

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
July 11, 2019
7:00 P.M.**

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Brown ____ Conus ____ Lewis ____ Smith
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes for June 27, 2019 Regular City Council Meeting

Regular Agenda

5. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
6. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

Business Requiring Action

7. **CONSIDER RESOLUTION NO. 07-11-19A, PROVIDING A DEADLINE FOR THE REMOVAL OF OVERGROWN GRASS, WEEDS, UNSIGHTLY VEGETATION AND HEALTH NUISANCES LOCATED AT 204 W. 7TH STREET, EDGERTON, KANSAS PURSUANT TO EDGERTON MUNICIPAL CODE SECTION 8-208 AND ALLOWING FOR THE CITY TO ABATE THE COSTS ASSOCIATED WITH THE REMOVAL OF SAID NUISANCES**

Motion: _____ Second: _____ Vote: _____

8. **CONSIDER PROJECT AUTHORIZATION FOR THE REBUILDING OF 207TH STREET PHASE II – EAST OF WAVERLY ROAD**

Motion: _____ Second: _____ Vote: _____

9. **CONSIDER GUARANTEED MAXIMUM PRICE, SCHEDULE AND SCOPE FROM MILES EXCAVATING, INC. FOR 2019 STREET RECONSTRUCTION PROJECT**

Motion: _____ Second: _____ Vote: _____

10. **CONSIDER RESOLUTION NO. 07-11-19B PROVIDING FOR NOTICE TO BE GIVEN FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF EDGERTON, KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ. AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISTRICT (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)**

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER RESOLUTION NO. 07-11-19C PROVIDING FOR NOTICE TO BE GIVEN FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF EDGERTON, KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ. AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISTRICT (EDGERTON OFFICE PROJECT)**

Motion: _____ Second: _____ Vote: _____

12. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR**

13. **Report By The City Administrator**

14. **Report By the Mayor**

15. **Future Meeting/Event Reminders:**

- July 13th: Downtown Summer Movie Night feat. The Lego Movie 2 – 8PM
- July 17th: Senior Lunch and Bingo – Noon
- July 25th: City Council Meeting – 7PM

16. **Adjourn** Motion: _____ Second: _____ Vote: _____

City of Edgerton, Kansas
Minutes of City Council Regular Session
June 27, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on June 27, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	absent
Katee Smith	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Utilities Superintendent Mike Mabrey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for June 13, 2019 Regular City Council Meeting
5. Approve Minutes for April 1, 2019 Special Council Meeting
6. Approve Ordinance No. 2013 Ordering the Vacation of Right-Of-Way Adjacent to Inland Port VII – Montrose Street and 185th Street
7. Approve Contract with Strategy New Media for IT Services

Mayor Roberts asked that Item 7 be removed from the consent agenda for discussion.

Motion by Smith, Second by Longanecker to approve items 4,5, and 6 on the consent agenda.

Motion passed, 3-0.

Item #7:

Scott Peterson, Assistant City Administrator, overviewed the Contract with Strategy New Media. Mr. Peterson stated there needs to be a minor change, a language revision, per Mr. Hendrick's approval. Lee Hendricks, City Attorney, stated in the previous contracts with Strategy New Media, we have asked for the limited liability language to be removed. Jordan List, Strategy New Media representative, stated he is fine with this update.

Councilmember Conus asked about the difference between the afterhours billing category and the general support category. Mr. List stated this is for additional projects or after hour problems the network might experience.

There was a general discussion about the cyber threats facing municipalities today and Strategy's plan for protection and recovery.

Motion by Conus, Second by Longanecker to approve contract upon attorney review.

Motion passed, 3-0.

REGULAR AGENDA

8. Public Comments.

Pete Kirwan, New City Church Pastor, addressed a concern for provisions regarding adult businesses in the Unified Development Code and asked council to consider the impact of these types of business in Edgerton.

9. Declaration. None.

BUSINESS REQUIRING ACTION

10. CONSIDER ORDINANCE NO. 2014 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE UPDATED VERSIONS OF ARTICLE 4, SECTIONS 4.1, 4.2, 4.3, 4.4, 4.6 AND 4.7, ARTICLE 10 AND ARTICLE 16

Katy Crow, Development Services Director, overviewed the process of updating the City of Edgerton's Unified Development Code (UDC). These first article updates are part of a revision process that will bring the UDC up-to-date and in line with Edgerton's Comprehensive Plan, other planning documents, and the Governing Body's vision for the growth of Edgerton.

Discussions were held with the Planning Commission during several Planning Commission Public Hearings and work sessions. Article 10 focuses on Site Plans, Article 16 focuses on Parking and Loading Regulations, and Article 4 addresses uses, design standards and landscaping for Commercial Zoning Districts. Article 4 specifically covers Downtown Commercial, General Commercial, Heavy Service Commercial, and Highway Commercial Zoning Districts.

Councilmember Conus had a question on page 4-5, item 9 which references tree canopies. Councilmember Conus asked for the reasoning behind the height clearance (7 foot) for landscaping in this District compared to other Districts. Ms. Crow responded that this regulation addresses the Commercial Downtown Area and the Commercial Downtown Plan outlines a slightly different look and feel than the other commercial districts. Councilmember Conus asked why every other section but 4.1 has a maintenance requirement. Ms. Crow stated that the challenge with the Downtown District is that some of the landscaping would be installed in the right-of-way as part of a streetscape plan and if that is the case it would be managed by City Staff. Ms. Crow also stated that revisions could be made if needed and the plan moving forward is to review and update the UDC every June.

Mayor Roberts and Councilmember Longanecker wanted to discuss the C-2, Heavy Commercial section 4.3D "Uses Permitted by Condition (Conditional Uses)" which includes adult entertainment businesses. Councilmember Longanecker asked for an explanation of the inclusion. Mr. Hendricks addressed Mr. Kirwan and the Council and stated that allowing adult entertainment businesses to continue to exist in the C-2 Zoning District is the best approach for the City. The City cannot prohibit such businesses from existing in every zoning district without violating their constitutional rights. Ms. Crow stated that a Public Hearing would be required for a Conditional Use Permit operation such as an adult entertainment business in a C-2 Zoning District. Mayor Roberts stated that the public hearing requirement ensures that the whole community has a voice with regard to these businesses. There was a general discussion of the C-2 Heavy Service Commercial district areas within the City.

Motion by Longanecker, Second by Smith to approve Ordinance No. 2014.

Motion passed 3-0.

Councilmember Longanecker wanted to extend a thank you to Ms. Crow and the Planning Commission. He stated he was proud Ms. Crow and of the work that has gone into the code. Mr. Longanecker also stated he thought other towns will want to borrow from the City of Edgerton's code in the future.

Councilmember Conus wanted to extend a special thank you to the Planning Commission.

Councilmember Smith stated she appreciated all of the detail that has gone into the UDC update.

11. CONSIDER APPROVAL OF TYPICAL STREET SECTION FOR 2019 STREET RECONSTRUCTION PROJECT

Dan Merkh, Public Works Director, overviewed the request by staff for Council to approve the typical street section of roadway for the 2019 Street Reconstruction Project.

Staff recommended that Council approve the following standard roadway section: the road width set at 28 feet from back of curb to back of curb; right-of-way (ROW) width is 50 foot (no change to existing); the curb will be 2 foot low back (mountable) curb; sidewalk width set at 5 feet; sidewalk location is 1 foot inside the ROW; When sidewalk does exist, it will be

reinstalled on the same side; when sidewalk does not exist it will be installed on the North or West side of the road. There was general discussion about sidewalks and sidewalk repair.

Motion by Smith, Second by Longanecker to approve the Typical Street Section for 2019 Street Reconstruction Project.

Motion passed, 3-0.

11.5 CONSIDER RESOLUTION NO. 06-27-19A FOR TEMPORARY NO PARKING RELATED TO COMMUNITY PICNIC AND FIREWORKS SHOW

Item Walked-On by Mayor Roberts

A part of the preparation for 2019 Annual Community Picnic and Fireworks Show held on July 3rd, 2019, City Staff requests parking be prohibited on both sides of the road along Sunflower Road from East 6th Street (the entrance to the Lake) around the curve to the entrance of Martin Creek Park. This temporary no parking resolution is important to help with traffic around the curve and protect the ability for the public to safely maneuver this area. The time frame for the temporary no parking would be from July 1, 2019 at 7:00 AM until July 5, 2019 at 4:30 PM.

Motion by Conus, Second by Smith to approve Resolution No. 06-27-19A.

12. Report by the City Administrator

Echoed the sentiment of the Council on the hard work that Ms. Crow and the Planning Commission put into the Unified Development Code update.

13. Report by the Mayor

14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND ECONOMIC DEVELOPMENT COUNCIL

Motion by Smith, Second by Conus to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Economic Development Counsel for fifteen (15) minutes.

Motion was approved, 3-0.

Session recessed at 8:00 pm. Meeting reconvened at 8:15 pm.

Motion by Longanecker, Second by Conus to return to open session.

Motion was approved, 3-0.

Scott Anderson, Economic Development Counsel, outlined the Development Agreement for a 2 or 3 story, 10,000 square foot office building located at 191st and Waverly Road.

Motion by Longanecker, Second by Smith to approve the development agreement in the form with the caveat on pushing dates back to October and the removal of the definition of "City Project"

Motion passed, 3-0.

15. Future Meeting/Event Reminders:

- July 3rd: Community Picnic & Fireworks Show – 6PM to 10:30PM

16. Adjourn

Motion by Smith, Second by Conus to adjourn.

Motion was approved 3-0. The meeting adjourned at 8:35 pm.

City Council Action Item

Council Meeting Date: July 11, 2019

Department: Community Development

Agenda Item: Consider Resolution 07-11-19A, providing a Deadline for the Removal of Overgrown Grass, Weeds, Unsightly Vegetation and Health Nuisances Located at 204 W. 7th Street, Edgerton, Kansas Pursuant to Edgerton Municipal Code Section 8-208 and Allowing for the City to Abate the Costs Associated with the Removal of Said Nuisances.

Background/Description of Item: In June 2018, the Codes Enforcement Officer was made aware that Nelta Anderson, owner of property located at 204 W. 7th Street, Edgerton, KS was in a nursing home facility and no longer occupying the residence located at that same address. The exterior of the property was not being maintained and an Order of Violation letter was sent via certified mail with notification published in the Gardner News.

