

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
May 28, 2020  
7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Conus \_\_\_\_ Lewis \_\_\_\_ Smith \_\_\_\_ Beem
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 14, 2020 Regular City Council Meeting
5. Approve Resolution No. 05-28-20A Approving The Mayoral Appointments For The City Treasurer, City Attorney/City Prosecutor, And Municipal Judge, And Designation Of The Official City Newspaper For The City Of Edgerton, Kansas

**Regular Agenda**

6. **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.
7. **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.
8. **Presentations by Representatives For Budgetary Requests For the 2021 Budget**
  - Project Grad
  - Johnson County Human Services
  - Miami County Conservation
  - United Community Services of Johnson County
  - Frontier Days Association
  - ElevateEdgerton!

**Business Requiring Action**

9. **CONSIDER ORDINANCE NO. 2037 LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN LOGISTICS PARK KANSAS CITY (LPKC) DISTRICT NO. 1 COMMUNITY IMPROVEMENT DISTRICT**

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

**10. CONSIDER ORDINANCE NO. 2038 LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN LOGISTICS PARK KANSAS CITY (LPKC) DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT**

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

**11. CONSIDER RESOLUTION NO. 05-28-20B AUTHORIZING THE CITY OF EDGERTON KANSAS TO ENTER INTO A FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF A TRUCK STOP AND RELATED FACILITIES**

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

**12. CONSIDER RESOLUTION NO. 05-28-20C SETTING A DATE FOR A PUBLIC HEARING REGARDING THE EDGERTON HOMESTEAD LANE RETAIL DISTRICT REDEVELOPMENT (TIF) DISTRICT PROJECT PLAN A1**

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

**13. PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC ON THE POSSIBLE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN RESOLVING LOCAL COMMUNITY DEVELOPMENT AND HOUSING NEEDS IN THE CITY OF EDGERTON**

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

**14. CONSIDER SUBMITTAL OF APPLICATION TO JOHNSON COUNTY FOR 7<sup>TH</sup> STREET AND NELSON STREET SANITARY SEWER PROJECT FOR CDBG FUNDING FOR 2021**

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

**15. CONSIDER ORDINANCE NO. 2039 APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING AN INTERSECTION AND CITY SANITARY SEWER LINES AT 20080 HOMESTEAD LANE (200<sup>TH</sup> STREET SANITARY SEWER PROJECT)**

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

**16. Report By The City Administrator**

**17. Report By the Mayor**

- Report on Impact of COVID-19 to City Operations

**18. Future Meeting Reminders:**

- June 9<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- June 11<sup>th</sup>: City Council Meeting – 7:00 PM

- June 25<sup>th</sup>: City Council Meeting – 7:00 PM
- July 9<sup>th</sup>: City Council Meeting – 7:00 PM
- July 14<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- July 23<sup>rd</sup>: City Council Meeting – 7:00 PM

**19. 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, PUBLIC WORKS DIRECTOR, AND CITY ADMINISTRATOR FOR THE PURPOSES OF PENDING LITIGATION**

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

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

## EVENTS

May 26<sup>th</sup>: Municipal Court

June 17<sup>th</sup>: Senior Lunch and BINGO

June 23<sup>rd</sup>: Municipal Court

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**May 14, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on May 14, 2020. The meeting convened at 7:01 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present via videoconference
Clay Longanecker	present
Josh Lewis	absent
Katee Smith	present via videoconference
Josh Beem	present via videoconference

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks via videoconference
- City Clerk/Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow via videoconference
- Finance Director Karen Kindle via videoconference
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks via videoconference

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Approve Minutes for April 23, 2020 Regular City Council Meeting.
5. Approve Resolution No. 05-14-20A Updating the Fee Schedule for the City of Edgerton.
6. Consider Agreement with Simplifile.

Councilmember Longanecker motioned to approve the Consent Agenda, motion seconded by Councilmember Smith. The Consent Agenda was approved, 4-0.

**REGULAR AGENDA**

**7. Public Comments.**

There were no public comments made at this time.

**8. Declaration.**

None of the Councilmembers had any declarations at this time.



9. **Proclamation By Mayor Roberts Designating May As Fair Housing Month In The City Of Edgerton, Kansas**

Mayor Roberts designated May 2020 as Fair Housing Month in the City of Edgerton (the City). He stated it is the right thing to do to help the community and allows the City to apply for Community Development Block Grants.

**BUSINESS REQUIRING ACTION**

10. **CONSIDER PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF EDGERTON AND OLSSON, INC FOR 2020 STORMWATER MASTER PLAN**

Mr. Dan Merkh, Public Works Director, spoke before the Council. He stated on February 19, 2020, the City issued a Request for Qualifications seeking engineering teams for the analysis of the stormwater system and development of a Master Plan. The Project included inventory and analysis of the existing storm collections system, existing structures, and existing stormwater corridors. Mr. Merkh explained there will be a component to the Project involving the public. The consultant and City Staff will work to request flooding concerns, compile the data, and develop an appropriate response. The Project will review existing development patterns, as well as target future development and system expansion. The Project is to provide a list of prioritized projects to add to the City's Capital Improvement Plan (CIP) list. Mr. Merkh stated this serves as a roadmap to the City's stormwater system, prioritizing projects to improve existing infrastructure and propose appropriately timed installation of new infrastructure, both to improve efficiencies and be better suited to receive development as it arises.

Mr. Merkh informed the Council the Requests for Qualifications were due April 8, 2020 and interviews with the short-listed teams were conducted on April 20, 2020. The selection committee (the City Administrator, City Engineer, Public Works Director, and Public Works Superintendent) recommends Olsson, Inc. as the best, most qualified team for the project. The selection committee recommends the team based on their existing experience providing these services to municipalities both of similar size and larger populations.

Mr. Merkh explained the draft Professional Services Agreement (PSA) between the City and Olsson for the Project was provided in the Council's packet. The PSA is still under review by both Olsson and the City. All revisions are pending approval from the City Engineer, City's Insurance representative, and the City Attorney.

Mr. Merkh stated the Project budget included in the 2020-2024 Adopted CIP is \$160,000, with all of the funding from the General Fund. City Staff has reviewed the proposed scope, initially making adjustments to end up with a scope that balances good stewardship of funds while having a bill of work that still provides a reliable analysis of our system and tools to use in the future. Mr. Merkh stated after negotiating scope and fee with the consultant, the price for services is \$159,895. Mr. Merkh said he is available for questions, as is Mr. Brent Johnson with Olsson, Inc.

Mayor Roberts inquired to what the difference is between public and private stormwater issues. Mr. Merkh responded it depends on where the stormwater originates. He explained

when stormwater drains along the rear property lines then goes into side yards, it is private. The public stormwater system are the inlets and pipes in the public right-of-way and along the streets. Mr. Merkh said the City will not go into private property to fix any flooding issues caused by stormwater that does not enter the public system. Public input will be taken into consideration to figure out where the flooding issues are and how the City can aid in relieving those issues. Mayor Roberts said some developers might have caused problems in how the land and properties were laid out, but those are problems the City cannot resolve unfortunately.

Councilmember Longanecker asked about issues that arise when water runs onto a neighboring house causing it to flood. Mr. Merkh answered it would be private issue that the neighbors would need to resolve between them. He added if the stormwater originated at a City owned property, then the City would need to find a solution to keep the flood from happening again. Mayor Roberts said there are some drains that are public infrastructure that are located on private property. Councilmember Longanecker inquired what residents should do if something like this happens to them. Mayor Roberts replied it would be a civil matter and the City cannot intervene. Ms. Beth Linn, City Administrator, stated Olsson has done similar projects in many cities and they are the experts on this topic. The City will lean on them and their expertise in educating the residents on different issues regarding stormwater. Mayor Roberts said it becomes a big problem when the private issues cause property damage. Ms. Linn stated Olsson will help the City inform City Staff the best practices and implementing new standards for future development. Mayor Roberts said cities have learned a lot recently about stormwater management. Councilmember Longanecker inquired to if a Stormwater Master Plan has been done for Edgerton in the past. Mayor Roberts answered there has never been a Stormwater Master Plan that encompasses the entire City.

Councilmember Conus stated that multiple resources have shown the economy dropping and the Kansas tax revenue has declined 51%. He stated he has concerns with authorizing spending when revenues are hard to predict at this time because of the pandemic. Ms. Linn replied there has been update from Johnson County regarding the property tax collections. Johnson County has reported that property tax collections are at 96.28% of the 2019 tax roll, which is an increase compared to 96.04% that was collected as of May 2018. Ms. Linn appreciates the concerns Councilmember Conus has raised but the collections are actually higher than expected. The City's portion of the sales tax is delayed, but the portion the City receives will most likely be about the same as last year as it is not a vast majority of revenue for the City. Mayor Roberts agreed Councilmember Conus's concerns are valid, but the City continues to limit spending and the main source of revenue, property tax, is higher than it has been in the past. Councilmember Conus said that helps, but he is still concerned. Councilmember Longanecker inquired if the \$160,000 was to be spread out from 2020 to 2024 or just one year. Mr. Merkh replied it was accepted as part of the 2020-2024 CIP Budget and will be paid just once this year.

Councilmember Longanecker stated he believes the Project is necessary and understands Councilmember Conus's concerns with spending funds, but it has been budgeted for. Mayor Roberts and Councilmember Smith agreed. Councilmember Conus agrees the Master Plan should be done but maybe not at this time with uncertainty in revenue and funds. Mayor Roberts asked what would happens if the Project is delayed. Mr. Merkh replied it is best to

do this type of project during the rainy season so the system can be studied better as spring storms are heavier than storms during the fall. He added it is an industry standard practice to start in the spring. Councilmember Smith asked about postponing the project for a year. Mr. Merkh answered the agreement could be redone for next year but there could be impacts on the budget. Ms. Linn stated there could be implications on any possible residential development as this Master Plan would help the City avoid the issues that are impacting current residential areas.

Councilmember Longanecker inquired to how long it takes to formulate the Master Plan. Mr. Merkh replied it is a year of data collection, then a month or two to compile the data. Councilmember Longanecker asked about waiting to start the Project in July. Mr. Merkh answered it would still skew the data as the spring storms would be missed and the opportunity to see how possible corrections would impact the stormwater system. Ms. Linn said the first year of the project is to make the model, then the second spring is used to see how those changes would affect the system. Mayor Roberts asked when work could begin if the Council approves the Master Plan. Mr. Merkh replied data collection would start within a week or two after the agreement is signed. Mr. Johnson said that is correct. He said the springtime is best time to get data as flooding concerns are fresh on residents' minds and therefore the best time to get public input. Mayor Roberts said he is in favor of moving forward but does understand the concerns about funding. He remembers construction and permits being purchased during the last recession and the City thriving at that time. Mayor Roberts said more and more residential developers are starting to approach the City and this Project would help prevent any future problems and would not hinder any possible growth of the City. He stated the City does have healthy reserves that should not be used for this Project but are there if needed and the City has been taking measures to limit costs. Mayor Roberts recognized flooding and stormwater has been an issue in the past and he wants the City to get ahead of it.

