

**EDGERTON CITY COUNCIL**  
**AMENDED MEETING AGENDA**  
**CITY HALL, 404 EAST NELSON STREET**  
**June 14, 2018**  
**7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Brown \_\_\_\_ Conus \_\_\_\_ Lewis
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 May 24, 2018 Regular City Council Meeting
5. Approve Final Acceptance for CY Edgerton (Arrowhead) Sanitary Sewer Extension
6. Approve Concurrence to Bid the 2018 CARS Project (4th and Nelson Street Intersection Improvements)
7. Approve an Agreement Not to Protest the Formation of Benefit District for the Midwest Gateway Project located at 32180 and 32190 West 191st Street

**Regular Agenda**

8. **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.
9. **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**

10. **CONSIDER RESOLUTION NO. 06-14-18A RESOLUTION CONSENTING TO THE ASSIGNMENT OF A RESOLUTION OF INTENT FROM WELLSVILLE FARMS, LLC TO KUBOTA NORTH AMERICA CORPORATION, OR ITS SUCCESSORS IN INTEREST**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

11. **CONSIDER RESOLUTION NO. 06-14-18B CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC PROJECT), SERIES 2016**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**12. CONSIDER RESOLUTION NO. 06-14-18C CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC FIRST EXPANSION PROJECT), SERIES 2017**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**13. CONSIDER ORDINANCE NO. 1083 ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS.**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**14. Report by the City Administrator**

**15. Report by the Mayor**

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

- June 15<sup>th</sup>-16<sup>th</sup> – Edgerton Frontier Days
- June 20<sup>th</sup>: 12:00 PM – Senior Lunch
- June 28<sup>th</sup>: 7:00 PM – City Council Meeting
- July 3<sup>rd</sup>: 6:00 PM – Community Picnic and Fireworks Show
- July 12<sup>th</sup>: 7:00 PM – City Council Meeting
- July 14<sup>th</sup>: Dusk – Summer Movie Night featuring Disney's Coco

**17. 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**

**RECONVENE INTO OPEN SESSION**

**18. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**May 24, 2018**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on May 24, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator/Interim City Clerk Scott Peterson
- City Clerk Rachel James
- City Attorney Lee Hendricks
- Parks Maintenance Bob McVey
- Finance Director Karen Kindle
- Public Works Superintendent Trey Whitaker
- Parks and Recreation Coordinator Maddie Becker

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Approve Minutes for May 10, 2018 Regular City Council Meeting
5. Consider Resolution No. 05-24-18A Approving The Mayoral Appointments For The City Treasurer, City Prosecutor, Municipal Judge, And City Attorney For The City Of Edgerton, Kansas
6. Consider the Purchase of a 2018 Mahindra 2555 Compact Utility Tractor
7. Consider the Purchase of a Caterpillar CB24 Asphalt Roller
8. Consider Resolution 05-24-18B Authorizing the Closure of Certain Public Streets During the Edgerton Summer Kickoff Block Party
9. Consider Resolution 05-24-18C Recognizing the Edgerton Summer Kickoff Block Party as a "Public Festival" for Purposes of the City's Noise Restrictions
10. Consider Final Acceptance of the Dollar General/Project Eisenhower Public Infrastructure and Authorize Final Payment to Colby Series 17, LLC
11. Consider Final Acceptance of Arrowhead Sanitary Sewer and Authorize Final Payment
12. Consider Resolution 05-24-18D Appointing Rachel James as City Clerk and Scott Peterson as Deputy City Clerk

**13. Consider Resolution 05-24-18E Approving Banking Resolution with Central Bank of the Midwest**

Mayor Roberts requested items 7 and 11 be pulled from Consent Agenda to table until next City Council Meeting. Motion by Longanecker, Second by Brown to table Items 7 and 11 until next meeting.

Motion was approved 3-0

Motion to Approve Consent Agenda minus items 7 and 11 considered. Motion by Longanecker, Second by Brown to Approve Consent Agenda.

Motion was approved 3-0.

**REGULAR AGENDA**

**14. Public Comments.**

Dalbert Sawyer, Olathe, KS, is the owner of Willie's Wacky Gourmet, a food stand that helps raise money for Non-Profit Organizations. He requests a vending permit application for the 3<sup>rd</sup> of July Celebration in order to raise funds for the Edgerton City Museum.

Mayor Roberts requests staff to work on Vending Permit proposal to be approved by Council. Conus asks if this opens vending to anyone? Mayor Roberts notes the permit will still need to be approved by Council. City Attorney confirmed legality and will speak to Mr. Sawyer about contract.

Allen Soetaert, 29055 W 151<sup>st</sup>, Gardner, KS, introduced himself as a representative of W7 and part of the Gardner Edgerton Chamber of Commerce.

**15. Declaration.** None.

**16. Presentation by Gardner Edgerton Chamber of Commerce for 2019 Fiscal Year Budget Request.**

Gardner Edgerton Chamber of Commerce Presentation by Jason Camis. Overviewed highlights of the Chamber from the past year including the Chamber qualified from National Chamber of the Year. Requested \$5,000 from Council as in previous years. Asked for feedback from Council.

In response to the request for feedback, Mayor Roberts discussed the incomplete status of 2017 deliverables such as the Legislative Coffee, Candidate Events, as well as the SW Johnson County stakeholders event. Concerning the GE Magazine, Mayor Roberts asked why no Edgerton businesses were highlighted and why the LPKC story focused more on New Century. Mayor Roberts requested more deliverables, communication about when plans for these deliverables have changed, as well as Chamber taking a leading role in GE Magazine content. Mr. Camis requested list of priority deliverables from Edgerton Council. Mayor

Roberts suggested that member of Edgerton City Council attends future Chamber meetings to represent Edgerton interest.

**17. PUBLIC HEARING REGARDING A REQUEST BY THE FRONTIER DAYS ASSOCIATION FOR A WAIVER (AS ALLOWED PURSUANT TO SECTION 3-202 OF ARTICLE 1 OF CHAPTER III OF THE CITY CODE) FROM THE PROHIBITION AGAINST SERVING ALCOHOLIC LIQUOR WITHIN 300 FEET OF THE LIBRARY FOR THE JUNE 15 AND 16, 2018 ANNUAL FRONTIER DAYS FESTIVAL**

Mayor Roberts opened the Public Hearing. With no questions or comments from either the audience or the City Council the Public Hearing was closed.

**18. CONSIDER RESOLUTION NO. 05-24-18F AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Scott Peterson, Assistant City Administrator, presented the resolution, but had no further information from the previous Public Hearing. The resolution has been updated from previous Frontier Days Festivals, and if approved would now permit alcohol to be sold and consumed near the Library and downtown Church during Frontier Days. Resolution also grants permission to waive noise restrictions during the festival on Friday June 15 and Saturday June 16.

Motion by Brown, Second by Longanecker, to adopt Resolution No. 05-24-18F.

Motion was approved 3-0.

