF 1,820.25 FEET, MORE OR LESS; THENCE SOUTH 20°27'21" EAST CONTINUING ON SAID WEST LINE, A DISTANCE OF 1,377.25 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF SAID SECTION 8; THENCE SOUTH 01°43'48" EAST CONTINUING ON SAID WEST LINE, BEING THE SAME AS THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 657.61 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE S 01°51'46" E ON THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 2,613.65 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 17; THENCE S 01°52'52" E CONTINUING ON SAID EAST LINE, A DISTANCE OF 2,613.84 FEET TO THE NORTHEAST CORNER OF SAID SECTION 20; THENCE S 01°51'29" E ON THE EAST LINE OF SAID SECTION 20, A DISTANCE OF 2,664.89 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE S 01°50'41" E CONTINUING ON SAID EAST LINE, A DISTANCE OF 2,663.68 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 20; THENCE S 88°17'19" W ON THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 2,651.64 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 20; THENCE S 89°31'26" W ON THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 2,629.48 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE S 87°35'40" W ON THE SOUTH LINE OF SAID SECTION 19, A DISTANCE OF 5,026.57 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE S 89°24'30" W ON THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 2,612.54 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 24; THENCE N 01°58'33" W ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1,345.92 FEET TO A POINT; THENCE S 88°56'07" W, A DISTANCE OF 2,606.97 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 24; THENCE N 01°53'39" W ON SAID WEST LINE, A DISTANCE OF 1,325.87 FEET TO THE WEST QUARTER CORNER OF SAID

SECTION 24; THENCE N 01°53'28" W ON SAID WEST LINE, A DISTANCE OF 2,651.67 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE N 02°06'16" W ON THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 2,293.06 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND KNOWN AS PARCEL I DESCRIBED IN BOOK 539, AT PAGE 215; THENCE N 88°41'39" E ON THE SOUTH LINE OF SAID PARCEL I, A DISTANCE OF 616.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL I; THENCE N 02°05'37" W ON THE EAST LINE OF SAID PARCEL I, A DISTANCE OF 2,952.82 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 12; THENCE N 02°46'14" W CONTINUING ON SAID EAST LINE, A DISTANCE OF 2,698.68 FEET TO THE NORTHEAST CORNER OF SAID PARCEL I; THENCE S 88°38'49" W ON THE NORTH LINE OF SAID PARCEL I, A DISTANCE OF 616.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 12; THENCE N 02°47'01" W ON SAID WEST LINE, A DISTANCE OF 390.08 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND KNOWN AS PARCEL H DESCRIBED IN BOOK 539, AT PAGE 215; THENCE N 42°28'45" E ON THE SOUTH LINE OF SAID PARCEL H, A DISTANCE OF 3,004.52 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF KANSAS STATE HIGHWAY NO. 10 AS DESCRIBED IN DEED RECORD NO. 151; THENCE N 88°46'58" E ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 497.50 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 LYING 31.82 FEET SOUTH OF THE NORTH ONE-QUARTER CORNER THEREOF; THENCE N 89°03'19" E CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 369.85 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND KNOWN AS PARCEL G DESCRIBED IN BOOK 539, AT PAGES 214 AND 215; THENCE S 05°23'10" E ON SAID WEST LINE, A DISTANCE OF 303.20 FEET TO A POINT; THENCE S 35°34'51" W CONTINUING ON SAID WEST LINE, A DISTANCE OF 1,592.01 FEET TO A POINT; THENCE S 02°28'40" E CONTINUING ON SAID WEST LINE, A DISTANCE OF 232.28 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL G; THENCE N 88°36'19" E ON THE SOUTH LINE OF SAID PARCEL G, A DISTANCE OF 1,213.37 FEET TO A POINT; THENCE N 02°28'40" W CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 693.84 FEET TO A POINT; THENCE N 87°31'18" E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 1,401.86 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL G; THENCE N 01°08'38" W ON THE EAST LINE OF SAID PARCEL G, A DISTANCE OF 146.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN VOLUME 982, AT PAGE 299; THENCE N 88°40'50" E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 2,321.00 FEET TO A POINT; THENCE N 01°30'10" W CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 355.00 FEET TO A POINT; THENCE N 88°37'24" E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 610.00 FEET TO A POINT; THENCE N 01°22'36" W, A DISTANCE OF 570.00 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF KANSAS STATE HIGHWAY NO. 10; THENCE N 88°35'13" EAST ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2,733.08 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 8 LYING 40.00 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE N 88°42'01" E CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 436.48 FEET TO A POINT OF TANGENT CURVE; THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 2,062.40 FEET, A DELTA ANGLE OF 82°33'30", AND AN ARC LENGTH OF 2,971.74 FEET TO A POINT; THENCE N 06°08'01" E CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,210.20 FEET TO A POINT OF TANGENT CURVE; THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 915.40 FEET, A DELTA ANGLE OF 41°19'51", AND AN ARC LENGTH OF 660.33 FEET TO A POINT; THENCE N 49°29'01" E CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,604.70 FEET TO A POINT OF TANGENT CURVE; THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 1,472.70 FEET, A DELTA ANGLE OF 28°34'42", WITH AN ARC LENGTH OF 734.56 FEET TO A POINT; THENCE N 20°54'01" E CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 225.06 FEET TO A