Councilmember Conus appreciated the open and civil discussion that could be had on this topic.

Councilmember Longanecker motioned to approve the Professional Services Agreement between the City of Edgerton and Olsson, Inc for the 2020 Stormwater Master Plan, seconded by Councilmember Smith. The Professional Services Agreement was approved, 3-1, with Councilmember Conus voting nay.

**11. CONSIDER REVISING 2019 STREET MAINTENANCE PROGRAM TO INCLUDE THE RECONSTRUCTION OF 8<sup>TH</sup> STREET AND EDGEWOOD INTERSECTION**

Mr. Merkh addressed the Council once more. He stated on May 23, 2019, the Council approved the recommendation for the 2019 Streets Maintenance Program to include Ultra-Thin Bonded Asphalt Surface (UBAS) of East 3<sup>rd</sup> Street from 56 Highway to Nelson Street, East 4<sup>th</sup> Street from 56 Highway to East Hulett Street and the first progression of joint sealing of concrete roadway in Logistics Park Kansas City (LPKC). Mr. Merkh stated on September 26, 2019, the Council accepted the UBAS portion of the program. This work was estimated at \$67,890, and the actual work billed came in at \$38,202, leaving \$29,688. Mr. Merkh explained at the September 29, 2019 meeting, the Council also approved the change order for the 2019 Street Reconstruction Project to include the milling of portions of

Edgewood Drive and overlaying portions with varying depths of pavement to repair the significant damage from the previous winter and from the construction activities to the surrounding areas. He stated the intersection of 8<sup>th</sup> Street and Edgewood Drive did receive new overlay asphalt but did not receive significant grade changes. At the time of the change order, City Staff could not verify the cause of the degradation to be holding water or insufficient depth of asphalt. Now that construction is complete, City Staff observes that the intersection holds water, which causes significant damage to the top course of asphalt.

Mr. Merkh said City Staff is recommending utilizing the savings from the UBAS portion of the project to have Miles Excavating Inc. rebuild the intersection with concrete. This work includes repaving portions of the intersection to increase cross slope, causing water to runoff the pavement. Miles Excavating is the contractor that completed the work for the street reconstruction, so they have previously been vetted out by City Staff and the Council. Mr. Merkh stated Miles Excavating has submitted a proposal and scope in the price of \$27,223.25, which is within the cost savings noted before.

Councilmember Longanecker motioned to approve revising the 2019 Street Maintenance Program to include the reconstruction of 8<sup>th</sup> Street and Edgewood Drive intersection not to exceed \$29,688. Councilmember Smith seconded the motion. The revision was approved, 4-0.

**12. CONSIDER RESOLUTION NO. 05-14-20B PURSUANT TO K.S.A. § 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED**

Ms. Linn spoke before the Council. She stated the City is constructing a new full access intersection at Homestead Lane and 200<sup>th</sup> Street just north of Interstate 35 (I-35). The City needs a temporary construction easement on the property located at 20080 Homestead Lane, which is the northwest corner of Homestead Lane and I-35 to remove the existing right-in/right-out entrances and construct the new intersection. City Staff has contacted the property owner and requested the dedication of the easement by June 4, 2020.

Ms. Linn explained a new public sanitary sewer main is being constructed from the existing gravity sewer interceptor on the west side of the property at 20080 Homestead Lane to near the east side of Homestead Lane at 200<sup>th</sup> Street as well. She said the City needs a permanent sanitary sewer easement and temporary construction easement for this Project. City Staff has contacted the property owner and requested the dedication of this easement by June 4, 2020.

Ms. Linn stated City Staff will continue to negotiate easement with the property owner as the preferred method to acquire the easements prior to June 4. In case negotiations do not reach a conclusion that satisfies both parties, City Staff recommends moving forward with the condemnation process.

Ms. Linn informed the Council the first step in that process would be for the Council to pass a resolution confirming the necessity for condemnation and authorizing the preparation of a survey and legal descriptions. Passing the resolution does not prohibit the City from

continuing to negotiate and/or acquire the easements. She said the resolution authorizes the preparation of the legal descriptions.

Councilmember Smith inquired if there was a resident who lived on the property. Ms. Linn answered it is owned by D & J Development and is currently vacant.

Councilmember Longanecker motioned to approve Resolution No. 05-14-20B pursuant to K.S.A Section 26-201 setting forth the necessity for condemnation of private property and authorizing preparation of a survey and legal descriptions of the property to be condemned. Councilmember Beem seconded the motion. Resolution No. 05-14-20B was approved, 4-0.

### **13. Report By The City Administrator**

Ms. Linn stated she does not have anything to report outside of her joint report with Mayor Roberts.

### **14. Report by the Mayor**

- Report on Impact of COVID-19 to City Operations

Mayor Roberts stated he hopes to be in Phase 2 of the reopening plan by next Council meeting so the Council can meet in person. This would allow a gathering of up to 30 people, but precautions will still need to be taken, such as social distancing and the use of masks.

Ms. Linn stated the White House and the Centers for Disease Control and Prevention (CDC) have released guidance on how to open back up. She stated the CDC has information on that on their website. Ms. Linn explained the reopening plan Kansas Governor Laura Kelly has implemented. She stated a new phase was added, Phase 1.5 that will start on May 18, 2020. This has delayed the phase out of the reopening plan to June 29, 2020 at the earliest. The executive order declaring a local state of emergency and prohibiting utility disconnects has been extended to May 31, 2020. The Council did extend that to include late fees. Ms. Linn said Johnson County is now following the state's reopening plan as the stay at home order was allowed to expire. Ms. Linn stated City Hall is now open as of May 11, 2020 with precautions being taken by City Staff. She said there will be rotating shifts and marks on the floor with tape to adhere to social distancing. A sheet of plexiglass was installed for the protection of City Staff as well. Ms. Linn said Municipal Court will be held in May and City Staff will make the proper changes to ensure social distancing is followed.

Councilmember Conus complimented Ms. Linn on the job she has done with the pandemic. Ms. Linn thanked Councilmember Conus and stated she has a great team that has helped her tremendously. Mayor Roberts agrees City Staff has done a great job. He still has conference calls regarding the pandemic, but it seems like there is more time in between them.

**Future Meeting/Event Reminders:**

- May 28th: City Council Meeting – 7:00 PM
- June 9th: Planning Commission Meeting – 7:00 PM
- June 11th: City Council Meeting – 7:00 PM
- June 25th: City Council Meeting – 7:00 PM
- July 9th: City Council Meeting – 7:00 PM
- July 14th: Planning Commission Meeting – 7:00 PM
- July 23rd: City Council Meeting – 7:00 PM

**15. 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, PUBLIC WORKS DIRECTOR, AND CITY ADMINISTRATOR FOR THE PURPOSES OF PENDING LITIGATION**

Councilmember Smith motioned to recess 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 the City Attorney, Public Works Director, and the City Administrator for the purposes of pending litigation for 10 minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 8:10 PM after a vote of 4-0.

Councilmember Longanecker motioned to return to open session with no action being taken. Councilmember Conus seconded the motion. Open session resumed at 8:20 PM after a vote of 4-0.

**16. 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 FOR THE PURPOSES OF CONTRACT NEGOTIATIONS**

Councilmember Smith motioned to recess 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 the City Attorney, Bond Counsel, and the City Administrator for the purposes of contract negotiations for 15 minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 7:52 PM after a vote of 4-0.

Councilmember Smith motioned to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:07 PM after a vote of 4-0.

**17. Adjourn**

Mayor Roberts highlighted the upcoming events.

Ms. Linn stated Mr. Mike Mabrey, Utilities Superintendent, recently celebrated 30 years of service for the City. She said that it would be longer if his time as a part time employee is included. Mayor Roberts stated it is amazing that he has been with the City that long and

acknowledged that his service has been amazing. Mayor Roberts said Mr. Mabrey has seen the City grow in many ways. Ms. Linn and Mayor Roberts recommend the Council and public congratulate him if they see him around town.

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Beem. The motion carried and the meeting adjourned at 8:26 PM, 4-0.

## EVENTS

May 4<sup>th</sup>: Youth Art Class – CANCELED

May 11<sup>th</sup>: Youth Cooking Class – CANCELED

May 16<sup>th</sup>: City Wide Clean-Up

May 26<sup>th</sup>: Municipal Court

## City Council Action Item

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**Council Meeting Date:** May 14, 2020

**Department:** Administration

**Agenda Item: Consider Resolution No. 05-28-20A Approving Mayoral Appointments of the City Treasurer, City Attorney/City Prosecutor, and Municipal Judge, And Designation of the Official City Newspaper for the City of Edgerton, Kansas**

**Background/Description of Item:**

Chapter 1, Article 3, Section 1-301 of the Edgerton Municipal Code states that at the first regular meeting in May of each year the Mayor, by and with the consent of the council, shall appoint a City Treasurer, and may appoint a City Attorney, Municipal Judge, and such other officers as may be deemed necessary for the best interest of the City.

Draft Resolution 05-28-20A includes appointment for City Treasurer, City Attorney, and Municipal Judge as listed below:

City Treasurer: Irene Eastwood

City Attorney/City Prosecutor: Lee Hendricks/Stumbo Hanson, LLP

Municipal Judge: Karen Torline

Additionally, the City of Edgerton has chosen to designate the Gardner News as the official city newspaper.