On April 26, 2019, Ms. Anderson was sent, via certified mail, a Notice to Remove pursuant to Edgerton Municipal Code Sections 8-901, 8-902 and Chapter 8 with regards to weeds and grasses in excess of 6 inches in height on the property. It was returned to the City unclaimed after three (3) attempts. A notice of the violation was also published in the Gardner News on May 1, 2019. The lawn was mowed but no maintenance work was performed on the overgrown weeds and shrubs also present on the property.

On May 28, 2019, Ms. Anderson was sent an Order of Violation, via certified mail, pursuant to Edgerton Municipal Code Section 8-201. Ms. Anderson was informed that observations of the property revealed extreme and excessive overgrowth of bushes, trees and shrubs in both the front and rear yards, causing both a public health issue and blight to the surrounding properties. In addition to the blight, the letter also informed Ms. Anderson that the continued lack of maintenance to the property and the resulting overgrowth had created a refuge for vermin, snake, rats/mice, etc. The resulting overgrowth was noted to be infringing on adjacent properties as well. The certified letter was returned as unclaimed by the U.S. Postal Service after 3 (three) attempts. A notice of this violation was also published in the Gardner News on June 19, 2019.

City staff has since learned that Ms. Anderson passed away on December 17, 2018. As of June 26, 2019, the Johnson County AIMS system indicated that Richard and Nelta Anderson are the property owners of record.

City Attorney has prepared Resolution No. 07-11-19A pursuant to Section 8-208 of the Edgerton Municipal Code. Staff recommends the Governing Body approve Resolution No. 07-11-19A to find the existence of the health nuisances to be a violation of the Municipal Code and remand the property owner to abate the nuisances by August 3, 2019. This date allows for the publication of the resolution twice in the official city newspaper, as required by Section 8-208c and allows 10 (ten) days to abate after the second publication. Should this deadline not be met, approval of Resolution No. 07-11-19A authorizes the City of Edgerton, by its agent, to abate the conditions causing the violations and remove the nuisances from the property pursuant to Section 8-208 of the Edgerton Municipal Code.

Resolution No. 07-11-19A states that should it be necessary to abate these conditions, any and all costs incurred by the City of Edgerton, including attorneys' fees, shall be charged against the property as provided in Section 8-210, by having the City Clerk certify the costs of cleanup to Johnson County Clerk to be collected by the County Treasurer and paid to the City of Edgerton as other City taxes are collected and paid.

Related Ordinance(s) or Statue(s): – Sections 8-201, 8-208 and 8-210 Edgerton Municipal Code

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution 07-11-19A providing for a deadline of August 3, 2019 to remove overgrown grass, weeds, unsightly vegetation and health nuisances from the property located at 204 W. 7th Street in the City of Edgerton, Johnson County, Kansas pursuant to the City of Edgerton Municipal Code Sections 8-201, 8-208, and 8-210.

Enclosed:

- Resolution 07-11-19A
- Photos of 204 W. 7th Street
- Chapter 8, Article 2 - Edgerton Municipal Code

Prepared by: Katy Crow, Development Services Director

RESOLUTION NO. 07-11-19A

A RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A DEADLINE OF AUGUST 3, 2019 TO REMOVE GRASS, WEEDS, UNSIGHTLY VEGETATION, AND ANY HEALTH NUISANCES FROM THE PROPERTY AT 204 W. 7th STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON, MUNICIPAL CODE SECTION 8-208.

WHEREAS, it was reported by the Code Enforcement Officer of the City of Edgerton that there existed, on the premises of 204 W. 7th Street, Edgerton, Kansas (the "Property"), weeds and grasses in excess of 6" in height resulting in a blighting influence on the neighborhood and unsightly overgrown vegetation, harboring potential health nuisances in violation of Sections 8-201, 8-901 and 8-902 of the Municipal Code; and

WHEREAS, a notice of violation of Section 8-901, 8-902 and Chapter 8 of the Edgerton Municipal Code was sent to the Property's listed owner, Nelta Anderson, on April 26, 2019, informing her of the nuisance and giving her ten days to abate the nuisance. In addition to the notice of violation being sent via certified mail, a notice of the violation was published in the Gardner News on May 1, 2019. The overgrown grass was mowed but no maintenance was performed to the overgrown vegetation (shrubs and trees); and

WHEREAS, the continued lack of maintenance to the shrubs and trees, and a new lack of maintenance to the grass, resulted in a notice of violation of Section 8-201 for health nuisances being sent to Ms. Anderson on or about May 28, 2019, informing her of the nuisance and giving her ten days to abate the nuisance and/or request a hearing in front of the City Council as required by Municipal Code Section 8-205. In addition to the notice of violation being sent via certified mail, a notice of the violation was published in the Gardner News on June 19, 2019. The conditions were not abated, and no hearing was requested by the owner or any other party.

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF EDGERTON, JOHNSON COUNTY, KANSAS:

That pursuant to Section 8-201 of the Municipal Code, the City Council hereby finds that the existence of overgrown grass, weeds, unsightly vegetation and health nuisances is a violation of the Municipal Code and the owner shall have until August 3, 2019 to abate these nuisances. Should the nuisances not be abated to the satisfaction of the City by August 3, 2019 the City of Edgerton by its agent is hereby authorized to abate the conditions causing the violations and remove the nuisances from the property pursuant to 8-208.

BE IT FURTHER RESOLVED:

That should it be necessary to abate these conditions, any and all costs incurred by the City of Edgerton, Kansas, including attorneys' fees, shall be charged against the above described property as provided in Section 8-210, and the City Clerk shall, at the time of certifying other taxes to the County Clerk, certify the costs of cleanup. The County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City of Edgerton as other City taxes are collected and paid.

PASSED by the City Council on this 11th day of July, 2019.

APPROVED by the Mayor on this 11th day of July, 2019.

ATTEST:

RACHEL A. JAMES, CITY CLERK

DONALD ROBERTS, MAYOR

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY







CHAPTER VIII. HEALTH AND WELFARE

- Article 1. Board of Health
 - Article 2. Health Nuisances
 - Article 3. Environmental Code
 - Article 4. Junked Motor Vehicles on Private Property
 - Article 5. Solid Waste
 - Article 6. Swimming Pool Fencing
 - Article 7. Minimum Housing Code
 - Article 8. Rodent Control
 - Article 9. Weeds
 - Article 10. Stormwater Pollution Prevention
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ARTICLE 1. BOARD OF HEALTH

8-101. PUBLIC HEALTH OFFICER. The governing body hereby designates the Johnson County Public Health Officer as the public health officer of the City of Edgerton. (Code 1984) (See Resolution 9-22-05)

ARTICLE 2. HEALTH NUISANCES

8-201. NUISANCES UNLAWFUL; DEFINED. It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:

- (a) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;
- (b) All dead animals not removed within 24 hours after death;
- (c) Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;
- (d) All stagnant ponds or pools of water;
- (e) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
- (f) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or deposited on the sanitary landfill, or any icebox or refrigerator not in actual use unless the door, opening or lid thereof is unhinged, or unfastened and removed therefrom;
- (g) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;
- (h) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city. (Ord. 792, 2005; Code 1995; Code 1984; Ord. 391, 1970)

- 8-202. PUBLIC OFFICER. The Governing Body shall designate a public officer to be charged with the administration and enforcement of this Article. (Ord. 792, 2005; Ord. 482, 1980; Ord. 321, 1955) (See Resolution No. 9-22-05)
- 8-203. COMPLAINTS; INQUIRY AND INSPECTION. The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the Public Health Officer, or police or fire personnel. The public officer may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings. (Ord. 792, 2005; Code 1995)
- 8-204. RIGHT OF ENTRY. The public officer has the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists. (Ord. 792, 2005; Code 1995)
- 8-205. ORDER OF VIOLATION. (a) The governing body or its designee, as hereinafter named, shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of Section 8-201 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.
- (b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.
- (c) The City Code Enforcement Officer is hereby designated by the governing for the purposes of issuing the order required herein. Such order shall be issued by the City Code Enforcement Officer upon the filing of a written statement of a violation of this Article. The order shall be issued in the name of the governing body; shall be served as required in this Article; and shall, contain all notices and other information as required by this Article and K.S.A. 12-16173, and amendments thereto. (Ord. 932, 2012; Ord. 792, 2005, Code 1995)
- 8-206. SAME; CONTENTS. The order shall state the condition(s) which is (are) in violation of Section 8-201. The notice shall also inform the person, corporation, partnership or association that
- (a) He, she or they shall have 10 days from the date of serving the order to abate the condition(s) in violation of Section 8-201; or

- (b) He, she or they have 10 days from the date of serving the notice to request a hearing before the governing body of the matter as provided by Section 8-209;
- (c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 8-207 and/or abatement of the condition(s) by the city as provided by Section 8-208. (Ord. 792, 2005; Code 1995)

8-207. **FAILURE TO COMPLY; PENALTY.** Should the person, corporation, partnership or association fail to comply with the order to abate the nuisance or request a hearing the public officer may file a complaint in the municipal court of the city against such person, corporation, partnership or association and upon conviction of any violation of provisions of Section 8-201, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense. (Ord. 792, 2005; Code 1995)

8-208. **ABATEMENT.** In addition to, or as an alternative to prosecution as provided in Section 8-207, the public officer may seek to remedy violations of this Article in the following manner. If a person to whom an order has been served pursuant to Section 8-205 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in Section 8-206, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 8-210. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (a) Personal service upon the person in violation;
- (b) Certified mail, return receipt requested; or
- (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.
- (d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. (Ord. 792, 2005; Code 1995)

8-209. **HEARING.** If a hearing is requested within the 10 day period as provided in Section 8-206, such request shall be made in writing to the governing body. Failure to make a

timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the governing body. The hearing shall be held by the governing body as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 8-208. (Ord. 792, 2005; Code 1995)

8-210. COSTS ASSESSED. If the city abates or removes the nuisance pursuant to section 8-208, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (Ord. 792, 2005; Code 1995))

ARTICLE 3. ENVIRONMENTAL CODE

8-301. TITLE. This Article shall be known as the "Environmental Code." (Ord. 796, 2005; Code 1995)

8-302. LEGISLATIVE FINDING OF FACT. The governing body has found that there exist within the city unsightly and hazardous conditions due to: dilapidation, deterioration or disrepair of walls, siding, fences or structure exteriors; accumulations increasing the hazards of accidents or other calamities; structural defects; uncleanness; unsightly stored or parked material, equipment, supplies, machinery, vehicles or parts thereof, and abandonment of tanks, or other storage units. Such conditions are inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood and the city, or are injurious to the health and safety of the residents of the city, or constitute a threat to the environment, and the health and safety of citizens, because of contamination to air, water, vegetation, and/or soil. The governing body desires to promote the public health, safety and welfare by the repair, removal,

City Council Action Item

Council Meeting Date: July 11, 2019

Department: Community Development

Agenda Item: Consider Project Authorization for the Rebuilding of 207th Street Phase II - East of Waverly Road

Background/Description of Item:

In January 2018, the Edgerton City Council approved a Development Agreement with Edgerton Land Holding Company (ELHC) for the development of Phase II of Logistics Park Kansas City (LPKC) located south of Interstate 35. Similar to LPKC Phase I, this Agreement established a new Public Infrastructure Fund (Ph II PIF) with for the collection of certain revenues associated with the development and payment of project expenditures as allowed by the Agreement.