**19. CONSIDER ORDINANCE NO. 1081 ADOPTING A RECOMMENDATION BY THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 120 ACRES OF LAND [LOCATED ON THE NORTHEAST CORNER OF FOUR CORNERS ROAD AND 199<sup>TH</sup> STREET] IN EDGERTON, KANSAS FROM JOHNSON COUNTY RUR, RURAL ZONING TO CITY OF EDGERTON L-P LOGISTICS PARK ZONING DISTRICT.**

Beth Linn, City Administrator, presented the ordinance, and if approved would rezone approximately 120 acres of land, located at the northeast corner of the intersection of Four Corners Road and 199th Street in Edgerton. Rezoning would be from Johnson County "RUR" Rural District to City of Edgerton "L-P" Logistics Park District.

Motion by Longanecker, Second by Brown, to adopt Ordinance No. 1081.

Motion was approved 3-0.

**20. CONSIDER ORDINANCE NO. 1082 AUTHORIZING THE CREATION OF THE LPKC DISTRICT NO. 1 COMMUNITY IMPROVEMENT DISTRICT, LEVYING SPECIAL ASSESSMENTS WITHIN SUCH DISTRICT, AND APPROVING A DEVELOPMENT AGREEMENT.**

Scott Anderson presented on NorthPoint's request for \$0.05 special assessment for each building constructed during Phase II. This will sunset after 10 years and limited to the Kubota site. Funds will be placed in CID and return to NorthPoint when development is certified complete.

Mayor Roberts emphasized all CID revenue comes from this project. Citizens are not "on the hook" for this CID.

Motion by Longanecker, Second by Brown, to adopt Ordinance No. 1082.

Motion was approved 3-0.

**21. Report by the City Administrator**

**22. Report by the Mayor**

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

- June 2<sup>nd</sup>: 6:30-9:00 PM – Summer Kickoff Block Party
- June 2<sup>nd</sup>: 9:00-11:00 PM – Downtown Summer Movie Night
- June 7<sup>th</sup> 7:00 PM – Budget Work Session and Citizen Survey Review
- June 15<sup>th</sup>-16<sup>th</sup> – Edgerton Frontier Days
- June 20<sup>th</sup>: 12:00 PM – Senior Lunch

**24. Executive Session**

Motion by Longanecker, Second by Brown to recess into an executive session pursuant to K.S.A. 75-4319(b)(2) for attorney/client privilege and for contract negotiations, to include City Attorney and City Administrator for fifteen (15) minutes was considered.

Motion was approved 3-0.

Motion by Longanecker, Second by Brown to return to regular session.

Motion was approved 3-0.

**25. Adjourn**

Motion by Brown, Second by Conus to Adjourn the Regular Session.

Motion was approved 3-0. Meeting was adjourned at 8:15 PM.



**EDGERTON**  
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Edgerton, KS 66021  
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## City Council Action Item

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**Council Meeting Date:** June 14, 2018

**Agenda Item #:**

**Department:** Utilities

**Agenda Item:** Consider Final Acceptance for CY Edgerton (Arrowhead) Sanitary Sewer Extension

**Background/Description of Item:** Arrowhead Sanitary Sewer Project consisted of PVC Gravity Line to flow sanitary sewer to tie into previously installed sanitary sewer line at the intersection of Homestead and 191<sup>st</sup> line. The project was approved during Final Plat by the Edgerton City Council on May 12, 2016 Regular City Council meeting.

The project was constructed by Hill Bros., and was inspected by BG Consultants. A copy of the final correspondence of acceptance from the inspector, Jon Carlson, is included with this packet.

The Arrowhead Sanitary Sewer Project was paid for entirely by the developer, CY Edgerton (Arrowhead), and thus does not require approval for final payment from the Governing Body.

**Related Ordinance(s) or Statue(s):**

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation:** Approve Final Acceptance for CY Edgerton (Arrowhead) Sanitary Sewer Extension

**Enclosed:**

Email of Acceptance by Project Inspector Jon Carlson

**Prepared by:** Michael Mabrey, Utility Superintendent

**From:** Jon Carlson  
**To:** [Mike Mabrey](#)  
**Cc:** [Scott Peterson](#); [david.hamby@bgcons.com](mailto:david.hamby@bgcons.com); [Beth Linn](#); [Katy Crow](#)  
**Subject:** Arrowhead Sanitary Sewer  
**Date:** Monday, May 21, 2018 6:45:26 AM  
**Attachments:** [image003.jpg](#)

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To the best of my knowledge Hill Brothers Construction has completed all work in general conformance with the plans approved by the City of Edgerton for the Arrowhead Sanitary Sewer extension as of October 2017. This project can be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



1405 Wakarusa Drive | Lawrence, KS 66049

T: 785.749.4474 | F: 785.749.7340

C: 785.331.8289 (Personal)

Web: [www.bgcons.com](http://www.bgcons.com) | [Map](#) | [Email](#)

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## City Council Action Item

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**Council Meeting Date:** June 14, 2018

**Agenda Item #:**

**Department:** Public Works

### **Agenda Item: Concurrence to Bid the 2018 CARS Project (4<sup>th</sup> and Nelson Street Intersection Improvements)**

**Background/Description of Item:**

On May 11<sup>th</sup>, 2017, City Council Approved Resolution No. 05-11-17E supporting the new construction of the 4<sup>th</sup> Street and Nelson St Intersection Improvements. This project will remove the existing roadway and replace the failing asphalt with concrete, as well as address the ADA updates to the E 4<sup>th</sup> St intersection. This construction is being completed as part of the County Assistance Road System (CARS) program for 2018-2023. The project area is provided in the attached map.

The CARS program provides funds to the cities of Johnson County to construct and maintain their major arterial roads. Each year the cities submit a 5-year road improvement plan to Johnson County. Using a scoring system, Johnson County selects projects and allocates funds. The County pays 50% of the project's construction and construction inspection costs. Cities are responsible for design, right-of-way, and utility relocation costs.

On April 12, 2018, the Edgerton City Council approved an Agreement with BG Consultants for Professional Design Services of the 2018 CARS Project. The design plans are nearly complete and ready for concurrence to bid the project for construction. As discussed previously, this project will include two bid alternates in addition to the scope listed above: (1) Streetscape Improvements to E Nelson Street Downtown (from East 4<sup>th</sup> Street to East 3<sup>rd</sup> Street) and (2) City Hall Parking Lot (including ADA parking stalls for Edgerton Community Museum and ADA ramp).

For this project, The City of Edgerton in conjunction with BG Consultants will administer the project and bid/let. CARS program would fund 50% or \$202,258.00 of the \$404,516.00 total estimated construction cost. The total cost for the project for Edgerton would be \$303,387. Funding for this project was included in the approved 2018 Budget from the Capital Improvement Project Fund.

