

(Published in The Legal Record on January ____, 2016)

ORDINANCE NO. 2391

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN FOR THE COMMERCE DRIVE REDEVELOPMENT DISTRICT.

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 for which the City has made a finding that such area is an “enterprise zone” as defined in the Act, and is therefore an “eligible area” as said term is defined in the Act; and

WHEREAS, the City by the adoption of Ordinance No. 2385 on September 3, 2015, created a redevelopment district (the “Redevelopment District”) consisting of a single redevelopment project area, all pursuant to the Act; and

WHEREAS, the Redevelopment Project Plan dated November 19, 2015 (the “Project Plan”) was filed with the City Clerk on November 19, 2015; and

WHEREAS, a copy of the Project Plan has been delivered by the City to the Board of County Commissioners of Johnson County and to the Board of Education of Unified School District No. 232; and

WHEREAS, on November 24, 2015 the Planning Commission of the City made a finding that the Project Plan is consistent with the intent of the City’s comprehensive plan for the development of the City; and

WHEREAS, the Governing Body adopted Resolution No. 964 on December 3, 2015 calling for a public hearing considering the approval of the Project to be held by the Governing Body on January 7, 2016; and

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

WHEREAS, the public hearing on the Project Plan was held and closed on this date;

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

Section 1. The Governing Body hereby adopts the Project Plan which governs redevelopment of the real property in the Redevelopment District, which is shown on **Exhibit A** and legally described on **Exhibit B** attached hereto.

Section 2. The governing body of the City finds and determines that the Project Plan does not require a relocation assistance plan under the Act since no relocation assistance will be provided under the Redevelopment Plan.

Section 3. The governing body hereby approves the Commerce Drive Tax Increment Financing Redevelopment District Redevelopment Agreement between the City and Harp's Food Stores, Inc. (the "Redevelopment Agreement") in substantially the form presented with such changes therein as shall be approved by the Mayor and City Clerk, such officials' signatures thereon being conclusive evidence of their approval and the City's approval thereof. The Mayor and City Clerk are hereby authorized and directed to execute the Redevelopment Agreement on behalf of the City.

Section 4. This Ordinance shall take effect and be in force from and after its passage by a 2/3 vote of the Governing Body, its publication once in the official City newspaper and the date of December 31, 2016.

ADOPTED by the Governing Body this January 7, 2016.

SIGNED by the Mayor this January 7, 2016.

Mayor

(SEAL)

City Clerk

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT

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

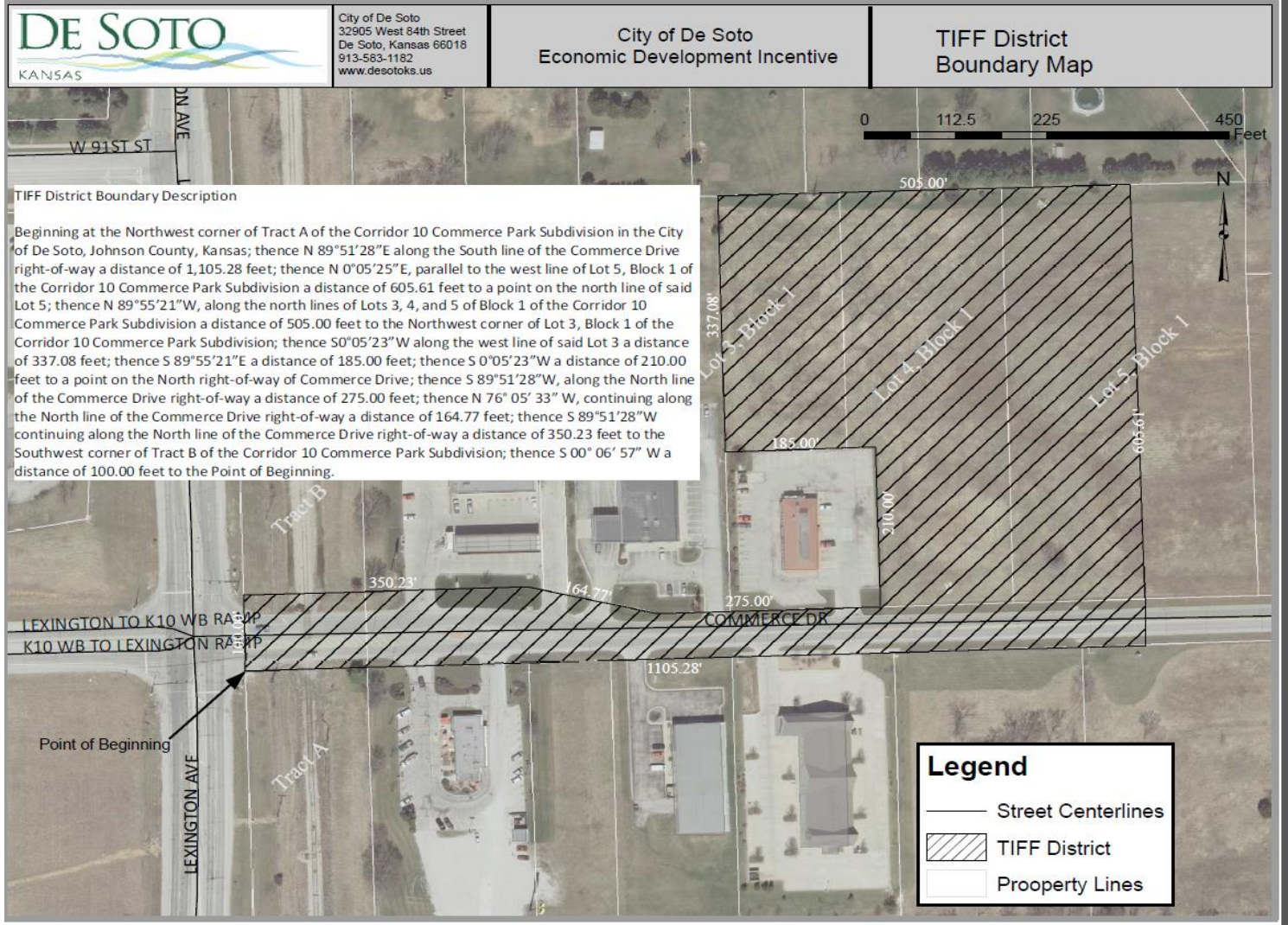


EXHIBIT B

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.