**Related Ordinance(s) or Statue(s):** Edgerton Municipal Code Chapter 1, Article 3, Section 1-301

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Resolution No. 05-28-20A Approving Mayoral Appointments of the City Treasurer, City Attorney/City Prosecutor, and Municipal Judge, And Designation of the Official City Newspaper for the City of Edgerton, Kansas**



**Enclosed**: Resolution No. 05-28-20A

**Prepared by**: Katy Crow, Development Services Director

**RESOLUTION NO. 05-28-20A**

**A RESOLUTION APPROVING THE MAYORAL APPOINTMENTS FOR THE CITY TREASURER, CITY ATTORNEY/CITY PROSECUTOR, AND MUNICIPAL JUDGE, AND DESIGNATION OF THE OFFICAL CITY NEWSPAPER FOR THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, Edgerton Municipal Code Chapter 1, Article 3, Section 1-301 requires that the Mayor, with the consent of the council, appoint certain public officials at the first regular meeting in May of each year;

**WHEREAS**, the appointments named below meet all qualifications set forth by the Edgerton Municipal Code;

**WHEREAS**, the Mayor hereby appoints the individuals named below to fill the public appointments for the City of Edgerton, Kansas;

**WHEREAS**, the City of Edgerton has chosen to designate the Gardner News as the official city newspaper;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS:**

**SECTION ONE:** The City Council hereby approves the following Mayoral appointments to serve the City of Edgerton:

Irene Eastwood to serve as City Treasurer;  
Lee Hendricks to serve as City Attorney/City Prosecutor;  
Karen Torline to serve as Municipal Judge;

the City of Edgerton has chosen to designate the Gardner News as the official city newspaper

**SECTION TWO: EFFECTIVE DATE**

This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 28<sup>th</sup> DAY OF MAY, 2020.

**CITY OF EDGERTON, KANSAS**

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

ATTEST:

\_\_\_\_\_  
Chris Clinton, City Clerk

APPROVED AS TO FORM:

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Lee W. Hendricks, City Attorney

# Johnson County Utility Assistance Program

City of Edgerton - City Council  
May 2020



# History

- For over 30 years, Johnson County Government has an established Utility Assistance & Emergency Assistance program for low-income residents.
  - Each year the demand for assistance continues to grow.
  - The economic impact of COVID-19 will be felt in 2021.

# Why do residents need assistance?

- Bills too high (medical or utilities)
- Not able to work (disabled or retired)
- Housing cost increase
- Unemployed/Looking for work
- Low wages
- Furloughed due to COVID-19

# Johnson County Utility Assistance Program

- Financial assistance to qualifying individuals for past due electric, water, propane, gas, & wastewater utility bills
- Johnson County Government partners with 14 cities, 5 local utility companies, the Church of the Resurrection, Community & Family Support Services to provide assistance for our neighbors in need

Over \$500,000 in funds contributed in 2019

# Qualifications for Utility Assistance

- Residents must be a Johnson County resident (and reside in Edgerton to utilize the Edgerton funds)
- Residents must be at or below the 200% poverty level
- Residents must have a past due utility bill in their name
- Residents must provide a history of the account showing recent payments



# Dollar Matching

- City of Edgerton contributes “up to” \$100 per qualifying resident
- Starting January 2020, Johnson County Government contributes “up to” \$200 per qualifying resident
- Use of additional funds Water One, Atmos Gas-Share the Warmth, Church of the Resurrection, and Community & Family Social Services can also be utilized if available

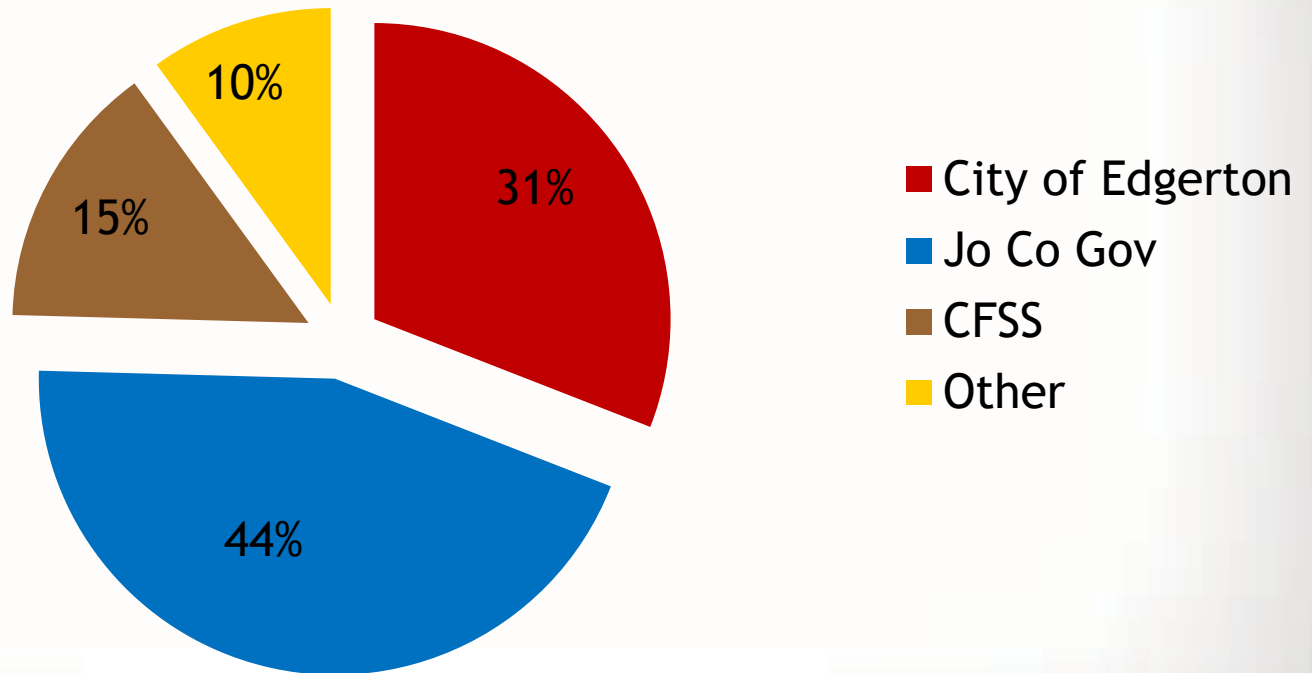
# City of Edgerton Pledge History

- City of Edgerton pledged \$1,500 in 2014. \$609.69 was utilized.
- City of Edgerton pledged \$3000 annually from 2015 - 2018.
  - In 2015, \$1,850.24 was utilized.
  - In 2016, \$1,861.55 was utilized.
  - In 2017, \$1,708.46 was utilized.
  - In 2018, \$1,116 was utilized.
- City of Edgerton has pledged \$2000 in 2019.
  - In 2019, \$1,061 was utilized.

# Edgerton Stats

- In 2019, 13 households in Edgerton were served
- Total amount of assistance including funds from City of Edgerton, Johnson County Government, and other resources \$3,431

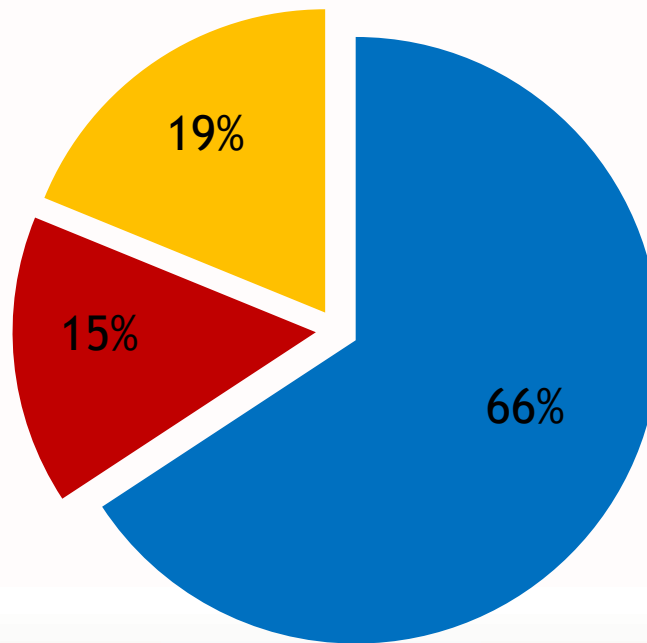
# Contributions Per Agency



# 2019 All Available Funds - \$3,431

## Dollars Utilized

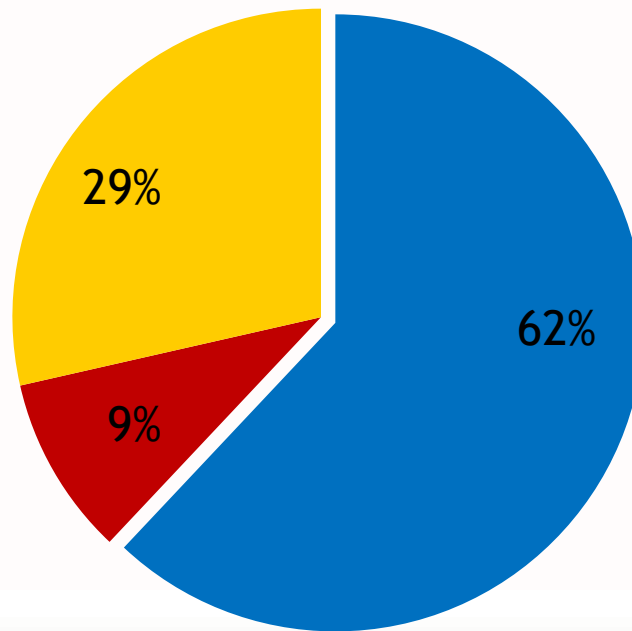
■ Electric ■ Gas ■ Water



# 2019 City of Edgerton Funds - \$1,061

## Dollars Utilized

■ Electric ■ Gas ■ Water



# Five Year History - City of Edgerton

	2015	2016	2017	2018	2019
Households	17	20	18	13	13
Total of Utility Assistance	\$5,035	\$6,382	\$6,900	\$3,715	\$3,431

# Raising Awareness

- We recognize the number of households we are serving from City of Edgerton has decreased over the past five years.
- Together we can raise awareness about the utility assistance program through:
  - City of Edgerton Newsletter
  - City of Edgerton Website
  - Chamber Newsletter
  - Social Media



# Utility Assistance Program Update

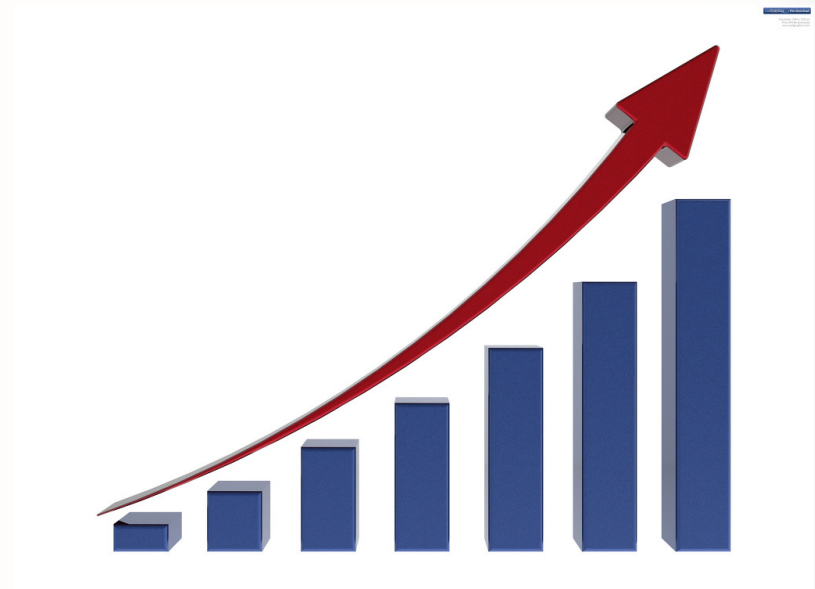
- In 2019, Johnson County Human Services had to turn away 1,459 callers in the County seeking assistance with their utility bill as their bill was too high.
- In 2020, Johnson County Government raised their allocation per qualifying household from \$150 to \$200.
- In 2021, Johnson County Human Services would like to raise the city allocation per qualifying household from \$100 to \$150.
- In 2021, qualifying residents needing assistance would qualify for 'up to' \$350 of utility assistance per household.