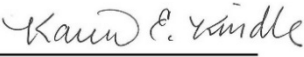
**Related Ordinance(s) or Statue(s):**

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**Funding Source:** Capital Improvement Fund  
Johnson County CARS Program

**Budget Allocated:** \$505,645

**Finance Director Approval:**

**x**   
Karen Kindle, Finance Director

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<p><b>Recommendation: Approve the Recommendation for Concurrence to Bid the 2018 CARS Project (4<sup>th</sup> and Nelson Street Intersection Improvements)</b></p>
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**Enclosed:** 2018 Submission (Form A, Map and Engineer Estimate)

**Prepared by:** Trey Whitaker, Public Works Superintendent

**CARS Form A**  
**2018--2022 Project Application for the**  
**County Assistance Road System (CARS) Program**

*Submit one form for each project. Make copies of this form as needed.*

*Complete & Return by May 4, 2017*

**Submitting City:** \_\_\_\_\_ **Number 1 Priority (Y/N)** \_\_\_\_\_

**Project Location:** \_\_\_\_\_

**Joint Project With:** \_\_\_\_\_ **Administrating City:** \_\_\_\_\_

**Contact Name & Title:** \_\_\_\_\_

**Estimated Project Schedule: Start Date (mo/yr):** \_\_\_\_\_ **Completion Date (mo/yr):** \_\_\_\_\_

**Current Average Daily Traffic (ADT):** \_\_\_\_\_ **Accident History (Prior 3 Years):** \_\_\_\_\_

**Project Type:** \_\_\_\_\_ (Capacity, Major Maintenance, Bridge Replacement, Bridge Rehabilitation, Route Enhancement, System Management)

**Current Level of Service (LOS) [System Management Projects Only]:** \_\_\_\_\_

**Sufficiency Rating (Bridge Projects):** \_\_\_\_\_ **Pavement Condition:** Good ☐ Fair ☐ Poor ☐

**Detailed Description of Existing Facility:**

**Detailed Description of Project Scope:**

**Project Cost Information \***

1. Design cost: \_\_\_\_\_
2. Right-of-way acquisition cost: \_\_\_\_\_
3. Utility relocation cost: \_\_\_\_\_
4. Construction cost: \_\_\_\_\_
5. Construction engineering cost: \_\_\_\_\_
- Total project cost: \_\_\_\_\_

**Calculation of CARS Eligible costs:**

- |    |                               |     |       |
|----|-------------------------------|-----|-------|
| A. | Sum item # 4 & 5 above        | (+) | _____ |
| B. | Federal Aid Participation     | (-) | _____ |
| C. | State Aid Participation       | (-) | _____ |
| D. | Other Non-local Participation | (-) | _____ |

Subtotal (CARS eligible costs) \_\_\_\_\_

CARS funding request \_\_\_\_\_

(Request cannot exceed 50% of the CARS eligible costs)

Funding participation by other cities:

City Name: \_\_\_\_\_ Funding: \_\_\_\_\_

City Name: \_\_\_\_\_ Funding: \_\_\_\_\_

\*Program policies require that a licensed professional engineer prepare and seal construction cost estimates for upcoming fiscal year projects (i.e., 2017 Program Projects). A copy of the sealed estimates **must** be furnished for all 2018 CARS Program requests.

## **Preliminary Engineering Report**

# **County Assistance Road System (CARS) Program**

## **4th Street and Nelson Street Improvements City Of Edgerton**



**April 2017  
17-1021L**

## **INTRODUCTION**

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The content of this report was coordinated with City of Edgerton City Council Members and City Staff in order to address the community's transportation needs. After careful consideration, the City has determined the focus for this application will be improvements to Nelson Street between East 4<sup>th</sup> Street and East 5<sup>th</sup> Street, the intersections of 4<sup>th</sup> Street and Nelson Street, 4<sup>th</sup> Street between Nelson and Hulett, and associated sidewalk and ADA improvements. This report discusses and documents the condition of this area and the proposed improvements. This report also provides an estimate of project costs.

- Improvements discussed in this report will be ADA accessible.
- All of the improvements discussed in this report are located within existing City Right-of-Way.

### **Project Need and Justification**

All driving surfaces are currently asphalt pavement. This project is just west of Mid-States Materials' Edgerton Quarry. The entire route is quarry haul road truck routes. A significant number of trucks haul various rock products from the quarry via Nelson Street and 4<sup>th</sup> Street to access US Highway 56. The roadway/intersection pavement is beginning to show haul road type distress. This area also carries a considerable amount of pedestrian traffic as it includes City Hall, the Post Office, a bank, and the Johnson County Library in Edgerton.

## **DETAILED DESCRIPTION OF PROJECT SCOPE**

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The Nelson intersection will be replaced. This project would remove the existing asphalt pavement beginning at 5<sup>th</sup> and Nelson, west on Nelson to 4<sup>th</sup> and then north to Hulett Street and replace it with

Portland cement concrete pavement.

Sidewalks will be replaced.

Ramps complying with the US Department of Justice ADA Guidelines will be constructed in each quadrant of each intersection. An ADA ramp will be placed north of the Post Office and at the Methodist Church where existing noncompliant accesses are located on the west side of 4<sup>th</sup> Street north of Nelson. A new ADA ramp will be placed midway between the alley and Nelson on the east side of 4<sup>th</sup> Street.

Sixty degree parking with ADA compliant spaces will be painted on the east side of 4<sup>th</sup> Street along City Hall between the alley and Nelson Street.

The project would evaluate the use of traffic calming measures such as curb bump-outs or pavement markings to encourage traffic to obey posted speed limits and be aware of pedestrians walking in downtown. All improvements will be coordinated with the Downtown Edgerton Plan funded by the Mid-America Regional Council as a part of the Council's Planning Sustainable Places initiative.

Item #	Description	Quantity	Unit	Unit Price	Total Price
<b>Nelson Street Improvements between 5th Street and 4th Street</b>					
1.	Contractor Construction Staking	1	LS	\$ 1,000.00	\$ 1,000.00
2.	Mobilization	1	LS	\$ 6,000.00	\$ 6,000.00
3.	Clearing and Grubbing	1	LS	\$ 2,000.00	\$ 2,000.00
4.	Permanent Signing	1	LS	\$ 500.00	\$ 500.00
5.	Temporary Erosion Control	1	LS	\$ 850.00	\$ 850.00
6.	Traffic Control	1	LS	\$ 2,000.00	\$ 2,000.00
7.	Seeding, Fertilizing and Mulching	1	LS	\$ 750.00	\$ 750.00
8.	Rock Excavation (Pavement Removal)	184	CY	\$ 20.50	\$ 3,772.00
9.	Concrete Pavement (8" NRDJ)(KCMMB)	1101	SY	\$ 51.25	\$ 56,426.25
10.	Aggregate Base (AB-3)(6")	1320	SY	\$ 10.00	\$ 13,200.00
11.	Curb and Gutter, Combined (AE)	572	LF	\$ 25.60	\$ 14,643.20
12.	Sidewalk Construction (4")(AE)	289	SY	\$ 30.70	\$ 8,872.30
13.	Sidewalk Ramp (AE)	18	SY	\$ 145.00	\$ 2,610.00
Construction Subtotal =					\$ 112,623.75
+20% Construction Contingency =					\$ 22,524.75
Construction Total =					\$ 135,148.50
+25% Engineering, Inspection, Admin. =					\$ 33,787.13
Project Total =					\$ 168,935.63