The Development Agreement includes Exhibit E which describes Public Infrastructure Improvements and Costs that are allowed project expenses to be paid from Ph II PIF. The continued rebuild of 207th Street east of Waverly Road for approximately 0.5 miles, adjacent to Inland Port 51, is included as allowable project expense in LPKC Phase II.

Staff and City Engineer have reviewed the proposed public infrastructure road plans related to 207th Street, shown in the map in the attached exhibit. The proposed rebuild of 207th Street would serve the semi-truck loading and parking areas of Inland Port 51, the Hostess Distribution Center currently under construction, along with residents in the area.

The proposed section of road is 42' back to back and will be installed with curb and gutter. A 14' center turn lane will be included with the two 12' drive lanes. The rebuilt section will connect to the 207th Street/Waverly Road intersection that was recently rebuilt as part of the reconstruction of Homestead Lane and 207th Street.

Edgerton Land Holding Company has submitted the Recommendation for Contractor Award to Emery Sapp and Sons, Inc. at \$2,211,183.00 which includes \$63,350.00 of costs incurred for City Inspection fees which are not a reimbursable item under the Agreement. The revised contract amount for reimbursement would be \$2,147,833.00 This cost will be borne entirely by ELHC until such time the project is converted to funding from Home Rule Revenue Bonds. If the project is approved, staff will work with Intermodal Bond Counsel and ELHC to include the allowable project costs into the next Home Rule Revenue Bond series.

Related Ordinance(s) or Statue(s): n/a

Funding Source: LPKC Phase II Public Infrastructure Fund

Budget Allocated: \$2,147,833.00

Finance Director Approval: x *Karen E. Kindle*
Karen Kindle, Finance Director

<p>Recommendation: Approve Project Authorization for the Rebuilding of 207th Street Phase II - East of Waverly Road</p>

Enclosed: Recommendation for Contractor Award
Exhibit E for rebuilding of 207th Street east of Waverly Road
Map of rebuild area

Prepared by: Katy Crow, Development Services Director

Recommendation for Contractor Award

**Project: Public Street and Storm Sewer Improvements 207th Street
Edgerton, Kansas**

July 1, 2019

Ms. Beth Linn,

We appreciate the opportunity to work with the City of Edgerton on the above referenced projects. We have reviewed the three contractor's bids received on the **207th Street Improvements**. The lowest qualified bidder was Emery Sapp and Sons, Inc. ('ESS'). We recommend moving forward with ESS if there are no questions or concerns from the city regarding the low contractor. Below is a summary of the associated costs for these projects.

<u>Items</u>	<u>Associated Costs</u>
City Bond	\$ 25,000
Storm Sewer and Street Improvements 207 th Street	\$1,810,000
Design and Survey Fees	\$ 82,583
Geotechnical Inspection Fees	\$ 4,000
City Inspection Fees (3.5% on Construction Costs)	\$ 63,350
NP Development Fee (5%)	\$ 90,500
Contingency (7.5%)	\$ 135,750
Project Total	\$2,211,183

Sincerely,

Brett Powell
NorthPoint Development

EXHIBIT E

PUBLIC INFRASTRUCTURE IMPROVEMENT NOTICE

The parties agree to proceed with the following Public Infrastructure Improvement(s):

<u>Public Infrastructure Improvement</u>	<u>Public Infrastructure Improvement Description</u>	<u>Estimated Cost</u>	<u>Funding Mechanism</u>	<u>Responsible Party</u>
207th St. Phase 2	207th Street and Sewer East of Waverly	\$2,211,183	Home Rule Revenue Bonds	EHLIC, LLC

This Public Infrastructure Improvement Notice is dated July 1st, 2019.

CITY OF EDGERTON, KANSAS, a
Kansas municipal corporation

[SEAL]

By: _____
Mayor

ATTEST:

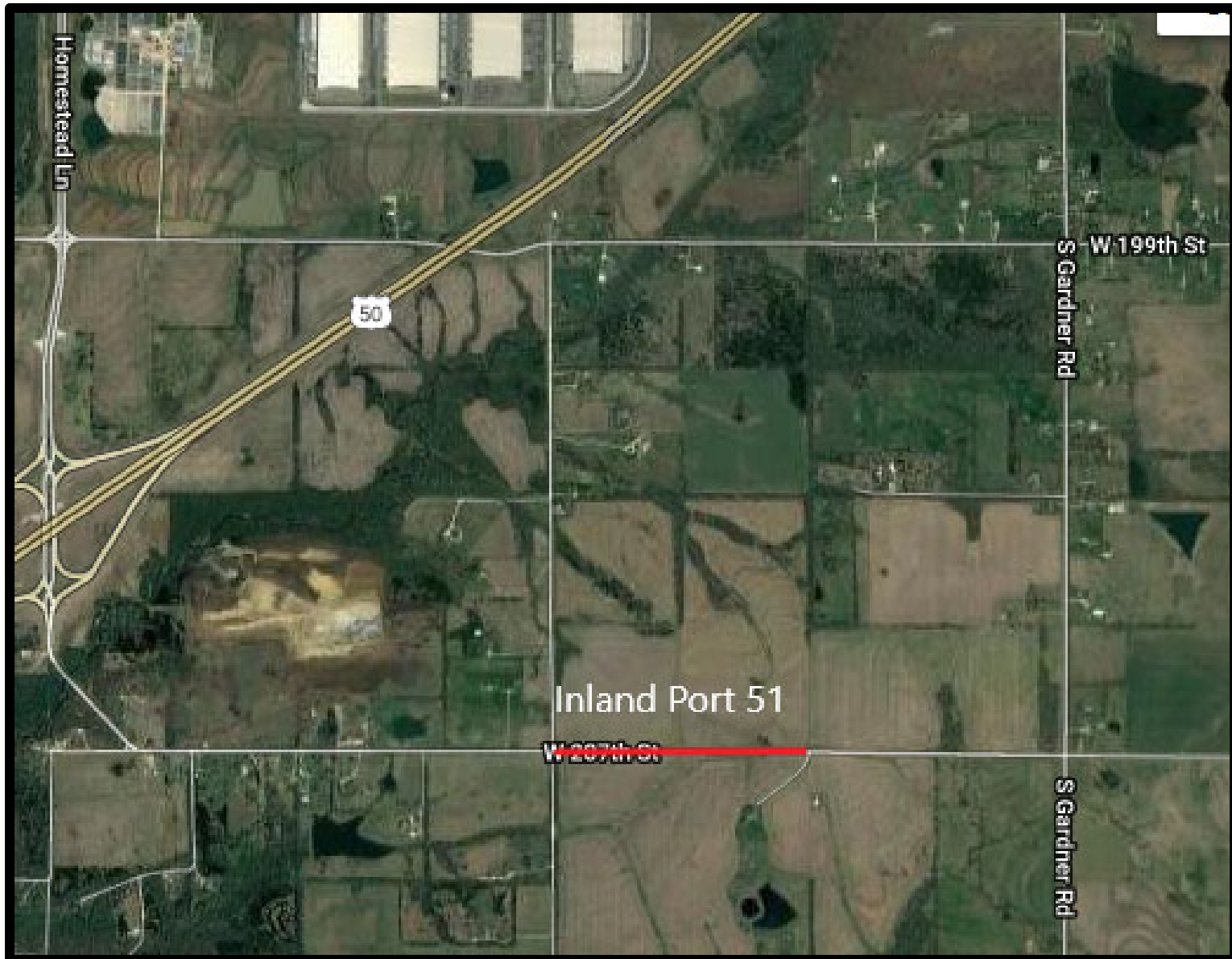
City Clerk

**EDGERTON LAND HOLDING
COMPANY, LLC**, a Kansas limited
liability company

By: Nathanial Development, LLC
By: _____

Printed Name: Nathanial Haxdorn

Title: manager



Continued Rebuild of 207th Street east of Waverly Road

City Council Action Item

Council Meeting Date: July 11, 2019

Department: Public Works

Agenda Item: Consider Guaranteed Maximum Price, Schedule and Scope from Miles Excavating, Inc. for 2019 Street Reconstruction Project

Background/Description of Item:

On March 29, 2019, the City of Edgerton issued a Request for Qualifications seeking Design-Build teams for the design and construction of residential roadways, see attached map for street locations. These roadways are identified in the 2017 Street Program as passed their useful life. Once identified as passed their useful life, maintenance operations ceased, and development of this project began. The Project includes new installation of roadway, storm inlets, storm pipe, sidewalks, curb & gutter, and adjustments as needed to street lighting and utilities.

On May 23, 2019, City Council approved the preliminary design-build agreement with Miles Excavating. The design-build team is complete with the following items:

- 30% Design Plans
- 90% Drainage Plans
- Communications Plan
- Schedule and phasing plan
- Guarantee Maximum Price (GMP)

On June 27, 2019, Council approved the typical section for the project. The typical section is to consist of asphalt roadway, 28 foot from back of curb to back of curb, low back curb, sidewalk on one side of the street, sidewalk to be 5 foot in width, and 50 feet of street right-of-way. Sidewalk is to be replaced in the same location if it exists currently. When it does not exist, it is to be installed on either the North side or West side of the street.

The Miles Excavating/Cook Flat Strobel (CFS)/TREKK team has provided a GMP of \$2,999,999.10. A public information meeting is set for Wednesday, July 31st at 7 pm. Construction is scheduled to start August 1 (pending all permit approvals), with the initial focus aimed towards the Cumberland segment of the project.