# 2021 Request for Funding

- As of March 31<sup>st</sup>, 2019, \$894.90 is remaining from the City of Edgerton funds. (rollover balance from 2019)
- In 2020, City of Edgerton pledged \$2000. No payments have been received.
- We are requesting \$2000 from the City of Edgerton in 2021.

# Need for Assistance

Due to the economic impacts of COVID-19 we anticipate the need for assistance to increase in 2021.



# Contact Information

## **Brandy Hodge**

Community Relations Manager  
Johnson County Human Services  
913.715.8866

[Brandy.Hodge@jocogov.org](mailto:Brandy.Hodge@jocogov.org)

## **Joanne Haworth**

Outreach Services Manager  
Johnson County Human Services  
913.715.8923

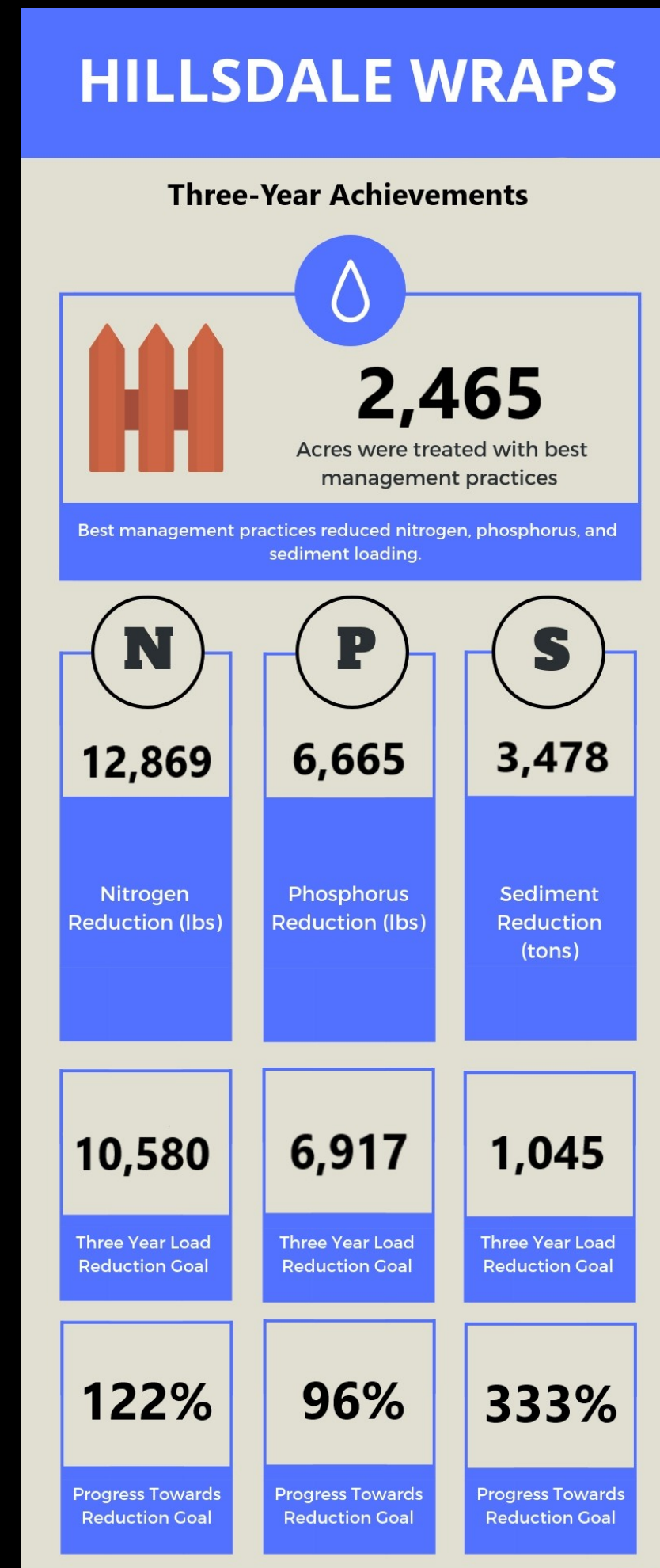
[Joanne.Haworth@jocogov.org](mailto:Joanne.Haworth@jocogov.org)

# HILLSDALE WRAPS EFFORTS

- ▶ TMDL (Updated 2014)
- ▶ 9-Element Plan (Updated 2017)
- ▶ WRAPS - KDHE 319 (Grant 2020-2022)
  - ▶ Grant: \$300,000
  - ▶ Match: \$200,000 (HAWC, Cities/Counties, Project Participants)

# WRAPS1 FINAL REPORT-2019

- Met/exceeded all load reduction goals
- P is difficult
- Outreach/Ed (1700)
  - 894 students
  - 769 adults



# HILLSDALE WRAPS BUDGET

	Y1 GRANT	Y1 MATCH	Y2 GRANT	Y2 MATCH	Y3 GRANT	Y3 MATCH
COORD	44,000	15,131	44,000	15,131	44,000	15,131
BMPS	56,000	31,621	56,000	31,621	56,000	31,621
I&E	0	20,000	0	20,000	0	20,000
TOTAL	\$100,000	\$66,752	\$100,000	\$66,752	\$100,000	\$66,752
TOTAL GRANT	\$300,000					
TOTAL MATCH	\$200,256					

# MATCH SOURCES - PROPOSED

YEAR 2 GRANT	
MIAMI COUNTY	\$15,000.00
JOHNSON COUNTY	\$15,000.00
CITIES (GARDNER, EDGERTON, SPRING HILL)	\$15,000.00
CITIES (PAOLA, LOUISBURG)	\$5,000.00
HAWC	\$16,000.00
OTHER	\$1,000.00
<b>TOTAL MATCH</b>	<b>\$67,000.00</b>



# LONG-TERM GOALS (2014 TMDL)

Phosphorus (lbs): 67% Reduction Needed

36,177

CURRENT

24,266

REDUCTION

11,911

ALLOWED

Nitrogen (lbs): 57% Reduction Needed

370,993

CURRENT

212,131

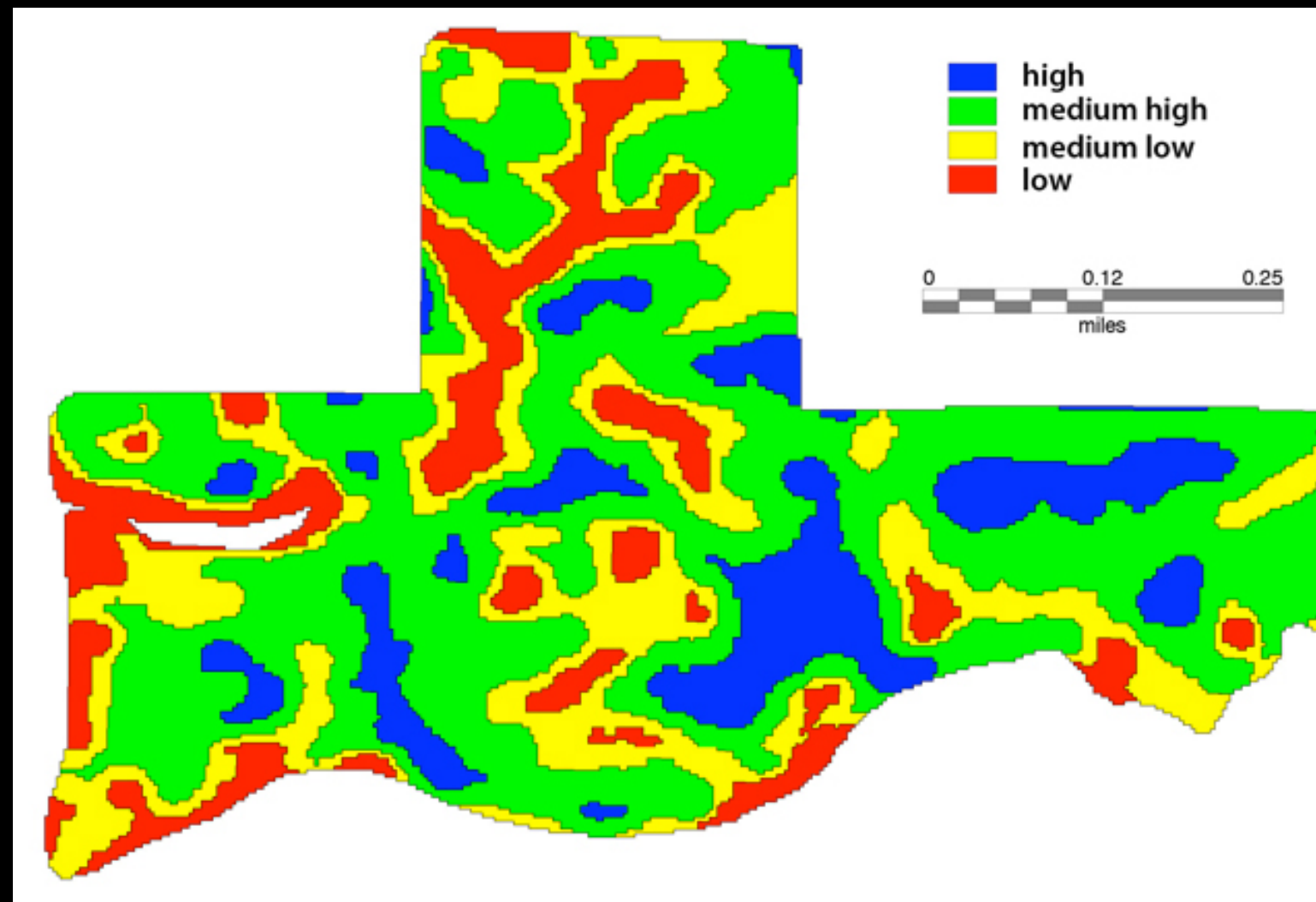
REDUCTION

158,862

ALLOWED

# STRATEGIES

- Treatment Wetlands
- Nutrient Management
- Streambank Stabilization
- Urban Green Infrastructure
- Ag BMP Demos



help us ELEVATE OUR WORK.