POINT ON THE NORTH LINE OF SAID SECTION 5; THENCE N 88°26'13" E ON SAID NORTH LINE, A DISTANCE OF 461.86 FEET TO THE POINT OF BEGINNING.

NO FIELD WORK WAS PERFORMED AT THIS TIME AND THIS DESCRIPTION DOES NOT MEET THE REQUIREMENTS OF K.S.A. 19-1434, WHICH REQUIRES A SURVEY TO BE FILED WHEN CREATING A NEW PARCEL OR DESCRIPTION FOR THE TRANSFER OF REAL PROPERTY. THE ABOVE DESCRIPTION IS BASED ON A SURVEY BY DAVID J. SCHAFFER, LS-1240 FILED AT THE JOHNSON COUNTY REGISTER OF DEEDS OFFICE, FOUND IN BOOK 200707, AT PAGE 009088 AND CONTAINS 5,789.435 ACRES MORE OR LESS.

ALSO:

A TRACT OF LAND BEING LOCATED IN JOHNSON COUNTY, KANSAS, BEING ALL THAT PART OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 22 EAST ALL EAST OF THE SIXTH PRINCIPAL MERIDIAN, JOHNSON COUNTY, KANSAS. THE INTENDED USE OF THIS DESCRIPTION IS FOR CREATING A TIF/ANNEXATION DISTRICT AND THEREFORE DOES NOT FALL UNDER K.S.A. 19-1434. IF THIS DESCRIPTION IS USED FOR THE TRANSFER OF PROPERTY OR OWNERSHIP A FIELD SURVEY AND CERTIFICATE OF SURVEY, AND NEW DESCRIPTION, MEETING THE MINIMUM STANDARDS FOR LAND SURVEYS IN KANSAS AND THE REQUIREMENTS OF K.S.A. 19-1434 WOULD NEED TO BE PERFORMED AND FILED FOR RECORD AT THE REGISTER OF DEEDS OFFICE IN JOHNSON COUNTY, KANSAS. THIS PARCEL WAS DESCRIBED BY KENNETH J. DEDRICK, PS-1067 ON THIS 7TH DAY OF JANUARY 2022 AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE N 88°25'42" E ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,289.05 FEET TO A POINT; THENCE S 02°56'17" E, A DISTANCE OF 2,416.27 FEET TO A POINT; THENCE S 88°45'35" W, A DISTANCE OF 196.91 FEET TO A POINT; THENCE S 01°14'25" E, A DISTANCE OF 103.00 FEET TO A POINT; THENCE S 87°25'55" W, A DISTANCE OF 350.62 FEET TO A POINT; THENCE S 01°14'25" E, A DISTANCE OF 184.00 FEET TO A POINT; THENCE S 43°53'35" W, A DISTANCE OF 45.14 FEET TO A POINT; THENCE S 60°43'55" W, A DISTANCE OF 659.00 FEET TO A POINT; THENCE S 02°42'49" E, A DISTANCE OF 2,226.65 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF KANSAS STATE HIGHWAY NO. 10; THENCE S 88°42'01" W ON SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 122.03 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE N 02°42'49" W ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2,535.94 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE N 02°41'44" W ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,736.21 FEET TO THE POINT OF BEGINNING.

NO FIELD WORK WAS PERFORMED AT THIS TIME AND THIS DESCRIPTION DOES NOT MEET THE REQUIREMENTS OF K.S.A. 19-1434, WHICH REQUIRES A SURVEY TO BE FILED WHEN CREATING A NEW PARCEL OR DESCRIPTION FOR THE TRANSFER OF REAL PROPERTY. THE ABOVE DESCRIPTION IS BASED ON A SURVEY BY DAVID J. SCHAFFER, LS-1240 FILED AT THE JOHNSON COUNTY REGISTER OF DEEDS OFFICE, FOUND IN BOOK 200707, AT PAGE 009088 AND CONTAINS 87.318 ACRES MORE OR LESS,

Including any and all adjacent right-of-way.