**4th Street Intersection Improvements**

1.	Contractor Construction Staking	1	LS	\$ 770.00	\$ 770.00
2.	Mobilization	1	LS	\$ 5,300.00	\$ 5,300.00
3.	Clearing and Grubbing	1	LS	\$ 1,550.00	\$ 1,550.00
4.	Permanent Signing	1	LS	\$ 770.00	\$ 770.00
5.	Temporary Erosion Control	1	LS	\$ 770.00	\$ 770.00
6.	Traffic Control	1	LS	\$ 1,550.00	\$ 1,550.00
7.	Seeding, Fertilizing and Mulching	1	LS	\$ 510.00	\$ 510.00
8.	Rock Excavation (Pavement Removal)	123	CY	\$ 20.50	\$ 2,521.50
9.	Concrete Pavement (8" NRDJ)(KCMMB)	739	SY	\$ 51.25	\$ 37,873.75
10.	Aggregate Base (AB-3)(6")	647	SY	\$ 10.25	\$ 6,631.75
11.	Curb and Gutter, Combined (AE)	196	LF	\$ 25.60	\$ 5,017.60
12.	Sidewalk Construction (4")(AE)	84	SY	\$ 30.70	\$ 2,578.80
13.	Sidewalk Ramp (AE)	69	SY	\$ 145.00	\$ 10,005.00
Construction Subtotal =					\$ 75,848.40
+20% Construction Contingency =					\$ 15,169.68
Construction Total =					\$ 91,018.08
+25% Engineering, Inspection, Admin. =					\$ 22,754.52
Project Total =					\$ 113,772.60

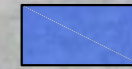
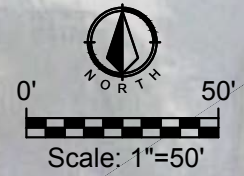
**4th Street Improvements between Nelson Street and Hulett Street**

1.	Contractor Construction Staking	1	LS	\$ 1,000.00	\$ 1,000.00
2.	Mobilization	1	LS	\$ 6,000.00	\$ 6,000.00
3.	Clearing and Grubbing	1	LS	\$ 2,000.00	\$ 2,000.00
4.	Permanent Signing	1	LS	\$ 500.00	\$ 500.00
5.	Temporary Erosion Control	1	LS	\$ 850.00	\$ 850.00
6.	Traffic Control	1	LS	\$ 2,000.00	\$ 2,000.00
7.	Seeding, Fertilizing and Mulching	1	LS	\$ 750.00	\$ 750.00
8.	Rock Excavation (Pavement Removal)	231	CY	\$ 20.50	\$ 4,735.50
9.	Concrete Pavement (8" NRDJ)(KCMMB)	1386	SY	\$ 51.25	\$ 71,032.50
10.	Aggregate Base (AB-3)(6")	1663	SY	\$ 10.00	\$ 16,630.00
11.	Curb and Gutter, Combined (AE)	560	LF	\$ 25.60	\$ 14,336.00
12.	Sidewalk Construction (4")(AE)	545	SY	\$ 30.70	\$ 16,731.50
13.	Retaining Wall	40	LF	\$ 55.00	\$ 2,200.00
14.	Sidewalk Ramp (AE)	68	SY	\$ 145.00	\$ 9,860.00
Construction Subtotal =					\$ 148,625.50
+20% Construction Contingency =					\$ 29,725.10
Construction Total =					\$ 178,350.60
+25% Engineering, Inspection, Admin. =					\$ 44,587.65
Project Total =					\$ 222,938.25

**Summary**

Nelson Street Improvements between 5th Street and 4th Street	\$ 168,935.63
5th Street Intersection Improvements	\$ 113,772.60
4th Street Improvements between Nelson Street and Hewlett Street	\$ 222,938.25
<b>Total</b>	<b>\$ 505,646.48</b>

Hulett St.