Lesley Rigney, Coordinator  
913-294-3751 Ext. 3  
[hillsdalewater.org](http://hillsdalewater.org)



# United Community Services of Johnson County

March 4, 2020

## Board Members

Kate Allen, President  
Brian S. Brown  
Joe Connor  
Tara S. Eberline  
Erik Erazo  
Robin Harrold  
Thomas Herzog  
Rev. Lee Jost  
Roxann Kerr Lindsey  
Donna Lauffer  
Patty Markley  
Justin Nichols  
Hon. Donald Roberts  
Kevin Tubbesing  
Vanessa Vaughn West  
David White  
Rebecca Yocham

## Council of Advisors

Gary Anderson  
Mary Birch  
Dick Bond  
Pat Colloton  
David Cook, PhD  
Hon. Peggy Dunn  
Hon. Ed Eilert  
Jeffrey O. Ellis  
SuEllen Fried  
Ellen Hanson  
Terrie Huntington  
Audrey Langworthy  
Penny Postoak Ferguson  
Jill Quigley  
Tom Robinett  
Clint Robinson  
Carol Sader  
Joseph Sopcich, PhD  
Brad Stratton  
Charlie Sunderland  
Stephen Tatum  
David Warm

## Executive Director

Julie K. Brewer

Hon. Donald Roberts  
City of Edgerton  
404 E. Nelson St.  
Edgerton, KS 66021

Dear Mayor Roberts:

### Subject: Human Service Fund -- 2021 Request for \$2,000

UCS and organizations supported through the Human Service Fund thank the City of Edgerton for its longtime partnership in leveraging resources to address well-being, self-sufficiency, and personal safety needs of your residents and community members throughout Johnson County. As Edgerton prepares its budget for 2021, please consider an investment of \$2,000 for the Human Service Fund. This request is to maintain Edgerton's current funding level. It is the same amount of funding the City is investing in the Human Service Fund this year.

The Human Service Fund is an important city/county partnership that pools dollars to support nonprofit programs which provide essential health and human services in our community. These programs help people live healthy, safe and productive lives; and, the Human Service Fund provides a direct benefit to local governments and taxpayers by reducing the need for more costly interventions at public expense – such as law enforcement, courts, and code enforcement. Enclosed is an information sheet about the Human Service Fund.

When combined with other participating jurisdictions, contributions to the Human Service Fund will help an estimated 61,000 people across our community during 2019. The 2019 Human Service Fund Year-End Report will be mailed to you next week. This investment in our community's residents can pay big dividends when other costs to local government are avoided.

UCS and the agencies funded with your contribution to the Human Service Fund are grateful for your support. We hope we can count on you to increase your contribution in 2021. If you have any questions, please contact me or Marya Schott, UCS Director of Resource Allocation, at 913-438-4764. Thank you in advance for your consideration.

Sincerely,

Julie K. Brewer  
Executive Director

cc: Beth Linn

Enclosure: "Why Contribute to the Human Service Fund"



Human Service Fund  
A Collaborative City/County Partnership  
Managed by United Community Services of Johnson County

**2019 Year-End Report**

Since 1990, United Community Services of Johnson County (UCS) has worked in partnership with cities and Johnson County Government to support programs that improve the quality of life through human service strategies. For 2019, 14 nonprofit organizations were awarded \$339,801.

This report provides an overview of the programs supported by the Human Service Fund (HSF) during 2019. Based upon grantees' final reports, approximately 60,000 Johnson County residents benefited from programs designed to offer support and create opportunities to build self-sufficiency and well-being. This report highlights the number of Johnson County residents served, although some programs also serve individuals living outside of Johnson County.

Human Service Fund Priorities

Programs funded by the HSF must deliver measurable outcomes which benefit Johnson County residents and, in the long-term, benefit local governments by avoiding, deferring, or preventing costs that otherwise might be incurred by local government.

1. Programs funded by the HSF must fit the definition of "Safety Net or Work Supports." Priority is given to programs that address emergency aid and shelter, child/adult abuse, child welfare, health, work support services such as childcare and early childhood development, and job training.
2. Priority will be given to programs that serve individuals and/or families with income below or near the federal poverty level.
3. Priority will be given to programs that demonstrate innovation and/or collaboration in program delivery.
4. Priority will be given to programs that are consistent with an evidence-based program, best practices or promising practices, or replicate a successful model.

The UCS board of directors, funded programs and program participants thank the Board of County Commissioners, and Mayors and Council Members who make these funds available. For additional information, contact Julie Brewer, Executive Director, 913.438.4764 ([julieb@ucsjoco.org](mailto:julieb@ucsjoco.org)).

2019 Funding	
Johnson County Government	\$131,775
14 Cities	\$228,026
Interest	\$5,000
Total Dollars	\$364,801
UCS Administration	-\$25,000
<b>Grant Awards</b>	<b>\$339,801</b>

Participating jurisdictions include Johnson County, De Soto, Edgerton, Gardner, Leawood, Lenexa, Merriam, Mission, Olathe, Overland Park, Prairie Village, Roeland Park, Shawnee, Spring Hill, and Westwood.

## 2019 Human Service Fund Year-End Report

### **CASA of Johnson and Wyandotte Counties**

Number of Johnson County residents served:  
412 children

\$43,500 Grant

CASA's (Court-Appointed Special Advocate) Child Advocacy Program is a court-ordered program that serves children involved in cases where conflicting case information has been presented to the judge, there is extreme neglect or abuse, or there are concerns about implementation of services. A trained CASA volunteer advocate focuses on the child's needs. The volunteer gathers information from significant adults in the child's life, and with a CASA supervisor, submits a report to the judge who is then able to make a more informed decision regarding the child's future. The Child Advocacy Program served 504 children from within and outside of Johnson County,

**Outcomes achieved during 2019:** The presence of a stable adult is a key factor in building resilience from a history of trauma. Ninety-six percent of children served by CASA had a stable adult presence in their CASA volunteer during their court involvement. While assigned to a CASA advocate, 99% of the children served did not have an additional affirmed or substantiated report of abuse to Kansas Department for Children and Families (DCF). Of the CASA-served youth eligible for graduation or working towards obtaining a GED, 83% were successful (graduated or awarded a GED). This percentage for academic milestones far exceeds the state average for children in foster care.

### **Catholic Charities of Northeast Kansas**

Number of Johnson County residents served: 24,859 (see narrative)\*

\$70,000 Grant

Through two centers in Johnson County, Catholic Charities of Northeast Kansas provides an emergency assistance and supportive housing program for families living at or below 150% of federal poverty guidelines. Emergency assistance protects and promotes the well-being of families and children by meeting basic needs such as food, shelter and clothing, as well as financial assistance with prescription medication, utility payments, and transportation. The case management delivery model emphasizes modes of self-sustainment, including asset development/financial literacy, education on life skills and connection to other resources.

**Outcomes achieved during 2019:** Visits to Catholic Charities for food assistance totaled 41,049. Direct financial assistance enabled 736 individuals to maintain safe housing for at least 30 days. 1,164 individuals benefited from utility service assistance which enabled them to sustain utility services for 30 days. All individuals who received direct financial assistance completed a financial assessment with their case manager. Ninety-one percent of individuals who received financial assistance also completed at least one component of financial literacy education (Money Smart, Your Money-Your Goals), and received one-on-one budget coaching.

\*Due to a change in Catholic Charities' approach to stabilization of clients, fewer individuals were served than anticipated when the HSF application was submitted. The organization is focusing on longer-term holistic services that help households toward housing stability. This also resulted in more units of service (one instance of service) being provided than the organization anticipated when the application was submitted.

**El Centro, Inc.**

Number of Johnson County residents served: 1,540 in Olathe office and 1,350 by VITA. The unduplicated number of people served by both is not available.

El Centro's Johnson County Family Services Program provides a set of safety-net services to low-income, under-insured and uninsured Johnson County residents. Services include, but are not limited to, emergency assistance, assistance filing taxes, financial literacy classes and individual counseling regarding money management, and access to healthcare (health navigation and promotion). Assistance filing taxes is through El Centro's VITA (Volunteer Income Tax Assistance) site, located in Overland Park. The other services are provided in El Centro's office located in Olathe.

**Outcomes achieved during 2019:** Clients' immediate basic needs were met: 47 households received utility assistance and were able to maintain utilities for minimum of 30 days, and 17 households received rent assistance which enabled them to sustain housing for minimum of 30 days. Eighty-six individuals completed the financial empowerment class. Eighty-four people were assisted with the process that enabled them to receive an Individual Tax Identification Number and thus file income taxes; 1,350 people were assisted in filing their taxes. One hundred twenty-three individuals were assisted with applying for the Supplemental Nutrition Assistance Program (SNAP) and received benefits; 484 enrolled in KanCare with assistance. Three hundred seventy-seven individuals were referred to a community healthcare resource and of those, 91.5% had at least one successful outcome. Two hundred forty-five individuals completed a class about eating healthy on a budget. In 2019 El Centro was no longer able to offer OSHA training and certification; therefore, basic workplace safety information was included in Know Your Rights, a training included within El Centro's set of safety net services. In 2019, 195 individuals attended that training.

**Growing Futures Early Education Center**

(previously known as Head Start of Shawnee Mission)

Number of Johnson County residents served: 37

\$9,265 Grant

Most of the families served by Growing Futures are living at or below federal poverty guidelines. Through the Human Service Fund grant, scholarships (child care assistance) help low-income families experiencing financial hardships who are unable to pay their share of child care fees (federal Head Start grants fund 3.5 hours of the day and parents are responsible for costs wrapped around the Head Start funded hours). Scholarships allow for continuity of early childhood care and education while parents are working or attending school. Emergency assistance is provided to families in need of short-term help, particularly with housing (those in jeopardy of losing Section 8 eligibility because of inability to pay rent on time), and food.