Staff (including City Attorney and City Engineer) is working with the Miles/CFS/TREKK team to prepare the Final Agreement. Staff would recommend the City Council approve the proposed Guaranteed Maximum Price (GMP), schedule and scope of construction to allow the contractor

to move forward with construction to meet the aggressive schedule for completion in 2019. Staff will bring the final Design Building Agreement for consideration by City Council at the July 25, 2019 city council meeting.

The funding source for the project is identified by the CIP, as listed below:

General Fund	\$ 41,694
Street Excise Tax	\$ 382,556
Public Infrastructure Fund	<u>\$ 1,502,499</u>
Total:	\$ 1,926,749

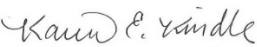
The project identified in the CIP consisted of less roadways than the current proposed project. During 2018 CIP work session, City Council authorized the addition of Heather Knoll to the scope of the project due to its significant deterioration and the economy of scale that will be achieved with a design/build team already working in the area. This increased the scope of the project by \$1,073,250.10.

As discussed in the CIP work session, staff recommends funding the project in the short term with temporary notes due to the timing of the major source of funding (Public Infrastructure Fund City Administrative Fee). This allows the project to continue forward while staff prepares a detailed financing plan to be presented to City Council with the final agreement on July 25, 2019.

Related Ordinance(s) or Statue(s):

<u>Funding Source:</u>	General Fund	\$ 41,694
	Street Excise Tax	\$ 382,556
	Public Infrastructure Fund	<u>\$ 1,502,499</u>
	CIP Total:	\$ 1,926,749
	Proposed Temp Notes	<u>\$ 1,073,250.10</u>
	Project Total:	\$2,999,999.10

Budget Allocated: N/A

x 

Finance Director Approval: Karen Kindle, Finance Director

<p>Recommendation: Approve Guaranteed Maximum Price of \$2,999,999.10, Schedule and Scope from Miles Excavating, Inc. for 2019 Street Reconstruction Project</p>

Enclosed: Schedule/phasing plan

Prepared by: Dan Merkh, Public Works Director
Trey Whitaker, Public Works Superintendent

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: July 11, 2019

Agenda Item: Resolution Setting Public Hearing for a TIF Redevelopment District

Subject: Edgerton Homestead Lane Retail District Project

Summary:

The City is exploring the creation of a TIF Redevelopment District on property generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane (the “Proposed District”). The City engaged Development Dynamics, LLC to prepare a Redevelopment Area Qualification/Eligibility Analysis to determine whether the Proposed District satisfies statutory requirements for a conservation area.

The Kansas TIF statutes define a “Conservation area” as any improved area comprising 15% or less of the land area within the city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted but may become blighted due to the existence of two or more of the following factors:

- (a) Dilapidation, obsolescence or deterioration of the structures;
- (b) Illegal use of individual structures;
- (c) The presence of structures below minimum code standards;
- (d) Building abandonment;
- (e) Excessive vacancies;
- (f) Overcrowding of structures or facilities; or
- (g) Inadequate utilities and infrastructure.

The study concluded that the Proposed District meets the statutory requirements for a conservation area. In particular, the study found the existence of the criteria in (a), (c) and (g) above.

In order to proceed with the creation of a TIF Redevelopment District, the City must adopt a resolution stating the City is considering the establishment of a redevelopment district. The resolution must give notice of a public hearing, describe the boundaries of the Proposed District, describe the district plan, state that a description of the Proposed District is available for inspection at a time and place designated, and state the governing body will consider findings necessary for the establishment of the Redevelopment District.

The Resolution sets a public hearing on the creation of a Redevelopment District and contains all of the other statutory requirements.

RESOLUTION NO. 07-11-19B

A RESOLUTION PROVIDING FOR NOTICE TO BE GIVEN FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF EDGERTON, KANSAS PURSUANT TO K.S.A. 12-1770 *ET SEQ.* AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISTRICT (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Edgerton, 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 City must adopt a resolution stating that the City is considering the establishment of redevelopment district and include in such resolution notice that a public hearing will be held to consider the establishment of said redevelopment district;

WHEREAS, an improved area of the City comprising 15% or less of the land area within the corporate limits of the City in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of certain factors as described in K.S.A. 12-1770a(d), may be deemed a “conservation area” which is eligible to be considered for the financing of redevelopment projects pursuant to the Act;

WHEREAS, the City hereby finds and determines it desirable to encourage the development and redevelopment of certain real property within the City generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane, and to consider the establishment of a tax increment financing redevelopment district at such location (the “Redevelopment District”); and

WHEREAS, the Governing Body of the City has received and reviewed a Redevelopment Area Qualification/Eligibility Analysis for to the proposed Redevelopment District;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Notice is hereby given that a public hearing to consider the establishment by the City of the Redevelopment District shall be held on August 22, 2019, at 7:00pm, or as soon thereafter as practical, at the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas.

Section 2. A map depicting the boundaries of the proposed Redevelopment District is attached hereto as **Exhibit A** and incorporated herein by reference. The parcels included within

the proposed Redevelopment District are set forth in **Exhibit B** attached hereto and incorporated herein by reference.

Section 3. The proposed district plan for the Redevelopment District includes multiple project areas that will contain truck stops, truck maintenance facilities, restaurants, hotels and other transportation and workforce related services, 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.

Section 4. A description and map of the proposed Redevelopment District shall be available for public inspection prior to the public hearing during regular office hours in the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas.

Section 5. At the public hearing, the Governing Body will consider findings necessary for the establishment of the proposed Redevelopment District.

Section 6. Notice of this public hearing shall be given as provided in K.S.A. 12-1772(c).

Section 7. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 11th day of July, 2019.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

ATTEST:

Rachel A. James, City Clerk

Approved as to form:

Scott W. Anderson, Economic Development Counsel

EXHIBIT A

Map of Boundaries of Proposed Redevelopment District



EXHIBIT B

Parcels Included in Proposed Redevelopment District

Kansas Uniform Parcel # 046-202-09-0-10-01-009.02-0

Kansas Uniform Parcel # 046-202-09-0-10-01-001.00-0

Kansas Uniform Parcel # 046-202-10-0-20-01-001.00-0

Kansas Uniform Parcel # 046-202-10-0-20-01-002.00-0

**REDEVELOPMENT AREA
QUALIFICATION/ELIGIBILITY ANALYSIS
EDGERTON, KANSAS**

DATE: June 25, 2019

Prepared By:
DEVELOPMENT DYNAMICS, LLC
1001 Boardwalk Springs Place, Suite #50 • O'Fallon, Missouri 63368 • (636) 561-8602
www.developmentdynamics.org

TABLE OF CONTENTS

- I. INTRODUCTION
- II. FUNCTION OF THIS REPORT
- III. METHODOLOGY
- IV. EXISTING CONDITIONS
- V. SUMMARY

- APPENDIX A: STUDY AREA BOUNDARY MAP
 - APPENDIX B: STUDY AREA ELIGIBILITY FACTOR LOCATION MAP
 - APPENDIX C: STUDY AREA PHOTOGRAPHIC ARRAY
 - APPENDIX D: STUDY AREA PROPERTY DATA
-

I. INTRODUCTION

The Tax Increment Financing Act – Sections 12-1770 to 12-1780g K.S.A. (the "TIF Act") provides a means for local governments to encourage the redevelopment of locations within their community that are substandard or economically underutilized and that would not otherwise be developed without public assistance. The TIF Act enables the provision of development assistance through the capture of future increases in certain taxes associated with the redevelopment of the property in substandard areas.

The TIF process requires local government to (1) identify and designate redevelopment areas (2) adopt a Redevelopment Plan that designates the redevelopment area and states the objectives to be attained and the program to be undertaken; (3) approve a redevelopment project for implementation; and (4) utilize the tools set forth under the TIF Act to assist in reducing or eliminating conditions that caused the area to qualify as a redevelopment area.

II. FUNCTION OF THIS REPORT

This Qualification/Eligibility Analysis addresses property conditions of an area proposed for inclusion in a Redevelopment Area (the "Redevelopment Area" or the "Study Area"). The Study Area includes four (4) parcels of land (Parcel ID #'s: 046-202-10-0-20-01-001.00-0; 046-202-10-0-20-01-002.00-0; 046-202-09-0-10-01-001.00-0; 046-202-09-0-10-01-009.02-0) located in the City of Edgerton, Johnson County, Kansas. The Study Area is traversed by Homestead Lane, bounded on the north by 199th Street, and on the southeast by Interstate 35.

Development Dynamics, LLC ("D2"), was tasked with evaluating conditions affecting the Study Area based upon the Conservation area qualification criteria.¹ The term "Conservation area" is defined as *any improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:*

- (1) Dilapidation, obsolescence or deterioration of the structures;*
- (2) illegal use of individual structures;*
- (3) the presence of structures below minimum code standards;*
- (4) building abandonment;*
- (5) excessive vacancies;*
- (6) overcrowding of structures and community facilities; or*
- (7) inadequate utilities and infrastructure.*

¹ KSA 12-1770a(d)

Figure 1: Study Area Boundary Map



This qualification/eligibility analysis and report is submitted to document factors that have affected the Study Area's development pattern and that serve as a deterrent to the redevelopment. Subsequent sections evaluate whether conditions in the Area meet the qualifications of a "Conservation area" under the Act.

III. METHODOLOGY

D2 performed an analysis of the Study Area's eligibility factors through on-site inspection and research of such documents as aerial maps, property files, and public records. This information was supplemented by data from the City and Johnson County. Identification of existing conditions provides a framework to determine whether the Study Area is eligible for designation as a Conservation area, based upon their presence and extent. This analysis resulted from on-site investigations of the Study Area conducted by D2 staff on June 5, 2019. D2 staff further relied upon public research data and its extensive experience, knowledge of the real estate market, and professional expertise in the preparation of the analysis.

IV. EXISTING CONDITIONS

The City of Edgerton covers a land mass of approximately 7.3 square miles. The Study Area is comprised of approximately 145.11 acres, which equates to 3.1% of the City's total land area. The Study Area primarily consists of agricultural property, currently zoned C-2 Heavy Service Commercial, and contains outbuildings and structures used for agricultural purposes. Any proposed Developer of the property must incur substantial costs associated with site preparation, grading, demolition, infrastructure installation, utility construction, environmental remediation, in order to initiate redevelopment, and which are necessary to transform the property to a functional and usable state.