Improvements Needed

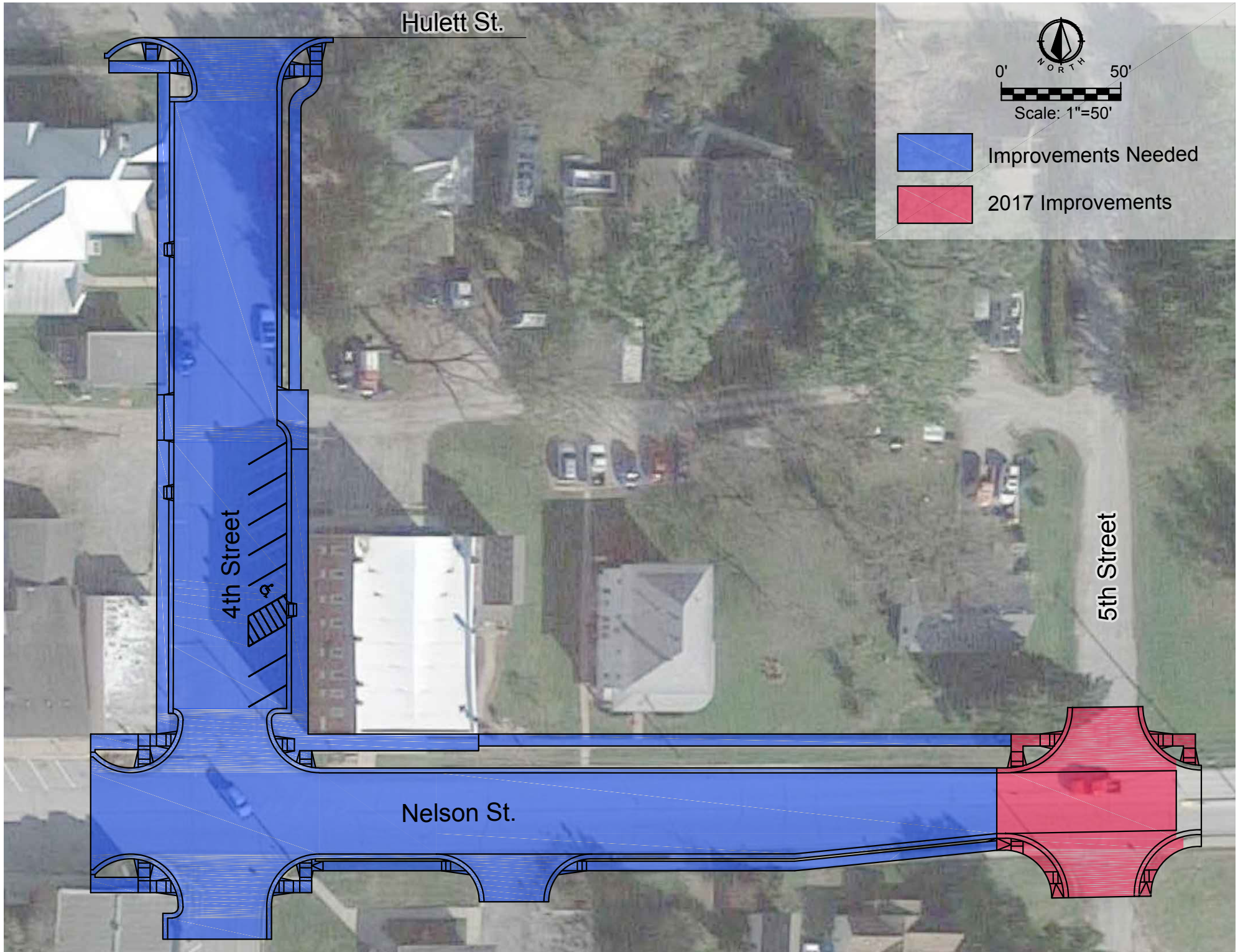


2017 Improvements

4th Street

5th Street

Nelson St.



### AGREEMENT

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City of Edgerton, Kansas, a municipal corporation, hereinafter referred to as party of the first part, and MIDWEST GATEWAY VENTURE LLC, his/her successors in title and assigns, hereinafter referred to as party of the second part, in consideration of the mutual understanding and promises contained herein, do hereby agree as follows:

1. That the party of the first part will approve the site plan titled MIDWEST GATEWAY VENTURE LLC dated \_\_\_\_\_ for the following legally described property, to-wit: See Exhibit A.
2. That the party of the first part will not require at this time the construction of sidewalks or street improvements for/on the above described property.
3. That the party of the second part waives and relinquishes any right he/she may have under K.S.A. 12-6A06 to protest the formation of a benefit district to pay for the construction of sidewalks or street improvements for/on the above described property for a period of thirty (30) years, and that such agreement is intended to be a covenant running with the land for said period of time.

IN WITNESS WHEREOF, the said parties of the first and second parts have hereunto set their hands, and the Mayor of the City of Edgerton has signed this agreement on behalf of the said party of the first part, and the owner of the subject property has signed this agreement on behalf of the said party of the second part, and the said party of the first part has caused these presents to be attested by its clerk and the seal of said City to be hereto attached, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Edgerton, Kansas

ATTEST:

By \_\_\_\_\_  
Donald Roberts, Mayor  
Party of the First Part

\_\_\_\_\_  
Rachel James, City Clerk

By Keith Copaken

MIDWEST GATEWAY VENTURE LLC  
Party of the Second Part

STATE OF Missouri  
):SS  
COUNTY OF Jackson

BE IT REMEMBERED, that on this 4th day of June, 2018, before me, the undersigned, a Notary Public in and for the County and State aforesaid came Keith Copaken, MIDWEST GATEWAY VENTURE LLC, who is personally known to me to be the same person who executed the within and foregoing instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Mary Edwards  
Notary Public

My Commission Expires: \_\_\_\_\_



MARY EDWARDS  
My Commission Expires  
May 23, 2019  
Cass County  
Commission #15456353

EXHIBIT A

LEGAL DESCRIPTION  
MIDWEST GATEWAY VENTURE LLC

All that part of a tract of land described as the J.A. Pearce Tract in the Southwest Quarter of Section 34, Township 14 South, Range 22 East as said tract is shown and described in the 1892 Re-Survey of said Section Township and Range, Johnson County, Kansas, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 34; thence S 88° 10' 27" W, along the South line of said Southwest Quarter, a distance of 360.36 feet, to the true point of beginning of subject tract; thence continuing S 88° 10' 27" W, along said South line, a distance of 947.45 feet, thence N 02° 16' 29" W, parallel with the East line of said J.A. Pearce Tract, a distance of 1170.30 feet; thence N 53° 52' 24" E, a distance of 1140.81 feet, to a point on the East line of said J.A. Pearce Tract; thence S 02° 16' 29" E (S 02° 16' 32" E, Deed), along the East line of said J.A. Pearce Tract, a distance of 1813.22 feet, to the true point of beginning.

The above described tract contains 1,413,318 square feet or 32.445 acres more or less.

## **CITY OF EDGERTON, KANSAS**

### **COUNCIL AGENDA ITEM**

---

**Council Meeting Date:** June 14, 2018

**Agenda Item:** Assignment of Resolution of Intent

**Subject:** IRBs and Property Tax Abatement for Wellsville Farms/Kubota

---

#### **Summary:**

The City received an application for industrial revenue bonds and property tax abatement from Wellsville Farms, LLC. The application was for the construction of two approximately 1 million sq. ft. warehouse, office and distribution facilities on approximately 205 acres of land near the northeast corner of 207<sup>th</sup> Street and Homestead Lane.

On May 10, 2018, the City held a public hearing and adopted a resolution of intent evidencing its intent to issue up to \$100 million in industrial revenue bonds for the project.

Wellsville Farms is selling the land to Kubota North America Corporation. Kubota desires to construct the project. As a condition to proceeding with the project, Kubota has requested that Wellsville Farms assign its interest in the Resolution of Intent to Kubota, and that the City consent to such assignment.

#### **Assignment of Resolution of Intent**

Section 7 of the Resolution of Intent provides that the resolution can be assigned to any party with the consent of the City. The resolution authorizes the Mayor to sign the consent to the assignment of the resolution of intent. This assignment will authorize Kubota to proceed with the project.

It is anticipated that bonds will be issued for this project later this year.

**RESOLUTION NO. 06-14-18A**

**RESOLUTION CONSENTING TO THE ASSIGNMENT OF A RESOLUTION OF  
INTENT FROM WELLSVILLE FARMS, LLC TO KUBOTA NORTH AMERICA  
CORPORATION, OR ITS SUCCESSORS IN INTEREST**

---

**WHEREAS**, the City of Edgerton, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

**WHEREAS**, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, the City adopted Resolution No. 05-10-18G on May 10, 2018 (the “Resolution of Intent”) determining the intent of the City to issue its industrial revenue bonds in the maximum aggregate principal amount of 100,000,000 (the “Bonds”), to finance the costs of acquiring, constructing, improving and equipping two approximately 1,000,000 sq. ft. warehouse, office, manufacturing and distribution facilities (the “Project”) for the benefit of Wellsville Farms, LLC, a Missouri limited liability company (“Wellsville Farms”); and

**WHEREAS**, the Resolution of Intent permits Wellsville Farms, with the consent of the City, to assign its interest in the Resolution of Intent to another entity, thereby conferring on such entity the benefits of the Resolution of Intent and the proceedings related thereto; and

**WHEREAS**, Wellsville Farms desires to assign its interest in the Resolution of Intent to Kubota North America Corporation, a Delaware corporation (the “Company”), for the purposes of permitting the Company to acquire, construct and equip the Project; and

**WHEREAS**, the City desires to consent to the assignment of the Resolution of Intent to the Company.

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

**Section 1. Assignment of Resolution of Intent.** The Governing Body of the City hereby consents to the assignment by Wellsville Farms of its interest in the Resolution of Intent to the Company for the purposes of completing the Project. The City agrees that the Company will now be entitled to the benefits of the Resolution of Intent to the same extent and on the same terms as Wellsville Farms with respect to the Project.