**Outcomes achieved during 2019:** Thirteen children and their families received short term help or fee subsidies which allowed parents to remain working or in school while facing financial challenges. The needs of families went beyond monetary. Growing Futures' Family Support Advocates also helped families obtain childcare subsidy funding and resources specific to being single fathers, incarceration, and mental health concerns. During 2019 no children left the program due to inability to pay fees. All the assisted families achieved steps toward the completion of a large family goal, and six attained their family goal. Overall daily attendance was maintained at rate ranging from 88% to 93%. For the 2018-19 school year, 89% of kindergarten eligible children achieved kindergarten readiness.

### **Harvesters – The Community Food Network**

Number of Johnson County children served:\*

BackSnack -1,850 children

Kids Cafe - 2,804 children

\*These numbers represent the most children served in each of the programs during a six-month period (not over the year).

3,582 is minimum unduplicated number served by combined programs (see narrative)

\$15,000 Grant

The Human Service Fund supports Harvesters BackSnack and Kids Café programs within Johnson County. BackSnack provides low-income children with a backpack of food to take home from school over the weekends. Harvesters purchases food for the backpacks, transports the food to community partners and links schools to community partners. School staff identify children who are in greatest need of food assistance. Kids Café is provided in after-school locations and summer sites in Johnson County. Harvesters delivers meals directly to Kids Café sites and provides meals there at no cost to children and youth. Free and reduced lunch school statistics help determine location of Kids Café sites across school districts in Johnson County.

**Outcomes achieved during 2019:** Harvesters provided 46,045 backpack carriers of food to Johnson County school children, and 27,195 Kids Café meals were provided to Johnson County children at 21 sites in Johnson County. Harvesters recently piloted its School Pantry program which is blended with the BackSnack program to mitigate food insecurity within a child's whole family (food is delivered to schools for distribution to families that need help feeding everyone in their household, not just the student). Three Johnson County schools participated in the School Pantry program during 2019.

Harvester's is not able to provide an unduplicated count of children served between Kids Café and BackSnack, or by each individual program over the calendar year or a school year. In order to determine the minimum number of unduplicated children served by both programs, the largest number of children served in each Johnson County jurisdiction during a six-month period for either program was added together for total of 3,582.

### **Health Partnership Clinic of Johnson County**

Number of Johnson County residents served: 9,235

\$42,000 Grant

The Health Partnership Clinic (HPC) provides primary and preventative medical care, and dental and behavioral health services for low-income and uninsured patients who would otherwise not have access to care. HPC health care services include pediatric and adult care. Specialty care is provided through a network of providers. A walk-in clinic and case management services are provided for patients who are homeless. During 2019 HPC improved access to health care through after-hour availability and walk-in availability. HPC served 12,285 patients from within and outside of Johnson County.

**Outcomes achieved during 2019:** During 2019 there were 24,881 patient office visits and/or clinical encounters by Johnson County residents. Approximately 91% of patients surveyed indicated they were either satisfied or very satisfied with overall care they received as a patient. Patients achieved positive health outcomes as indicated by 66% of hypertensive patients who had their blood pressure under control with readings below 140/90, and 69% of diabetic patients who achieved HgA1c (blood glucose) level of 9.0 or below during the last half of the year (compared to 59% before the diabetic clinic opened).

### **Hillcrest Ministries of MidAmerica**

Hillcrest's Transitional Housing – Homeless Youth and Families program provided transitional housing for 30 homeless youth, children and families in apartments located in Overland Park. The youth program provides up to 24 months of housing and



Number of Johnson County residents served: 30	services, including individual case management and budget counseling, and connection to community services to address immediate and ongoing needs as applicable, such as medical, dental, vision, mental health, substance abuse treatment, employment training, tutoring, and mentoring. Adults and families receive similar services, however, for a shorter period (three months).
\$9,500 grant	
	<b>Outcomes achieved during 2019:</b> All youth and families received an individual assessment of needs including health, employment, education and housing. The six homeless youth worked toward achieving education goals (their work toward those goals continues), and seven adults are employed full-time. Over 600 hours of volunteer time and \$25,000 in in-kind donations were contributed to the program.
<b>Johnson County Interfaith Hospitality Network</b>	Through partnerships with 36 faith congregations, Johnson County Interfaith Hospitality Network (IHN) provided homeless families and single unaccompanied women with shelter, meals, and case management which included assistance with budgeting and money management, job and housing searches, transportation, and referrals to community resources.
Number of Johnson County residents served: 25	
\$9,000 Grant	<b>Outcomes achieved during 2019:</b> Of those completing the program, 93.5% reported increasing their income by 25% or more while in the program, and 43% moved into homes of their own or transitional housing within four months of entering the network. Johnson County residents received 1,941 days of shelter and strength-based case management.
<b>Kansas Children's Service League</b>	Kansas Children's Service League Healthy Families Johnson County, a child abuse prevention program, provides intensive home-based parent education, support, and case management to first and second-time parents who have been identified as being high risk for child abuse and neglect. Participants receive routine at-home visits, case management, referrals to community resources and services, child development and parent education, and linkage to health care services. Parent engagement includes Parent Cafés, parent support groups, and a Parent Leadership Council.
Number of Johnson County residents served: 316	
\$19,800 Grant	<b>Outcomes achieved during 2019:</b> Ninety-eight percent of families served by the program remained free from substantiated abuse and neglect while in the program. By the end of the year, 99% of children enrolled in the program for at least six months had health insurance and 94% had a developmental screening.
<b>KidsTLC</b>	In late 2018, KidsTLC expanded the scope of its Human Service Fund supported Street Outreach Services Program (SOS) and renamed it as Thriving Families. The program now encompasses all KidsTLC's family resource support and education services. Thriving Families employs a Family Support and Navigation Specialist who is available to help families navigate the complexities of finding mental health/health care, housing, and community resources/support. The program also provides education groups for parents or guardians of KidsTLC clients through the CARES and Que Onda Familias (Spanish Speaking) education and support groups. The program is a
Number of Johnson County residents served: 294	
\$17,500 Grant	

compliment to the residential and outpatient mental health services KidsTLC provides to children. Services are targeted to the following populations: homeless/McKinney Vento families in the Olathe and Shawnee Mission school districts; Spanish speaking families in Johnson County; parents/guardians of current KidsTLC clients; and families who are lingering on long waitlists for mental health services. The goal of the program is to educate families on health issues, trauma, and raising healthy children and to provide health navigation and connection to community resources so that ultimately, they can raise happy and healthy children.

**Outcomes achieved during 2019:** KidsTLC helped meet people's live sustaining basic needs; clients were referred to services and reported increased knowledge of resources. (Outcome data in this section refers to household and individuals.) Twenty-seven households received crisis intervention services, 11 households received assistance with rent, deposits or mortgage payments, and 17 received food/hygiene assistance. Four clients received referrals to employment opportunities, nine received referrals to shelter/transitional living program, one family received help with benefits assistance, 46 clients received referrals to KidsTLC services, 11 received mental health services from KidsTLC. Of clients who completed an exit survey, 88% reported an increased knowledge of resources.

#### **Safehome**

Number of Johnson County residents served: 93

\$21,000 Grant

Safehome provides shelter and other assistance to victims of domestic violence. Human Service Funds support the Economic Empowerment program. Through education, support, and referrals to community agencies, this program assists clients in taking control of their finances and moving towards financial independence. Clients participating in SAFEHOME'S outreach programs also have access to financial literacy classes. Through both the shelter and outreach program, Safehome served 193 clients from inside and outside of Johnson County.

**Outcomes achieved during 2019:** After five weeks of participation in shelter, 41% (39 clients) of the 95 clients on the Job Search track (those who did not have job or were underemployed) were referred to Workforce Partnership for a career assessment inventory, and of those 97% had at least two job interviews. After 90 days in shelter, 36 clients secured employment. Forty-two percent (30/72) of clients receiving shelter or outreach advocacy services, who identified barriers to employment, contacted a job training program or college or degree-completion program. Of clients who enrolled in a job training program, 55% (6 of 11 clients) completed the program. Sixty-seven percent of clients (58/87) who were on the Budget track completed a household budget.

#### **The Salvation Army, Olathe**

Number of Johnson County residents served: 126

\$18,000 Grant

The Salvation Army Johnson County Family Lodge assists homeless and near homeless families with shelter and food at the homeless shelter in Olathe. Each family receives strengths-based case management where they develop an individualized housing and financial stabilization plan and are assisted in locating affordable housing and establishing savings. Family therapy, crisis counseling, parenting classes and financial literacy programming are also available. The Salvation Army participates in the Coordinated Entry System which began in late 2017 under the auspices of KS-505 (Johnson County) Continuum of Care on Homelessness.

**Outcomes achieved during 2019:** Eighty-eight percent of families who exited the program moved into transitional or permanent housing. Ninety-seven person of eligible families applied for and received mainstream services (medical assistance, childcare subsidy, WIC, work program supports, SNAP). Ninety-seven percent of households who successfully completed the program increased their skills or income (34 of 35). Seven children utilized financial assistance for daycare which enabled their parents to go to work.

**Shawnee  
Community Services**

Number of Johnson  
County residents  
served: 1,217

\$5,000 Grant

The Human Service Fund supported the Food Pantry Transportation component of the Community Center of Shawnee (DBA Shawnee Community Services). The organization transports food from Harvesters and a variety of food outlets to its center in Shawnee where families may receive one free food package per month which consists of nonperishable foods, frozen meat, fresh produce, bread and dairy products. Shawnee Community Services also provides free clothing, household goods at a nominal cost, and referrals to other community resources.

**Outcomes achieved during 2019:** The overall outcome for this program is that people's basic life-sustaining need for food is met. During 2019 free food packages were provided to 1,217 Johnson County residents and 292 households received a holiday dinner box. From January through June, 321,000 pounds of food was received and distributed. Including households from outside of Johnson County, the organization served approximately 5,370 individuals during the first six months of 2019 and 6,340 during the last six months (except for Johnson County, an unduplicated count is not available between each six-month period).

**Sunflower House**

Number of Johnson  
County residents  
served: 17,665

\$37,500 Grant

The Human Service Fund supported the Sunflower House child abuse prevention program – the Personal Safety Educational program. The program includes: 1) *Happy Bear*, an interactive play for children ages four through seven in public and private early childhood centers and elementary schools; 2) *Think First and Stay Safe* for PreK-5<sup>th</sup> grade students; 3) *E-Safety*, an internet safety program for middle school students; 4) *Keeping Kids Safe Online*, education for parents; 5) *Stewards of Children*, a child abuse prevention training for parents and caregivers; 6) *Child Protection*, an adult-focused child sexual abuse prevention program; and, 7) *Mandated Reporter Training* which teaches attendees to recognize signs of sexual abuse, the correct procedures/laws for reporting, and how to handle a child's disclosure. The program served 29,019 individuals from within and outside of Johnson County.