The use of tax increment financing assistance is proposed to help fund eligible costs, which, in turn, will assist in addressing development issues at the site. TIF revenues would be re-invested to cover the eligible project costs incurred to reduce the property's development challenges.

D2's research, analysis, and observations of conditions present within the Area indicate the property satisfies the criteria of a "Conservation area" under provisions of KSA 12-1770a(d). D2 arrived at this opinion based upon the following:

- A. **AGE.** The first criterion to qualify as a "Conservation Area" is that fifty percent of the structures must be at least 35 years or more. Age can provide an indication of the existence of limiting conditions resulting from normal and continuous use of structures and exposure to the elements over a period of many years.

FINDING: A number of structures within the Study Area were destroyed by fire or demolished prior to 2012. The remaining outbuildings and other structures were built in the early 1940s and are older than 35 years of age. As a rule, older structures typically exhibit more problems than buildings constructed in later years because of longer periods of active usage (wear and tear) and the impact of time, temperature, and moisture. Additionally, older buildings tend not to be ideally suited for meeting modern space and development standards.

- B. **DILAPIDATION, OBSOLESCENCE OR DETERIORATION OF STRUCTURES.** This factor relates to physical deficiencies or disrepair in buildings or site improvements requiring treatment or repair. Obsolescence in a building or improvement is often the result of inadequate or outmoded design that was once initially adequate, but has become outmoded as a result of market changes, current city codes or design standards, and restrictions on the particular structures or land uses. Physical deterioration refers to the physical deficiencies or disrepair in buildings or site improvements requiring treatment or repair. Deterioration, which is not easily correctable in the course of normal maintenance, may also be evident, such as defects in building components or site improvements

Dilapidation, obsolescence, and deterioration are pervasive throughout the Study Area. The structures within the Study Area evidence significant wear and tear consistent with their age. In addition, the lack of infrastructure serving the Study Area is detrimental to development of the property.

FUNCTIONAL OBSOLESCENCE FINDING: Structures are typically built for specific uses or purposes and their design, location, height, and space arrangement. Buildings are obsolete when they contain characteristics or deficiencies that limit the use and marketability. The characteristics may include loss in value to a property resulting from an inherent deficiency existing from poor layout or design. Obsolescence is typically difficult and expensive to correct. The Study Area structures display significant signs of functional obsolescence in building materials and footprints that are unsatisfactory for adaptation or commercial use.

OBSOLETE SITE IMPROVEMENT FINDING: Obsolete site improvements are represented in the Study Area due to the fact that required services like electric, water, sewer lack availability nor are the properties properly serviced by streets and other supportive infrastructure, demonstrating the general obsolescence of Study Area improvements for commercial uses.

PHYSICAL DETERIORATION FINDING: The state of structures within the Study Area are in severe decline. Primary building component deterioration (foundation, roofs, walls, and wiring) are readily evident. Secondary building components (doors, windows, wall coverings, frames, etc.) evidence numerous examples of damage, warping, and lack of maintenance. These deficiencies cannot be corrected through normal maintenance, and require replacement or rebuilding.

C. PRESENCE OF STRUCTURES BELOW MINIMUM CODE STANDARDS. This eligibility factor relates to whether structures within the Study Area fall below current City codes.

FINDING: The existing structures would not meet life safety codes of the City for uses other than limited agriculture.

F. INADEQUATE UTILITIES AND INFRASTRUCTURE

FINDING: The availability of modern and efficient infrastructure systems is a critical factor in real estate development and investment. Commercial success depends to a large extent on access to modern infrastructure systems. An enormous amount of research, studies and plans have been undertaken in on growth and development of the southwestern part of Johnson County in recent years which provide, among other things, identify infrastructure shortcomings and recommendations for needed infrastructure system improvements.² While the Study Area is within reasonable proximity to infrastructure, the properties suffer from a predominance of non-existent utilities and inadequate infrastructure access. To remedy this issue, the redevelopment plan intends to address the installation of electric, water, sewer, and roadways and other infrastructure systems to adequately serve the Study Area.

VI. SUMMARY

D2's analysis of conditions identified in the Study Area leads to a conclusion the requirements for a "Conservation area" designation are satisfied. The Study Area, on the whole, meets the requirements

² Southwest Johnson County Area Plan; Rural Comprehensive Plan for Johnson County, 2004; City of Edgerton Comprehensive Plan, 2010; 5-County Regional Transportation Study (KDOT), 2013; and others.

of a Conservation area as such term is defined in the KSA 12-1770a(d) as a result of the following factors:

- Land Mass - The Study Area covers a land area of approximately 3.1% of the City, substantially below the statutory maximum threshold.
- Age – More than 50% of the structures within the Redevelopment Area have an age of 35 years or more.
- The Study Area is not yet blighted, but may become a blighted area due to the existence and predominance of factors, including, but not limited to:
 - ✓ dilapidation, obsolescence or deterioration of the structures;
 - ✓ the presence of structures below minimum code standards; and
 - ✓ inadequate utilities and infrastructure.

Figure 2- Parcel by Parcel Conservation Analysis, below, summarizes the conservation factors observed in the Study Area, by parcel, and by each factor. The information is further illustrated in the map contained in Appendix B.

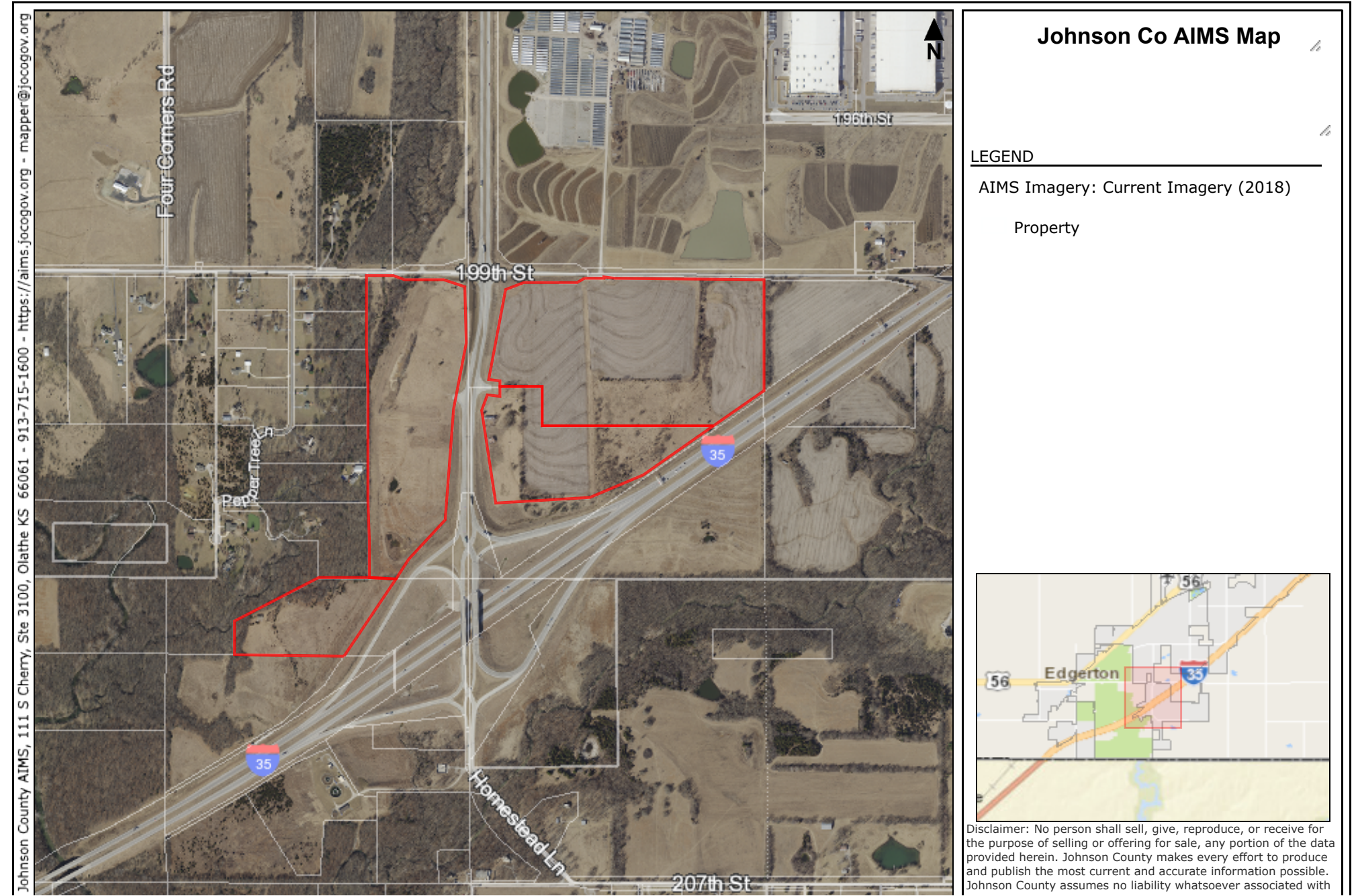
Figure 2: Parcel by Parcel Conservation Analysis

Study Area Data		Conservation Area Qualification Criteria							
KS Uniform Parcel #	Area (acres)	Improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more	Dilapidation, obsolescence or deterioration of the structures	Illegal use of individual structures	Presence of structures below minimum code standards	Building abandonment	Excessive vacancies	Overcrowding of structures and community facilities	Inadequate utilities and infrastructure
046-202-09-0-10-01-009.02-0	15.05	X							X
046-202-09-0-10-01-001.00-0	42.34	X							X
046-202-10-0-20-01-001.00-0	62.65	X	X		X				X
046-202-10-0-20-01-002.00-0	25.07	X	X		X				X
Percentage of parcels Exhibiting Factor		100%	50%	-	50%	-	-	-	100%

Taken as a whole, the Study Area suffers from a lack of development as a result of age, dilapidation, obsolescence, deterioration, presence of structures below minimum code standards, inadequate utilities and infrastructure, and other factors that have contributed to a lack of growth and investment. The predominance of the conditions in the Study Area provides satisfactory evidence the requirements qualifying the property as a Conservation area are met.