**Section 2. Authorization to Proceed.** The Company is authorized to proceed with the acquiring, constructing and equipping of the Project, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law, the City will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

**Section 3. Benefit of Resolution.** This Resolution will inure to the benefit of the City and the Company. The Company may, with the prior written consent of the City, assign its interest in this

Resolution and the Resolution of Intent to another entity, and such assignee will be entitled to the benefits of this Resolution, the Resolution of Intent and the proceedings related hereto.

**Section 4. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

**ADOPTED** this 14<sup>th</sup> day of June, 2018.

**CITY OF EDGERTON, KANSAS**

[SEAL]

By: \_\_\_\_\_  
Donald Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Rachel James, City Clerk

Approved as to form:

\_\_\_\_\_  
Scott W. Anderson, Bond Counsel

# CITY OF EDGERTON, KANSAS

## COUNCIL AGENDA ITEM

---

**Council Meeting Date:** June 14, 2018

**Agenda Item:** Two Resolutions Each Authorizing a Supplemental Base Lease, Supplemental Lease and First Amendment to Performance Agreement

**Subject:** Industrial Revenue Bonds and Property Tax Abatement for Coldpoint Logistics Projects Series 2016 and Series 2017

---

### Summary:

The City issued bonds in December 2016 for the benefit of Coldpoint Logistics Real Estate, LLC for a project located in the Logistics Park, consisting of an approximately 161,000 sq. ft. warehouse and cold-storage distribution facility, to be located at 31301 W. 181<sup>st</sup> Street, Edgerton, Kansas (the “Project”). Since the time the bonds were issued, ColdPoint has expanded the facility and has acquired more ground. Bonds were issued for the project for Phase 2 in 2017 and for Phase 3 in 2018. The ground has recently been platted into a single lot.

The legal descriptions in the Phase 1 bond documents and the Phase 2 bond documents must now be amended to the new lot legal description. The Resolution authorizes the City to execute a First Supplemental Base Lease, a First Supplemental Lease Agreement and a First Amendment to Performance Agreement for each series of bonds, which documents amend the legal descriptions in the original document.

The ColdPoint building is being constructed in four phases. A summary of the tax abatement being provided for each phase is below:

Phase 1	Abatement term is 2017 to 2026	Covers all of ground and first phase of building
Phase 2	Abatement term is 2018 to 2027	Covers second phase of building
Phase 3	Abatement term is 2019 to 2028	Covers third phase of building
Phase 4	Assuming bonds are issued, abatement term commenced in year after bonds are issued	Will cover all of fourth phase of building

## **RESOLUTION NO. 06-14-18B**

### **A RESOLUTION CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC PROJECT), SERIES 2016**

---

**WHEREAS**, the City of Edgerton, Kansas (the "City"), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and to further promote, stimulate and develop the general welfare and economic prosperity of the state of Kansas; and

**WHEREAS**, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons or entities; and

**WHEREAS**, the City has previously issued its \$36,100,000 Industrial Revenue Bonds (ColdPoint Logistics Real Estate, LLC Project), Series 2016 (the "Bonds"), for the purpose of acquiring, constructing, installing and equipping a 161,000 sq. ft. warehouse and cold-storage distribution facility (the "Project") for the benefit of ColdPoint Logistics Real Estate, LLC, a Kansas limited liability company (the "Company");

**WHEREAS**, in connection with the issuance of the Bonds, the City entered into, among other documents, (a) a Base Lease Agreement dated as of December 1, 2016 (the "Base Lease"), between the Company and the City, whereby the Company leased certain land to the City on which the Project would be constructed, (b) a Lease Agreement dated as of December 1, 2016 (the "Lease Agreement"), between the City and the Company, whereby the City leased the Project to the Company, and (c) a Performance Agreement dated as of December 1, 2016 (the "Performance Agreement"), between the City and the Company, whereby the parties agreed to the terms of the real property tax abatement; and

**WHEREAS**, the Company has requested, and the City has agreed, to amend the legal descriptions attached to the Base Lease, Lease Agreement and Performance Agreement;

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

**Section 1. First Supplemental Base Lease.** The Governing Body hereby approves of the form of the First Supplemental Base Lease Agreement (the "First Supplemental Base Lease"), in substantially the form presented to and reviewed by the Council of the City at this meeting (a copy of which document, upon execution thereof, shall be filed in the office of the City Clerk). The Mayor of the City is hereby authorized and directed to execute and deliver the First Supplemental Base Lease for and on behalf of and as the act and deed of the City, in substantially the form presented to and reviewed by the Council of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City, if required, to the First Supplemental Base Lease.

**Section 2. First Supplemental Lease Agreement.** The Governing Body hereby approves of the form of the First Supplemental Lease Agreement (the "First Supplemental Lease Agreement"), in substantially the form presented to and reviewed by the Council of the City at this meeting (a copy of which document, upon execution thereof, shall be filed in the office of the City Clerk). The Mayor of the City is hereby authorized and

directed to execute and deliver the First Supplemental Lease Agreement for and on behalf of and as the act and deed of the City, in substantially the form presented to and reviewed by the Council of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City, if required, to the First Supplemental Lease Agreement.

**Section 3. First Amendment to Performance Agreement.** The Governing Body hereby approves of the form of the First Amendment to Performance Agreement (the “First Amendment to Performance Agreement”), in substantially the form attached to the item summary presented to and reviewed by the Council of the City at this meeting (a copy of which document, upon execution thereof, shall be filed in the office of the City Clerk). The Mayor of the City is hereby authorized and directed to execute and deliver the First Amendment to Performance Agreement for and on behalf of and as the act and deed of the City, in substantially the form presented to and reviewed by the Council of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City, if required, to the First Amendment to Performance Agreement.

**Section 4. Further Authority.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the City with respect to the First Amendment to Base Lease, First Amendment to Lease Agreement and First Amendment to Performance Agreement, including the execution and delivery of amendments to the memorandums leases filed of record.

**Section 5. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the City Council.

**ADOPTED** this 14<sup>th</sup> day of June, 2018.

**CITY OF EDGERTON, KANSAS**

(Seal)

\_\_\_\_\_  
Donald Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Rachel James, City Clerk

Approved as to form:

\_\_\_\_\_  
Scott W. Anderson, Bond Counsel

## **CITY OF EDGERTON, KANSAS**

### **COUNCIL AGENDA ITEM**

---

**Council Meeting Date:** June 14, 2018

**Agenda Item:** Assignment of Resolution of Intent

**Subject:** IRBs and Property Tax Abatement for Wellsville Farms/Kubota

---

#### **Summary:**

The City received an application for industrial revenue bonds and property tax abatement from Wellsville Farms, LLC. The application was for the construction of two approximately 1 million sq. ft. warehouse, office and distribution facilities on approximately 205 acres of land near the northeast corner of 207<sup>th</sup> Street and Homestead Lane.