**Outcomes achieved during 2019:** In post-program surveys, 98% of children indicated they would report unwanted contact, including physical touches and electronic communications. Ninety-eight percent of adults trained on child abuse indicators and reporting abuse indicated they gained new information. Of those who participated in training about online safety, 94% indicated an increase in knowledge and 97% indicated they would more closely monitor the electronic communications of children in their care.



To: Edgerton City Council

From: James Oltman – President, ElevateEdgerton!

Re: 2021 Funding Request

Date: 5/20/2020

#### Overview

ElevateEdgerton! has been operating as a public-private organization since the very beginning of 2017. During this time most of the focus of the organization has been completing the necessary start up requirements for a non-profit organization, implementing a Board of Directors and hiring full time staff.

On June 20<sup>th</sup>, 2019 the ElevateEdgerton! Board of Directors will hold their second strategic planning session to evaluate the focused priorities set forth for ElevateEdgerton! last year. During this process they will evaluate the progress of the organization and refine as needed.

The purpose/mission of ElevateEdgerton!(EE!) is to promote/facilitate organized growth of the Edgerton, KS and Logistics Park Kansas City(LPKC) community by taking advantage of opportunities available because of the Burlington Northern Santa Fe Intermodal Facility.

#### **2019/2020 ElevateEdgerton! Priorities**

Residential Development  
Retail/Hotel/Service Industry Recruitment  
Workforce  
Investor Retention/Growth  
Rail-served development recruitment



## 2020/2021 ElevateEdgerton! Deliverables

- Housing development efforts
  - Maintain and update inventory of properties well positioned for residential development
  - Meet with potential housing developers about new residential construction in Edgerton
  - Compile data relevant to aiding housing development efforts
- Retail/commercial recruitment efforts
  - Continue to assess the needs of LPKC tenants and proceed accordingly
  - Maintain and update marketing material specifically geared towards commercial recruitment
  - Attend events and meetings geared towards active recruitment of retail/commercial
    - Commercial Developer meetings
    - ICSC Recon: Global Retail Convention
- Workforce
  - Host monthly HR roundtable for all LPKC tenants
  - Coordinate LPKC exclusive career fairs
  - Regional marketing for LPKC employment opportunities
  - Continue to enhance and expand LPKC Career Connect
- Investor Retention/Growth
  - Continued effort on adding new strategic partnerships to ElevateEdgerton!
- Representing Edgerton within the region
  - Attend Planning Commission and City Council meetings when economic development opportunities are being discussed
  - Attend and report at Gardner – Edgerton Chamber of Commerce Board meetings
  - Represent Edgerton at regional economic development events
    - Kansas City Area Development Council
    - KC Smartport
    - Kansas Economic Development Alliance
    - Southern Economic Development Council
    - Council of Supply Chain Management Professionals
- Community Services
  - New Resident bags
  - Create an outlet for community news and events



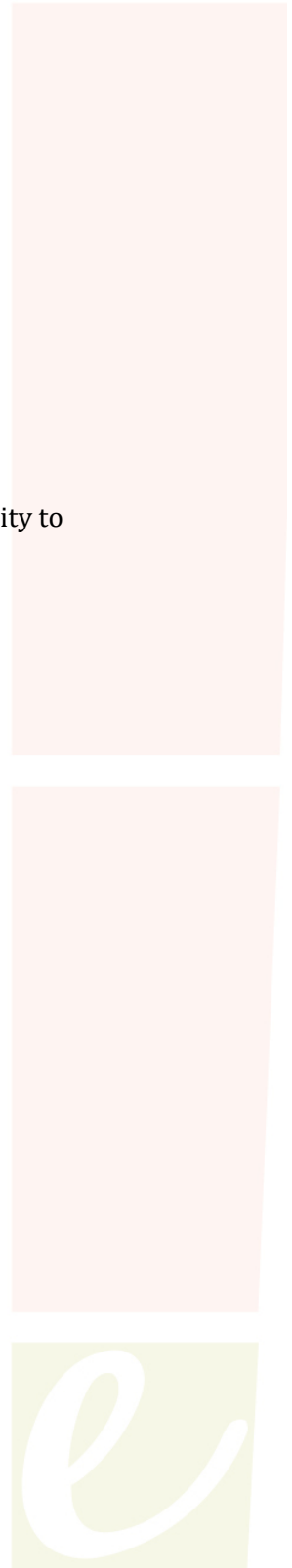
Requested funding amount:

\$55,000.00 cash contributions

\$10,000 in-kind contributions from City of Edgerton Marketing and Communications employee

\$10,000 targeted allocation – Residential Development Housing Fund – Provides ability to leverage money from other partners for the purpose of residential development recruitment activities:

- Housing Study
- Residential development related marketing
- Data Collection



## CITY OF EDGERTON, KANSAS

### COUNCIL AGENDA ITEM

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**Council Meeting Date:** May 28, 2020

**Agenda Item:** Ordinance No. 2037 Assessing CID Special Assessments LPKC District No. 1

**Subject:** Community Improvement District

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#### Summary:

The City has previously created the LPKC District No. 1 Community Improvement District to finance certain property at the northwest quadrant of 207<sup>th</sup> Street and Waverly Road. Pursuant to the CID and the related Development Agreement, the City is to levy special assessments against the property in an amount equal to \$0.05 a square foot a year for all vertical improvements that exceed 50,000 square foot for a ten-year term. The assessments are to commence in the calendar year in which property tax abatement commences for the vertical structures.

#### Ordinance:

Kubota North America Corporation has constructed 1,958,919 of improvements within the CID district. The Ordinance assesses \$979,459.50 ( $\$0.05 \times 1,958,919 \times 10$  years) of special assessments against Kubota. One-tenth of the special assessments are paid each December, without interest, commencing December 2020.

[Summary Published in *The Gardner News* on June 3, 2020]

**ORDINANCE NO. 2037**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN LPKC DISTRICT NO. 1 COMMUNITY IMPROVEMENT DISTRICT**

**WHEREAS**, the Governing Body of the City of Edgerton, Kansas (the “City”), did on May 24, 2018 pass Ordinance No. 1082 (the “Ordinance”) creating LPKC District No. 1 Community Improvement District (the “CID”), and authorizing a project to be funded with special assessments on the property located within the CID; and

**WHEREAS**, the CID project to be funded by special assessments consists of the redevelopment of certain privately-owned property located in the northwest quadrant of 207<sup>th</sup> Street and Waverly Road (the “Project”); and

**WHEREAS**, the CID requires that the City assess a special assessment on any vertical structure within the CID that is at least 50,000 square feet in size in an annual amount of \$0.05 per square foot a year for a term of ten years commencing in the year that property tax abatement commences for such vertical improvements; and

**WHEREAS**, Kubota North America Corporation (the “Owner”) has constructed 1,958,919 square feet of vertical structures within the CID; and

**WHEREAS**, the Governing Body desires to levy the CID special assessments as required by the CID; and

**WHEREAS**, the Owner, which is the owner of all property to be assessed by this Ordinance within the CID, has executed and filed a Consent and Waiver with the City Clerk pursuant to which it has waived any formal notice of and the holding of a public hearing by the City for the purpose of considering the assessments, has consented to the levy of the special assessments as provided in this Ordinance, has waived any formal additional notice of the maximum special assessments, has waived all right to a pay-in period for such special assessments and has waived the 30-day statute of limitations provided in K.S.A. 12-6a32.

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

**Section 1. Levy of Special Assessments.** Special assessments to pay the cost of the CID Project, with no interest, are hereby levied against the tract(s) of land in the CID in the maximum amount as follows:



**OWNER(S):** Kubota North America Corporation  
**AMOUNT:** \$979,459.50  
**PROPERTY ID:** BP55830000 0001

**LEGAL DESCRIPTION:**

All of Tract A, Tract B and Lot 1, LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas, LESS that part being more particularly described as follows:

Beginning at the Northeast corner of said Lot 1; thence South 01°48'46" East, along the East line of said Lot 1, a distance of 2579.48 feet to the Southeast corner thereof; thence South 88°09'59" West, along the South line of said Lot 1, a distance of 869.99 feet; thence departing said South line, North 01°50'01" West a distance of 38.41 feet; thence South 88°09'59" West a distance of 42.00 feet; thence North 01°48'45" West a distance of 775.42 feet; thence North 36°35'35" East a distance of 68.25 feet; thence North 01°48'46" West a distance of 113.07 feet; thence North 40°13'07" West a distance of 48.94 feet; thence North 01°48'46" West a distance of 1563.07 feet to a point on the North line of said Lot 1; thence North 88°18'55" East, along said North line, a distance of 900.00 feet to the Point of Beginning.

Parcel contains 6,407,242 net square feet, or 147.090 net acres, more or less.

**Section 2. Supplemental Assessments.** The Governing Body shall not be precluded from levying additional supplemental assessments as authorized by and for the reasons stated in K.S.A. 12-6a12 and amendments thereto.

**Section 3. Payment in Installments.** Special assessments are levied concurrent with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the payment of general property taxes in December 2020 unless this Ordinance is adopted and certified too late to permit collection at such time.

**Section 4. No Interest.** The assessments shall not bear interest.

**Section 5. Certification and Collection.** The assessments set forth herein shall be certified by the City Clerk to Johnson County, Kansas and collected in the same manner as other taxes.

**Section 6. No Levy Against City.** No special assessments shall be levied against the City-at-large and no full faith and credit notes or bonds shall be issued by the City to finance the Project.

**Section 7. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in summary form in the official City newspaper.

**PASSED** by the Council of the City of Edgerton, Kansas, this 28<sup>th</sup> day of May, 2020.

---

Donald Roberts, Mayor

[SEAL]

ATTEST:

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Chris Clinton, City Clerk

Approved as to form:

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Scott W. Anderson, Bond Counsel

CID Assessment Ordinance - Kubota

## CITY OF EDGERTON, KANSAS

### COUNCIL AGENDA ITEM

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**Council Meeting Date:** May 28, 2020

**Agenda Item:** Ordinance No. 2038 Assessing CID Special Assessments

**Subject:** LPKC District No. 2 Community Improvement District

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#### **Summary:**

The City has previously created the LPKC District No. 2 Community Improvement District to finance certain property at the northeast quadrant of 207<sup>th</sup> Street and Waverly Road. Pursuant to the CID and the related Development Agreement, the City is to levy special assessments against the property in an amount equal to \$0.05 a square foot a year for all vertical improvements that exceed 50,000 square foot for a ten-year term. The maximum amount of the assessment is \$382,500. The assessments are to commence in the calendar year in which property tax abatement commences for the vertical structures.