The Study Area has impaired economic values and minimal economic viability in its current state. Consequently, these conditions create an inability to pay reasonable taxes and result in an economic liability. In order to cure the Study Area's deficiencies and leverage the private mitigation of conditions described in this analysis, significant costs must be incurred. This further makes it improbable that the Study Area will experience growth and development solely through investment by private enterprise. The extraordinary cost to revitalize and redevelop the Study Area to its highest and best use makes the redevelopment economically infeasible under current market conditions. It is further unlikely the type or level of redevelopment that might occur, absent the benefit and resources provided by implementation of TIF assistance, would yield the potential revenue that could be generated by a comprehensive, aggressive, and programmatic approach. It is in the public's interest to encourage and assist in redevelopment of the Study Area, as allowed under the TIF statute.

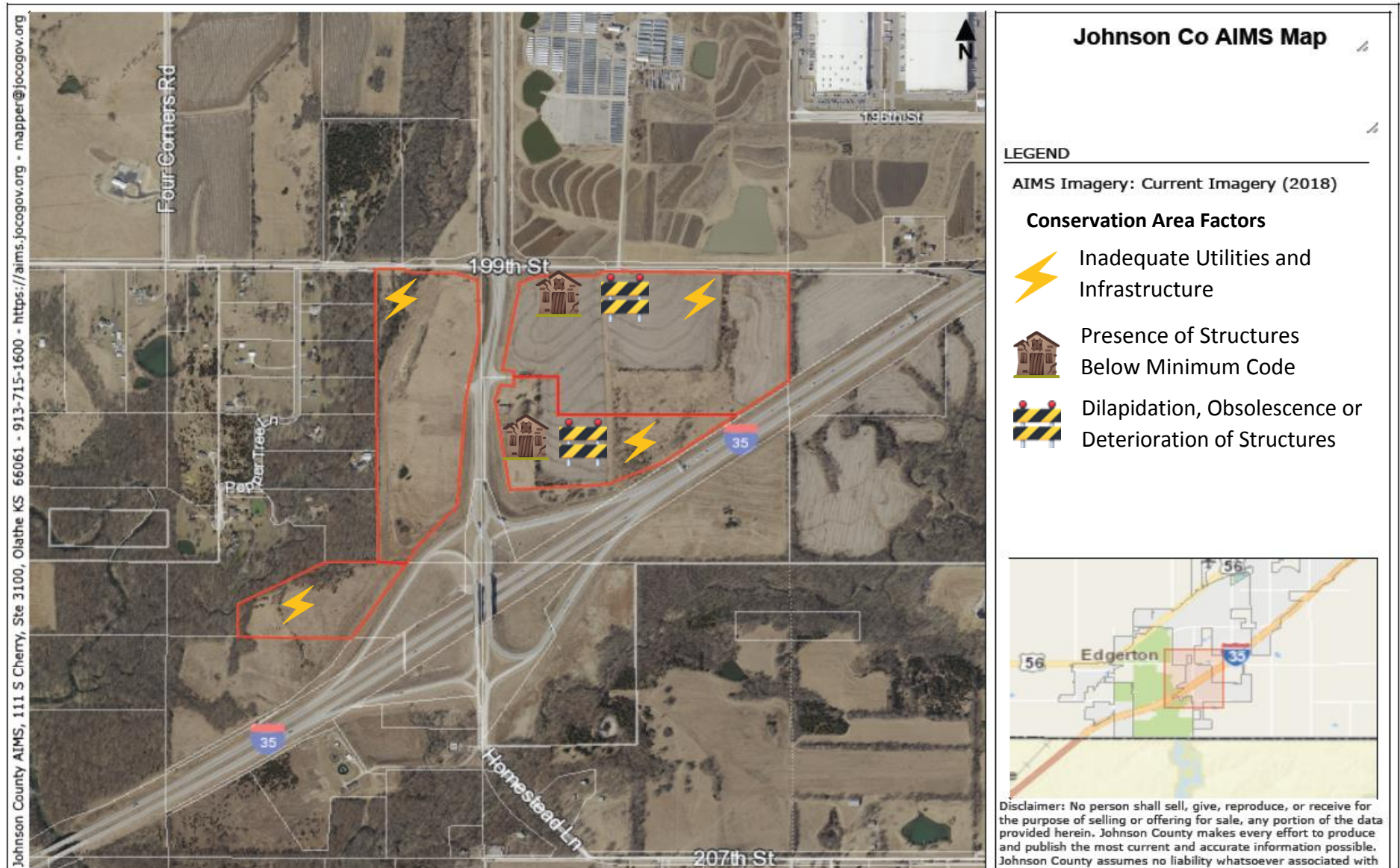
Appendix A
Study Area Boundary Map



Appendix B

Study Area Eligibility Factors Locations

Existing Conditions Conservation Area

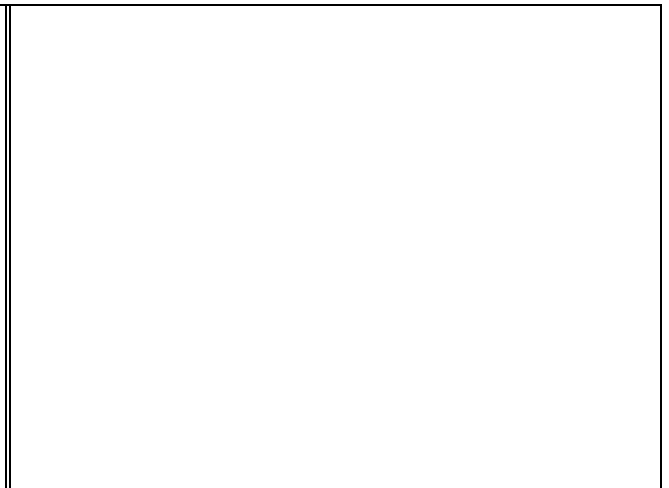
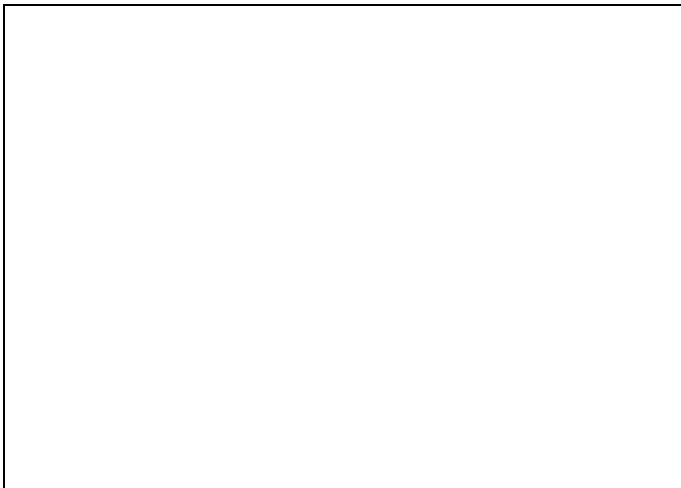
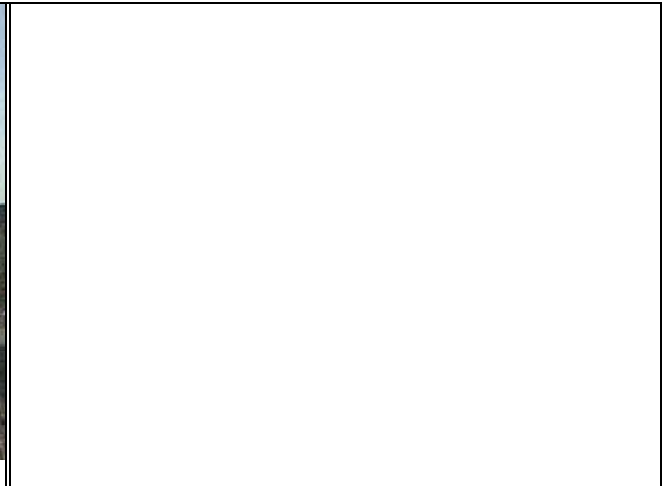


Appendix C

Study Area Photographic Array

Photographic Array of Study Area (past and present)





Appendix D
Study Area Property Data



Parcel ID: 046-202-09-0-10-01-009.02-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R639221



Tax Year: 2019

Run Date: 5/31/2019 10:40:43 AM

OWNER NAME AND MAILING ADDRESS

ALSUP, LARRY S. TRUSTEE ALSUP, LARRY

20265 PEPPER TREE LN

EDGERTON, KS 66021

PROPERTY SITUS ADDRESS

000000 NS NT
EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

Function: 1199 Accessory resid **Sfx:**
Activity: 1100 Household activities
Ownership: 1100 Private-fee simple
Site: 6000 Developed site - with building

GENERAL PROPERTY INFORMATION

Prop Class: R R - Residential
Property Type: R-Residential Real Property
Living Units:
Zoning: RUR
Multi-Zoning: N **Non-Conforming:** N
Neighborhood: 804.2 804.2
Economic Adj. Factor:
Map / Routing: U09 /
School District: 231 UNIFIED
RE Tax ID BF221509-3004
Investment Class:
Tax Unit Group: 0556-0556

TRACT DESCRIPTION

9-15-22 PT SE1/4 LYG WITHIN CITY
BOUNDARY: BG NE CR W 630.50' TO PT N
RTWY/L I-35 TO TRUE POB SW 512.96' &
277.13' W 985.18' N 288.57' NE 820.43' E
691.24' TO POB 15.14 ACS M/L



046-202-09-0-10-01-009.02-0 05/13/2016

Image Date: 02/18/2017

PROPERTY FACTORS

Topography: 1 - Level, 4 - Rolling
Utilities: 5 - Well, 6 - Septic
Access: 2 - Semi Improved Road
Fronting: 7 - Dead End
Location: 6 - Neighborhood or Spot
Parking Type: 4 - Parking Deck
Parking Quantity: 2 - Adequate
Parking Proximity: 3 - On Site
Parking Covered:
Parking Uncovered:

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
01/14/2017	2:18 PM	AR	Ag	749		
10/23/2014	9:00 AM	I	AD	732		
10/23/2012	10:00 AM	I	AD	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
--------	--------	------	------------	--------	--------

2019 APPRAISED VALUE

Cls	Land	Building	Total
R	132,140	12,820	144,960

2018 APPRAISED VALUE

Cls	Land	Building	Total
R	132,140	12,850	144,990

Total	132,140	12,820	144,960	Total	132,140	12,850	144,990
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MARKET LAND INFORMATION