On May 10, 2018, the City held a public hearing and adopted a resolution of intent evidencing its intent to issue up to \$100 million in industrial revenue bonds for the project.

Wellsville Farms is selling the land to Kubota North America Corporation. Kubota desires to construct the project. As a condition to proceeding with the project, Kubota has requested that Wellsville Farms assign its interest in the Resolution of Intent to Kubota, and that the City consent to such assignment.

#### **Assignment of Resolution of Intent**

Section 7 of the Resolution of Intent provides that the resolution can be assigned to any party with the consent of the City. The resolution authorizes the Mayor to sign the consent to the assignment of the resolution of intent. This assignment will authorize Kubota to proceed with the project.

It is anticipated that bonds will be issued for this project later this year.

## **RESOLUTION NO. 06-14-18C**

### **A RESOLUTION CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC FIRST EXPANSION PROJECT), SERIES 2017**

---

**WHEREAS**, the City of Edgerton, Kansas (the "City"), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and to further promote, stimulate and develop the general welfare and economic prosperity of the state of Kansas; and

**WHEREAS**, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons or entities; and

**WHEREAS**, the City has previously issued its \$23,800,000 Industrial Revenue Bonds (ColdPoint Logistics Real Estate, LLC First Expansion Project), Series 2017 (the "Bonds"), for the purpose of acquiring, constructing, installing and equipping an expansion to an existing cold-storage distribution and warehouse facility (the "Project") for the benefit of ColdPoint Logistics Real Estate, LLC, a Kansas limited liability company (the "Company");

**WHEREAS**, in connection with the issuance of the Bonds, the City entered into, among other documents, (a) a Base Lease Agreement dated as of October 1, 2017 (the "Base Lease"), between the Company and the City, whereby the Company leased certain land to the City on which the Project would be constructed, (b) a Lease Agreement dated as of October 1, 2017 (the "Lease Agreement"), between the City and the Company, whereby the City leased the Project to the Company, and (c) a Performance Agreement dated as of October 1, 2017 (the "Performance Agreement"), between the City and the Company, whereby the parties agreed to the terms of the real property tax abatement; and

**WHEREAS**, the Company has requested, and the City has agreed, to amend the legal descriptions attached to the Base Lease, Lease Agreement and Performance Agreement;

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

**Section 1. First Supplemental Base Lease.** The Governing Body hereby approves of the form of the First Supplemental Base Lease Agreement (the "First Supplemental Base Lease"), in substantially the form presented to and reviewed by the Council of the City at this meeting (a copy of which document, upon execution thereof, shall be filed in the office of the City Clerk). The Mayor of the City is hereby authorized and directed to execute and deliver the First Supplemental Base Lease for and on behalf of and as the act and deed of the City, in substantially the form presented to and reviewed by the Council of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City, if required, to the First Supplemental Base Lease.

**Section 2. First Supplemental Lease Agreement.** The Governing Body hereby approves of the form of the First Supplemental Lease Agreement (the "First Supplemental Lease Agreement"), in substantially the

form presented to and reviewed by the Council of the City at this meeting (a copy of which document, upon execution thereof, shall be filed in the office of the City Clerk). The Mayor of the City is hereby authorized and directed to execute and deliver the First Supplemental Lease Agreement for and on behalf of and as the act and deed of the City, in substantially the form presented to and reviewed by the Council of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City, if required, to the First Supplemental Lease Agreement.

**Section 3. First Amendment to Performance Agreement.** The Governing Body hereby approves of the form of the First Amendment to Performance Agreement (the “First Amendment to Performance Agreement”), in substantially the form attached to the item summary presented to and reviewed by the Council of the City at this meeting (a copy of which document, upon execution thereof, shall be filed in the office of the City Clerk). The Mayor of the City is hereby authorized and directed to execute and deliver the First Amendment to Performance Agreement for and on behalf of and as the act and deed of the City, in substantially the form presented to and reviewed by the Council of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City, if required, to the First Amendment to Performance Agreement.

**Section 4. Further Authority.** The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the City with respect to the First Amendment to Base Lease, First Amendment to Lease Agreement and First Amendment to Performance Agreement, including the execution and delivery of amendments to the memorandums leases filed of record.

**Section 5. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the City Council.

**ADOPTED** this 14<sup>th</sup> day of June, 2018.

**CITY OF EDGERTON, KANSAS**

(Seal)

\_\_\_\_\_  
Donald Roberts, Mayor

ATTEST:

\_\_\_\_\_  
Rachel James, City Clerk

Approved as to form:

\_\_\_\_\_  
Scott W. Anderson, Bond Counsel



**EDGERTON**  
global routes. local roots.

404 East Nelson  
Edgerton, KS 66021  
P: 913.893.6231  
EDGERTONKS.ORG

## City Council Action Item

**Council Meeting Date:** June 11, 2018

**Agenda Item #:**

**Department:** Administration

### **Agenda Item: Consider Ordinance No. 1083 Annexing Certain Land Into The City Of Edgerton, Kansas.**

**Background/Description of Item:**

Thomas Smith has submitted a Consent for Annexation for property he owns generally located on the northeast corner of 215<sup>th</sup> Street and Sunflower Road (Parcel ID# 4F221517-2003).

Kansas Statute 12-520 states that the governing body of any city, by ordinance, may annex land to such city if that land adjoins the city and a written petition for consent to annexation is filed with the city. The property owner has filed the required petition for Consent for Annexation. This property is contiguous to property within the City of Edgerton corporate city limits.

The draft ordinance was prepared by City Attorney. The legal description was review by City Engineer.

**Related Ordinance(s) or Statue(s):** K.S.A. 12-520(a)(7), Ordinance No. 969

**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

**Recommendation:** Approve Consider Ordinance No. 1083 Annexing Certain Land Into The City Of Edgerton, Kansas

**Enclosed:** Ordinance 1083  
Consent for Annexation  
Johnson County AIMS map of parcel

**Prepared by:** Beth Linn, City Administrator

ORDINANCE NO. 1083

AN ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

WHEREAS, the land described below adjoins the City of Edgerton; and

WHEREAS, a written Consent for Annexation of such land, signed by the owner thereof, has been filed with the City of Edgerton (ANX 2018-02); and

WHEREAS, the City desires to annex that land into the City of Edgerton, pursuant to K.S.A. § 12-520(a)(7).

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

**Section 1.** The following described land is hereby annexed into the City of Edgerton, Kansas, upon the voluntary petition of the owner thereof, pursuant to K.S.A. § 12-520(a)(7):

The South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section number Seventeen (17), Township Fifteen (15) of Range Number Twenty Two (22), in Johnson County, Kansas, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.

ALSO:

Five (5) acres in the Southwest part of the North Half (N 1/2) of the Southwest Quarter Section Seventeen (17) Township Fifteen (15) Range Twenty Two (22), in Johnson County, Kansas, described as follows: Beginning at the Northwest corner of the South Half of the Southwest Quarter of Section Seventeen, Township Fifteen, Range Twenty Two and running first East Fifty and Five tenths (50 5/10) poles; thence North Eighteen (18) poles; thence West fifty and five tenths (50 5/10) poles; thence South Eighteen (18) poles to place of beginning, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.

EXCEPT THE FOLLOWING:

- (a) A tract of land for Highway Right of Way in the North half of the Southwest Quarter of Section 17, Township 15, South, Range 22 East, in Johnson County, Kansas, described as follows: Beginning at the Southwest corner of said North half of the Southwest Quarter section; thence North along the West line of said quarter section 297.0 feet; thence East parallel to the South line of said North half of the Southwest Quarter

Section 68.1 feet; thence Southerly to a point on said South line, 39.6 feet East of said Southwest corner; thence West along said South line 39.6 feet to the place of beginning.

- (b) A tract of land for Highway Right of Way in the South Half of the Southwest Quarter of Section 17, Township 15, South, Range 22 East, in Jonson County, Kansas, described as follows: Beginning at the Northwest corner of said South Half of the Southwest Quarter Section; thence South along the West line of said quarter section, 152.0 feet; thence East 25.0 feet; thence Northerly to a point on the North line 39.6 feet East of said Northwest corner; thence West along said North line 39.6 feet to the place of beginning.

**Section 2.** The Clerk of the City of Edgerton, Kansas shall cause a certified copy of this ordinance to be filed with the County Clerk, Records and Tax Administration and the County Election Commissioner of Johnson County, Kansas.

**Section 3.** This Ordinance shall become effective upon its publication in the official City newspaper.

PASSED by the Council and APPROVED by the mayor on this 14<sup>th</sup> day of June, 2018.

---

DONALD ROBERTS, Mayor

ATTEST:

---

RACHEL JAMES, City Clerk

APPROVED AS TO FORM:

---

LEE W. HENDRICKS, City Attorney

**CONSENT FOR ANNEXATION FORM**  
(Adjoining Property by Request)

TO: The Governing Body of the City of Edgerton, Kansas.

The undersigned owner of record of the following described land hereby petitions the Governing Body of the City of Edgerton, Kansas to annex such land to the City. The land to be annexed is described as follows:

The South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section number Seventeen (17), Township Fifteen (15) of Range Number Twenty Two (22), in Johnson County, Kansas, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.

ALSO:

Five (5) acres in the Southwest part of the North Half (N 1/2) of the Southwest Quarter Section Seventeen (17) Township Fifteen (15) Range Twenty Two (22), in Johnson County, Kansas, described as follows: Beginning at the Northwest corner of the South Half of the Southwest Quarter of Section Seventeen, Township Fifteen, Range Twenty Two and running first East Fifty and Five tenths (50 5/10) poles; thence North Eighteen (18) poles; thence West fifty and five tenths (50 5/10) poles; thence South Eighteen (18) poles to place of beginning, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.

EXCEPT THE FOLLOWING:

(a) A tract of land for Highway Right of Way in the North half of the Southwest Quarter of Section 17, Township 15, South, Range 22 East, in Johnson County, Kansas, described as follows: Beginning at the Southwest corner of said North half of the Southwest Quarter section; thence North along the West line of said quarter section 297.0 feet; thence East parallel to the South line of said North half of the Southwest Quarter Section 68.1 feet; thence Southerly to a point on said South line, 39.6 feet East of said Southwest corner; thence West along said South line 39.6 feet to the place of beginning.

(b) A tract of land for Highway Right of Way in the South Half of the Southwest Quarter of Section 17, Township 15, South, Range 22 East, in Johnson County, Kansas, described as follows: Beginning at the Northwest corner of said South Half of the Southwest Quarter Section; thence South along the West line of said quarter section, 152.0 feet; thence East 25.0 feet; thence Northerly to a point on the North line 39.6 feet East of said Northwest corner; thence West along said North line 39.6 feet to the place of beginning.

The undersigned further warrants and guarantees that they are the only owner(s) of record of the land.

**OWNERS OF LAND TO BE ANNEXED:**

THS INVESTMENTS, LLC

By: Thomas H. Smith Thomas H. Smith, Manager 5-8-2018  
Signature Printed Name Date

\_\_\_\_\_  
Signature Printed Name Date

\_\_\_\_\_  
Signature Printed Name Date

The South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section number Seventeen (17), Township Fifteen (15) of Range Number Twenty Two (22), in Johnson County, Kansas, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.

ALSO:

Five (5) acres in the Southwest part of the North Half (N 1/2) of the Southwest Quarter Section Seventeen (17) Township Fifteen (15) Range Twenty Two (22), in Johnson County, Kansas, described as follows: Beginning at the Northwest corner of the South Half of the Southwest Quarter of Section Seventeen, Township Fifteen, Range Twenty Two and running first East Fifty and Five tenths (50 5/10) poles; thence North Eighteen (18) poles; thence West fifty and five tenths (50 5/10) poles; thence South Eighteen (18) poles to place of beginning, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.

EXEPT THE FOLLOWING:

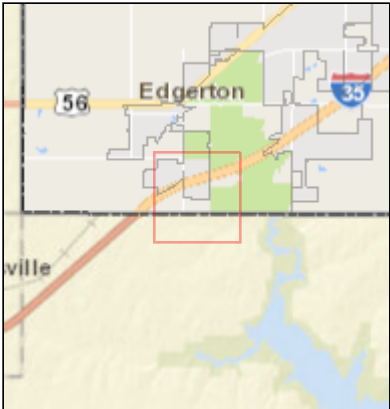
- (a) A tract of land for Highway Right of Way in the North half of the Southwest Quarter of Section 17, Township 15, South, Range 22 East, in Johnson County, Kansas, described as follows: Beginning at the Southwest corner of said North half of the Southwest Quarter section; thence North along the West line of said quarter section 297.0 feet; thence East parallel to the South line of said North half of the Southwest Quarter Section 68.1 feet; thence Southerly to a point on said South line, 39.6 feet East of said Southwest corner; thence West along said South line 39.6 feet to the place of beginning.
- (b) A tract of land for Highway Right of Way in the South Half of the Southwest Quarter of Section 17, Township 15, South, Range 22 East, in Jonson County, Kansas, described as follows: Beginning at the Northwest corner of said South Half of the Southwest Quarter Section; thence South along the West line of said quarter section, 152.0 feet; thence East 25.0 feet; thence Northerly to a point on the North line 39.6 feet East of said Northwest corner; thence West along said North line 39.6 feet to the place of beginning.



Johnson Co AIMS Map

LEGEND

AIMS Imagery: Current Imagery (2016)



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