Size	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
Acre	8-8 - Support (Surplus)	15.05											86	12.50	9,000.00	7,700.00	7,700.00	8,780	132,140

Total Market Land Value 132,140



Parcel ID: 046-202-09-0-10-01-009.02-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R639221



Tax Year: 2019 Run Date: 5/31/2019 10:40:43 AM

COMMENTS

IMPROVEMENT COST SUMMARY

Other Improvement RCN: 34,272

Eco Adj: 100

Other Improvement Value: 12,820

AG LAND SUMMARY

Dry Land Acres: 0.00

Irrigated Acres: 0.00

Native Grass Acres: 0.00

Tame Grass Acres: 0.00

Total Ag Acres: 0.00

Total Ag Use Value: 0

Total Ag Mkt Value: 0

OTHER BUILDING IMPROVEMENTS

No.	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	% Comp	RCN	%Gd	Value
1	478-Farm Implement Shed	D	2.00	1	2002			1,440	108	16	48 X 30	1	4	4						34,272	34	12,820

OTHER BUILDING IMPROVEMENT COMPONENTS

No.	Code	Units	Pct	Size	Other	Rank	Year
1	649-No HVAC						
1	887-Stud -Hardboard Siding		100				



Parcel ID: 046-202-09-0-10-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R176564



Tax Year: 2019 Run Date: 5/31/2019 10:42:51 AM

OWNER NAME AND MAILING ADDRESS

D & J LAND AND DEVELOPMENT LLC

5841 SW 29TH ST

TOPEKA, KS 66614

PROPERTY SITUS ADDRESS

20080 HOMESTEAD LN
EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

Function: 9010 Farming / ranch Sfx:
Activity: 8100 Farming, plowing, tilling, harv
Ownership: 1100 Private-fee simple
Site: 3100 Dev Site - crops, grazing etc

GENERAL PROPERTY INFORMATION

Prop Class: A A - Agricultural Use
Property Type: AG-Ag Use / Farmstead
Living Units:
Zoning: C-2
Multi-Zoning: N Non-Conforming: N
Neighborhood: 804.4 804.4
Economic Adj. Factor:
Map / Routing: U09 /
School District: 231 UNIFIED
RE Tax ID BF221509-3002
Investment Class:
Tax Unit Group: 0556-0556

TRACT DESCRIPTION

9-15-22 E 1/3 NE 1/4 53.33 ACRES EX 1.66 AC
IN HWY & EX 9.22 AC IN HWY 42.45 ACS M/L
EDC 350



4F221509-3002 02/19/2005

Image Date: 12/03/2012

PROPERTY FACTORS

Topography: 1 - Level, 4 - Rolling
Utilities: 3 - Public Water, 7 - Gas
Access: 2 - Semi Improved Road
Fronting: 4 - Residential Street
Location: 6 - Neighborhood or Spot
Parking Type: 0 - None
Parking Quantity: 0 - None
Parking Proximity: 0 - Far
Parking Covered:
Parking Uncovered:

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
08/27/2018	10:27 AM	AR	AD	749		
10/23/2014	9:00 AM	I	AD	732		
06/12/2014	9:51 AM	J	AI	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
09-0038D	4,000	DD - Dwelling Demolition	02/20/2009	C	100

2019 APPRAISED VALUE

Cls	Land	Building	Total
A	4,150	0	4,150
Total	4,150	0	4,150

2018 APPRAISED VALUE

Cls	Land	Building	Total
A	3,950	5,230	9,180
Total	3,950	5,230	9,180

MARKET LAND INFORMATION

Size	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
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Total Market Land Value 0



Parcel ID: 046-202-09-0-10-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R176564



Tax Year: 2019 Run Date: 5/31/2019 10:42:51 AM

AGRICULTURAL LAND											
Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
NG	3.31	8301					CC70		181	127	420
NG	0.37	8663					CC70		61	43	20
NG	0.94	8953					CC70		101	71	70
NG	1.46	WAST							10	10	10
TG	0.87	8663							61	61	50
TG	12.44	8912							101	101	1,260
TG	22.93	8953							101	101	2,320

COMMENTS
AgCom: plot plan 6/14; House removed all in ag use now

IMPROVEMENT COST SUMMARY	
Other Improvement RCN:	0
Eco Adj:	100
Other Improvement Value:	0
AG LAND SUMMARY	
Dry Land Acres:	0.00
Irrigated Acres:	0.00
Native Grass Acres:	6.08
Tame Grass Acres:	36.24
Total Ag Acres:	42.32
Total Ag Use Value:	4,150
Total Ag Mkt Value:	423,180



Parcel ID: 046-202-10-0-20-01-002.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173544



Tax Year: 2019

Run Date: 5/31/2019 10:45:05 AM

OWNER NAME AND MAILING ADDRESS

MY STORE III INC

14728 W 93RD ST

LENEXA, KS 66215

PROPERTY SITUS ADDRESS

0 NS NT

EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

Function: 9020 Farming / ranch Sfx:
Activity: 8100 Farming, plowing, tilling, harv
Ownership: 1100 Private-fee simple
Site: 3200 Dev Site - crops, grazing etc

GENERAL PROPERTY INFORMATION

Prop Class: A A - Agricultural Use
Property Type: AG-Ag Use / Farmstead
Living Units:
Zoning: RUR
Multi-Zoning: N Non-Conforming: N
Neighborhood: 804.3 804.3
Economic Adj. Factor:
Map / Routing: U10 /
School District: 231 UNIFIED
RE Tax ID BF221510-1005
Investment Class:
Tax Unit Group: 0540-0540

TRACT DESCRIPTION

10-15-22 BG 991.99' S & 280.86' E NW CR
NW1/4 E 362.18' S 342.19' E 1487.52' SW 737.13'
& 509.90' W 821.52' NW 802.50' NE 141.15' E
116.36' N 76.41' TO POB 25.15 ACS M/L



046-202-10-0-20-01-002.00-0 05/13/2016

Image Date: 02/18/2017

PROPERTY FACTORS

Topography: 1 - Level, 4 - Rolling
Utilities: 3 - Public Water, 6 - Septic
Access: 2 - Semi Improved Road
Fronting: 4 - Residential Street
Location: 6 - Neighborhood or Spot
Parking Type: 0 - None
Parking Quantity: 0 - None
Parking Proximity: 0 - Far
Parking Covered:
Parking Uncovered:

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
11/10/2015	10:00 AM	0	Ag	866		
10/23/2014	10:00 AM	I	AD	732		
10/23/2012	10:00 AM	I	AD	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
00197	99,791		07/15/2003	C	100

2019 APPRAISED VALUE

Cls	Land	Building	Total
A	4,890	4,580	9,470
Total	4,890	4,580	9,470

2018 APPRAISED VALUE

Cls	Land	Building	Total
A	4,700	4,780	9,480
Total	4,700	4,780	9,480

MARKET LAND INFORMATION

Size	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
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Total Market Land Value 0



Parcel ID: 046-202-10-0-20-01-002.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173544



Tax Year: 2019 Run Date: 5/31/2019 10:45:05 AM

AGRICULTURAL LAND											
Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
DR	6.13	8912							416	416	2,550
DR	2.68	8953							262	262	700
TG	14.75	8912							101	101	1,490
TG	1.51	8953							101	101	150

COMMENTS

IMPROVEMENT COST SUMMARY

Other Improvement RCN:	22,910
Eco Adj:	100
Other Improvement Value:	4,580
AG LAND SUMMARY	
Dry Land Acres:	8.81
Irrigated Acres:	0.00
Native Grass Acres:	0.00
Tame Grass Acres:	16.26
Total Ag Acres:	25.07
Total Ag Use Value:	4,890
Total Ag Mkt Value:	241,710

OTHER BUILDING IMPROVEMENTS

No.	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	% Comp	RCN	%Gd	Value
1	477-Farm Utility Building	D	1.00	1	1930			2,184	212	14	78 X 28	1	2	3				A		22,910	20	4,580

OTHER BUILDING IMPROVEMENT COMPONENTS

No.	Code	Units	Pct	Size	Other	Rank	Year
1	649-No HVAC						
1	910-Single -Wall-Boards on Wood		100				



Parcel ID: 046-202-10-0-20-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173540



Tax Year: 2019 Run Date: 5/31/2019 10:46:28 AM

OWNER NAME AND MAILING ADDRESS

MIDDLETON, PAUL TRUSTEE MIDDLETON, N
302 N WHITE DR
GARDNER, KS 66030

PROPERTY SITUS ADDRESS

000000 NS NT
EDGERTON, KS

LAND BASED CLASSIFICATION SYSTEM

Function: 9010 Farming / ranch Sfx:
Activity: 8100 Farming, plowing, tilling, harv
Ownership: 1100 Private-fee simple
Site: 3100 Dev Site - crops, grazing etc

GENERAL PROPERTY INFORMATION

Prop Class: A A - Agricultural Use
Property Type: AG-Ag Use / Farmstead
Living Units:
Zoning: RUR
Multi-Zoning: N Non-Conforming: N
Neighborhood: 804.4 804.4
Economic Adj. Factor:
Map / Routing: U10 /
School District: 231 UNIFIED
RE Tax ID BF221510-1001
Investment Class:
Tax Unit Group: 0540-0540



2F221510-1001 11/25/2003

Image Date: 12/03/2012

PROPERTY FACTORS

Topography: 1 - Level, 4 - Rolling
Utilities: 8 - None
Access: 1 - Paved Road
Fronting: 3 - Secondary Street
Location: 6 - Neighborhood or Spot
Parking Type: 0 - None
Parking Quantity: 0 - None
Parking Proximity: 0 - Far
Parking Covered:
Parking Uncovered:

INSPECTION HISTORY

Date	Time	Code	Reason	Appraiser	Contact	Code
11/10/2015	10:00 AM	0	Ag	866		
10/23/2014	10:00 AM	I	AD	732		
10/23/2012	10:00 AM	I	AD	732		

BUILDING PERMITS

Number	Amount	Type	Issue Date	Status	% Comp
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2019 APPRAISED VALUE

Cls	Land	Building	Total
A	16,710	0	16,710
Total	16,710	0	16,710

2018 APPRAISED VALUE

Cls	Land	Building	Total
A	16,260	0	16,260
Total	16,260	0	16,260

TRACT DESCRIPTION

10-15-22 N 1/2 NW1/4 EX 1.273 AC IN HWY EX
5.0 AC EX 7.41 AC IN STS EX .35 AC IN HWY &
EX 1.547 AC IN ST 64.42 ACS M/L

MARKET LAND INFORMATION

Size	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	OVRD	Rsn	Cls	Model	Base Size	Base Val	Inc Val	Dec Val	\$/Unit	Value Est
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Total Market Land Value 0



Parcel ID: 046-202-10-0-20-01-001.00-0

JOCOPROD Expanded Appraisal Card

Quick Ref: R173540



Tax Year: 2019 Run Date: 5/31/2019 10:46:28 AM

AGRICULTURAL LAND											
Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
DR	27.76	8912							416	416	11,550
DR	7.08	8953							262	262	1,850
DR	1.41	8962							454	454	640
TG	23.04	8912							101	101	2,330
TG	3.37	8953							101	101	340

COMMENTS

IMPROVEMENT COST SUMMARY

Other Improvement RCN:	0
Eco Adj:	100
Other Improvement Value:	0
AG LAND SUMMARY	
Dry Land Acres:	36.25
Irrigated Acres:	0.00
Native Grass Acres:	0.00
Tame Grass Acres:	26.41
Total Ag Acres:	62.66
Total Ag Use Value:	16,710
Total Ag Mkt Value:	623,010

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date:	July 11, 2019
Agenda Item:	Resolution Setting Public Hearing for a TIF Redevelopment District
Subject:	Edgerton Office Project

Summary:

The City is exploring the creation of a TIF Redevelopment District on property generally located at the northwest corner of 191st and Waverly Road (the “Proposed District”). The Proposed District satisfies the statutory requirement for a blighted area.

The Kansas TIF statutes define a “Blighted area” as, among other things, any area where the majority of the property is in a 100-year floodplain area. In this case, 55.6% of the Proposed District is within a 100-year floodplain.

In order to proceed with the creation of a TIF Redevelopment District, the City must adopt a resolution stating the City is considering the establishment of a redevelopment district. The resolution must give notice of a public hearing, describe the boundaries of the Proposed District, describe the district plan, state that a description of the Proposed District is available for inspection at a time and place designated, and state the governing body will consider findings necessary for the establishment of the Redevelopment District.

The Resolution sets a public hearing on the creation of a Redevelopment District and contains all of the other statutory requirements.

RESOLUTION NO. 07-11-19C

A RESOLUTION PROVIDING FOR NOTICE TO BE GIVEN FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF EDGERTON, KANSAS PURSUANT TO K.S.A. 12-1770 *ET SEQ.* AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISTRICT (EDGERTON OFFICE PROJECT)

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Edgerton, 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 City must adopt a resolution stating that the City is considering the establishment of a redevelopment district and include in such resolution notice that a public hearing will be held to consider the establishment of said redevelopment district;

WHEREAS, areas that are determined by the governing body of a city to be “blighted” as described in K.S.A. 12-1770a(c) are eligible to be considered for the financing of redevelopment projects pursuant to the Act;

WHEREAS, the City hereby finds and determines it desirable to encourage the development and redevelopment of certain real property within the City generally located at the northwest corner of 191st and Waverly Road, and to consider the establishment of a tax increment financing redevelopment district at such location (the “Redevelopment District”);

WHEREAS, the Governing Body of the City has received a plat of the proposed Redevelopment District which shows that 6.37 acres out of the 11.448 acres in the proposed Redevelopment District are located in a 100-year floodplain area; and

WHEREAS, a majority (55.6%) of the proposed Redevelopment District is within a 100-year floodplain area;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Notice is hereby given that a public hearing to consider the establishment by the City of the Redevelopment District shall be held on August 22, 2019, at 7:00pm, or as soon thereafter as practical, at the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas.

Section 2. A plat depicting the boundaries of the proposed Redevelopment District is attached hereto as **Exhibit A** and incorporated herein by reference. A legal description of the

proposed Redevelopment District is set forth in **Exhibit B** attached hereto and incorporated herein by reference.

Section 3. The proposed district plan for the Redevelopment District includes two project areas that will each contain a multi-story office building, 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.

Section 4. A description and map of the proposed Redevelopment District shall be available for public inspection prior to the public hearing during regular office hours in the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas.

Section 5. At the public hearing, the Governing Body will consider findings necessary for the establishment of the proposed Redevelopment District.

Section 6. Notice of this public hearing shall be given as provided in K.S.A. 12-1772(c).

Section 7. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 11th day of July, 2019.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

ATTEST:

Rachel A. James, City Clerk

Approved as to form:

Scott W. Anderson
Economic Development Counsel

Map of Boundaries of Proposed Redevelopment District

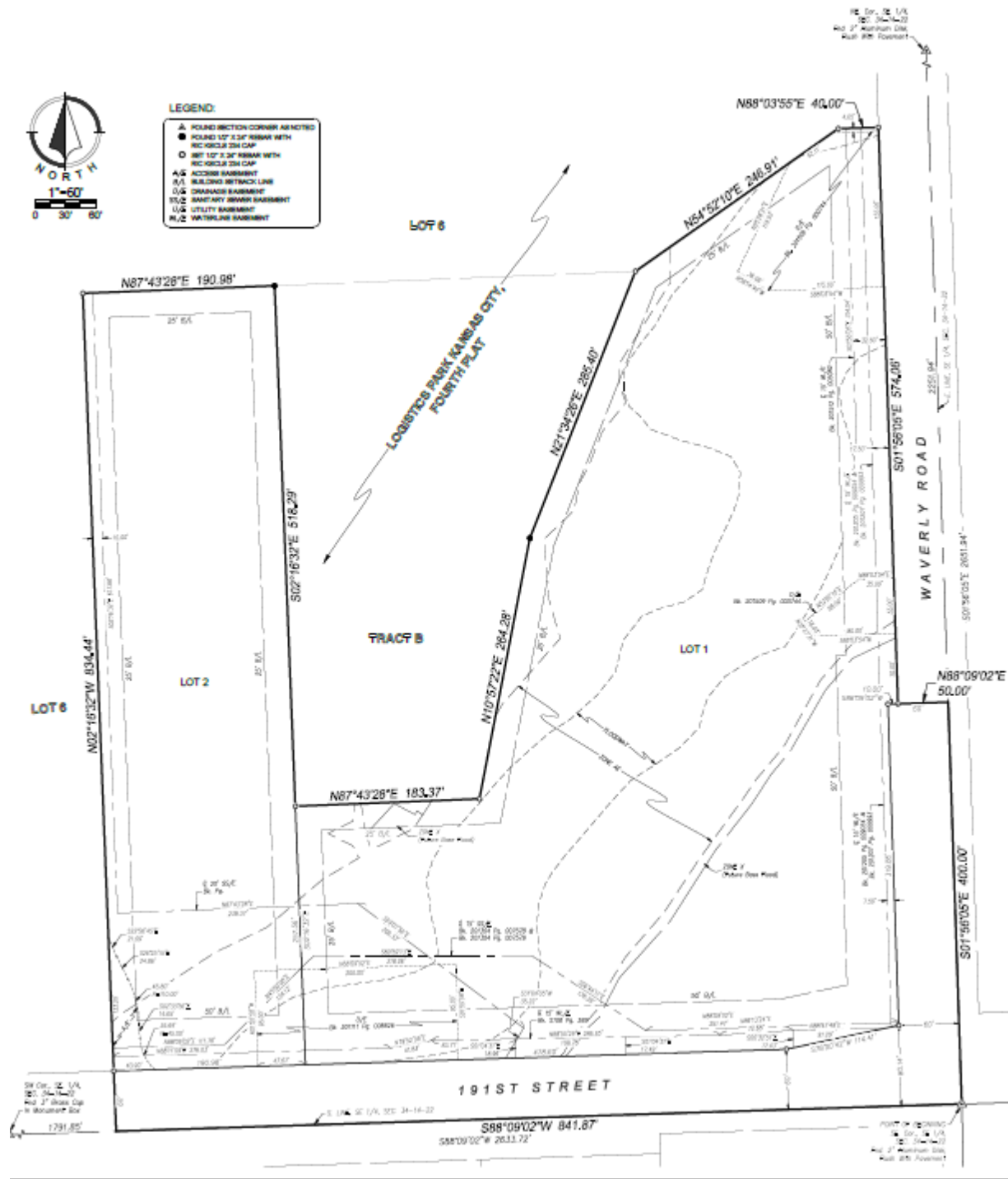


EXHIBIT B

Legal Description of Proposed Redevelopment District

All that part of the Southeast Quarter of Section 34, Township 14 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence South 88°09'02" West, coincident with the South line of said Southeast Quarter, a distance of 841.87 feet; thence departing said South line, North 02°16'32" West a distance of 60.00 feet to the Southeast corner of Lot 6, LOGISTICS PARK KANSAS CITY, FOURTH PLAT, a subdivision in said City, said point also the Point of Beginning; thence continuing North 02°16'32" West, coincident with the East line of said Lot 6, a distance of 774.44 feet; thence North 87°43'28" East, coincident with the South line of said Lot 6, a distance of 190.98 feet to the Northwest corner of Tract B of said LOGISTICS PARK KANSAS CITY, FOURTH PLAT; thence South 02°16'32" East, coincident with the West line of said Tract B, a distance of 518.29 feet to the Southwest corner thereof; thence North 87°43'28" East, coincident with the South line of said Tract B, a distance of 183.37 feet to the Southeast corner thereof; thence North 10°57'22" East, coincident with the East line of said Tract B, a distance of 264.28 feet; thence North 21°34'26" East, continuing along said East line, a distance of 285.40 feet to the Northeast corner of said Tract B; thence North 54°52'10" East, coincident with the South line of said Lot 6, a distance of 246.91 feet; thence North 88°03'55" East, continuing along said South line, a distance of 40.00 feet to a point on the West right-of-way line of Waverly Road, as it now exists; thence South 01°56'05 East, coincident with said West right-of-way line, a distance of 574.06 feet; thence South 88°09'02" West, continuing along said West right-of-way line, a distance of 10.00 feet; thence South 01°56'05 East, continuing along said West right-of-way line, a distance of 319.86 feet to a point on the North right-of-way line of 191st Street, as it now exists; thence South 78°00'42" West, coincident with said North right-of-way line, a distance of 114.41 feet; thence South 88°09'02" West, continuing along said North right-of-way line, a distance of 669.58 feet to the Point of Beginning, containing 498,649 square feet, or 11.447 acres, more or less.