#### **Ordinance:**

ELHC LI, LLC has constructed 764,500 of improvements within the CID district. The Ordinance assesses \$382,500 which is the maximum amount of special assessments that may be assessed against ELKC LI, LLC. One-tenth of the special assessments are paid each December, without interest, commencing December 2020.

[Summary Published in *The Gardner News* on June 3, 2020]

## **ORDINANCE NO. 2038**

### **AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN LPKC DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT**

**WHEREAS**, the Governing Body of the City of Edgerton, Kansas (the “City”), did on May 23, 2019 pass Ordinance No. 2011 (the “Ordinance”) creating LPKC District No. 2 Community Improvement District (the “CID”), and authorizing a project to be funded with special assessments on the property located within the CID; and

**WHEREAS**, the CID project to be funded by special assessments consists of the redevelopment of certain privately-owned property located in the northeast quadrant of 207<sup>th</sup> Street and Waverly Road (the “Project”); and

**WHEREAS**, the CID requires that the City assess a special assessment on any vertical structure within the CID that is at least 50,000 square feet in size in an annual amount of \$0.05 per square foot a year for a term of ten years commencing in the year that property tax abatement commences for such vertical improvements, but which amount shall not exceed \$382,500; and

**WHEREAS**, ELHC LI, LLC (the “Owner”) has constructed 764,500 square feet of vertical structures within the CID; and

**WHEREAS**, the Governing Body desires to levy the CID special assessments as required by the CID; and

**WHEREAS**, the Owner, which is the owner of all property to be assessed by this Ordinance within the CID, has executed and filed a Consent and Waiver with the City Clerk pursuant to which it has waived any formal notice of and the holding of a public hearing by the City for the purpose of considering the assessments, has consented to the levy of the special assessments as provided in this Ordinance, has waived any formal additional notice of the maximum special assessments, has waived all right to a pay-in period for such special assessments and has waived the 30-day statute of limitations provided in K.S.A. 12-6a32.

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

**Section 1. Levy of Special Assessments.** Special assessments to pay the cost of the CID Project, with no interest, are hereby levied against the tract(s) of land in the CID in the maximum amount as follows:

**OWNER(S):** ELHC LI, LLC  
**AMOUNT:** \$382,500  
**PROPERTY ID:** BP55860000 0001

**LEGAL DESCRIPTION:**

All that part of the Southwest Quarter of Section 11, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of said Southwest Quarter; thence North 02°17'25" West, along the West line of said Southwest Quarter, a distance of 1,096.60 feet; thence departing said West line, North 88°29'08" East, parallel with the South line of said Southwest Quarter, a distance of 2,617.96 feet to a point 70.00 feet west of the East line of said Southwest Quarter; thence South 02°06'42" East, parallel with said East line, a distance of 1,096.56 feet to a point on the south line of said Southwest Quarter; thence South 88°29'08" West along said south line, a distance of 2614.55 feet to the Point of Beginning, containing 2,868,722 square feet, or 65.857 acres, more or less.

**Section 2. Supplemental Assessments.** The Governing Body shall not be precluded from levying additional supplemental assessments as authorized by and for the reasons stated in K.S.A. 12-6a12 and amendments thereto.

**Section 3. Payment in Installments.** Special assessments are levied concurrent with general property taxes and shall be payable in ten (10) annual installments. The first installment shall be payable at the time of the payment of general property taxes in December 2020 unless this Ordinance is adopted and certified too late to permit collection at such time.

**Section 4. No Interest.** The assessments shall not bear interest.

**Section 5. Certification and Collection.** The assessments set forth herein shall be certified by the City Clerk to Johnson County, Kansas and collected in the same manner as other taxes.

**Section 6. No Levy Against City.** No special assessments shall be levied against the City-at-large and no full faith and credit notes or bonds shall be issued by the City to finance the Project.

**Section 7. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in summary form in the official City newspaper.

**PASSED** by the Council of the City of Edgerton, Kansas, this 28<sup>th</sup> day of May, 2020.

---

Donald Roberts, Mayor

[SEAL]

ATTEST:

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Chris Clinton, City Clerk

Approved as to form:

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Scott W. Anderson, Bond Counsel

CID Assessment Ordinance – ELHC LI

## **CITY OF EDGERTON, KANSAS**

### **COUNCIL AGENDA ITEM**

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**Council Meeting Date:** May 28, 2020

**Agenda Item:** Resolution 05-28-20B Authorizing First Amendment to Amended and Restated Development Agreement

**Subject:** On the Go Travel Plaza

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#### **Summary:**

My Store III Inc. ("Developer") proposes to construct a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements on property generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane. The Developer and the City previously entered into an Amended and Restated Development Agreement to set forth certain agreements with respect to the development.

The Amended and Restated Development Agreement provided that the Developer would develop the project and the City would consider the following incentives:

1. 1% CID sales tax with proceeds going to the City to reimburse the City for certain public infrastructure improvements;
2. TIF project plan with TIF revenues being split 50/50 between the Developer and the City, and setting the maximum Developer reimbursement at \$1,440,362; and
3. IRBs for the purpose of allowing the Developer to utilize a sales tax project exemption certificate.

The Developer has proposed that the initial project be expanded by including an additional 4,200 sq. ft. of retail space. In exchange for expanding the project, the Developer is requesting that the TIF cap be increased to \$1,750,000.

The Resolution authorizes the City to enter into a First Amendment to the Amended and Restated Development Agreement. The First Amendment expands the definition of project in the original agreement and also increases the Developer TIF cap to \$1,750,000.

## **RESOLUTION NO. 05-28-20B**

### **RESOLUTION AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF A TRUCK STOP AND RELATED FACILITIES**

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**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 has previously entered into an Amended and Restated Development Agreement dated December 2, 2019 (the “Original Agreement”) with My Store III Inc., a Kansas corporation (the “Developer”), for the development of a truck stop and related facilities (the “Project”) located east of Homestead Lane and north of Interstate 35; and

**WHEREAS**, the City and the Developer desire to expand the definition of Project in the Original Agreement and also desire to increase the Developer TIF cap;

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

**Section 1. Approval of First Amendment to Amended and Restated Development Agreement.** The City Council hereby approves the First Amendment to the Amended and Restated Development Agreement (the “First Amendment”) in substantially the form attached hereto as **Exhibit A**. The First Amendment amends the Original Agreement by expanding the definition of the Project and increased the Developer TIF cap to \$1,750,000.

**Section 2. Execution of First Amendment.** The Mayor of the City is hereby authorized to enter into the First Amendment, in substantially the form presented to and reviewed by the City Council at this meeting (a copy of which upon execution shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the Mayor, the Mayor’s signature thereon being conclusive evidence of his approval thereof. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the First Amendment.

**Section 3. 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.



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

**ADOPTED** this 28<sup>th</sup> day of May, 2020.

**CITY OF EDGERTON, KANSAS**

[SEAL]

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

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

**EXHIBIT A**

**FORM OF FIRST AMENDMENT TO  
AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

**FIRST AMENDMENT TO  
AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

**(On the Go Travel Plaza)**

**THIS FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT** (this “First Amendment”) is made this \_\_\_\_ day of May, 2020, between the **CITY OF EDGERTON, KANSAS**, a Kansas municipal corporation (the “City”), and **MY STORE III INC.**, a Kansas corporation, and its successors and assigns (the “Developer”), and amends and restates the Amended and Restated Development Agreement (On the Go Travel Plaza) dated December 2, 2019 (the “Original Agreement”), between the City and the Developer. The City and the Developer may each be referred to herein as a “party” and collectively as the “parties”.

**RECITALS:**

- A.** The City and the Developer have previously entered into the Original Agreement.
- B.** The parties desire to amend the Original Agreement as set forth herein (the Original Agreement, as amended by this First Amendment, the “Agreement”).

**AGREEMENTS:**

**NOW, THEREFORE**, in consideration of the mutual terms, covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**Section 1. Definitions.** Capitalized terms used in this First Amendment but not defined herein shall have the meanings given to such terms as set forth in the Original Agreement.

**Section 2. Amendment to Developer TIF Cap.** The definition of “Developer TIF Cap” in Section 1.1 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

“Developer TIF Cap” means \$1,750,000.

**Section 3. Amendment of Project.** **Section 2.2** of the Original Agreement is hereby deleted in its entirety and replaced with the following:

**2.2 Developer to Develop Project.** The Developer shall design, develop and construct the Project with its own funds, except as otherwise specifically provided herein. The performance of all activities by Developer shall be as an independent contractor, and not as an agent of the City, except as otherwise specifically provided herein.

The “Project” shall consist of the following:

1. Travel center consisting of approximately 7,200 sq. ft. with an additional approximately 4,200 sq. ft. retail/restaurant space;
2. Travel center shall have bathrooms with showers, internal food preparation, a convenience store, and at least one in-store franchisee, such as a Dunkin' Donuts or comparable brand;
3. Truck canopy with diesel pumps for diesel fueling with at least six fueling stations;
4. Car canopy with gas pumps for regular car and truck fueling with at least eight fueling stations;
5. Truck parking;
6. Scale for weighing trucks; and
7. Truck maintenance and wash facility.

The Project shall be designed and constructed substantially identical to the design on the attached **Exhibit A**.

**Section 4. Representations.** Each party represents and warrants that it (a) has made due and diligent inquiry into the facts and matters which are the subject matter of this First Amendment; (b) fully understands the legal effect of this First Amendment; and (c) is duly authorized and empowered to execute, deliver and perform this First Amendment according to its terms and conditions.

**Section 5. Entire Agreement.** The Agreement is the entire agreement between the parties with respect to the subject matter hereof, the terms and provisions of the Agreement are contractual and not mere recitals and no alterations, amendment, modification, or interpretation thereof shall be binding unless in writing and signed by all parties.

**Section 6. Effectiveness of Original Agreement.** Except as amended by this First Amendment, all terms and provisions of the Original Agreement shall remain in full force and effect.

**Section 7. Counterparts.** This First Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.

[Remainder of page intentionally blank.]

**IN WITNESS WHEREOF**, this First Amendment has been executed by the parties hereto on the date first above written.

**CITY OF EDGERTON, KANSAS**  
a Kansas municipal corporation

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

Attest:

\_\_\_\_\_  
Chris Clinton  
City Clerk

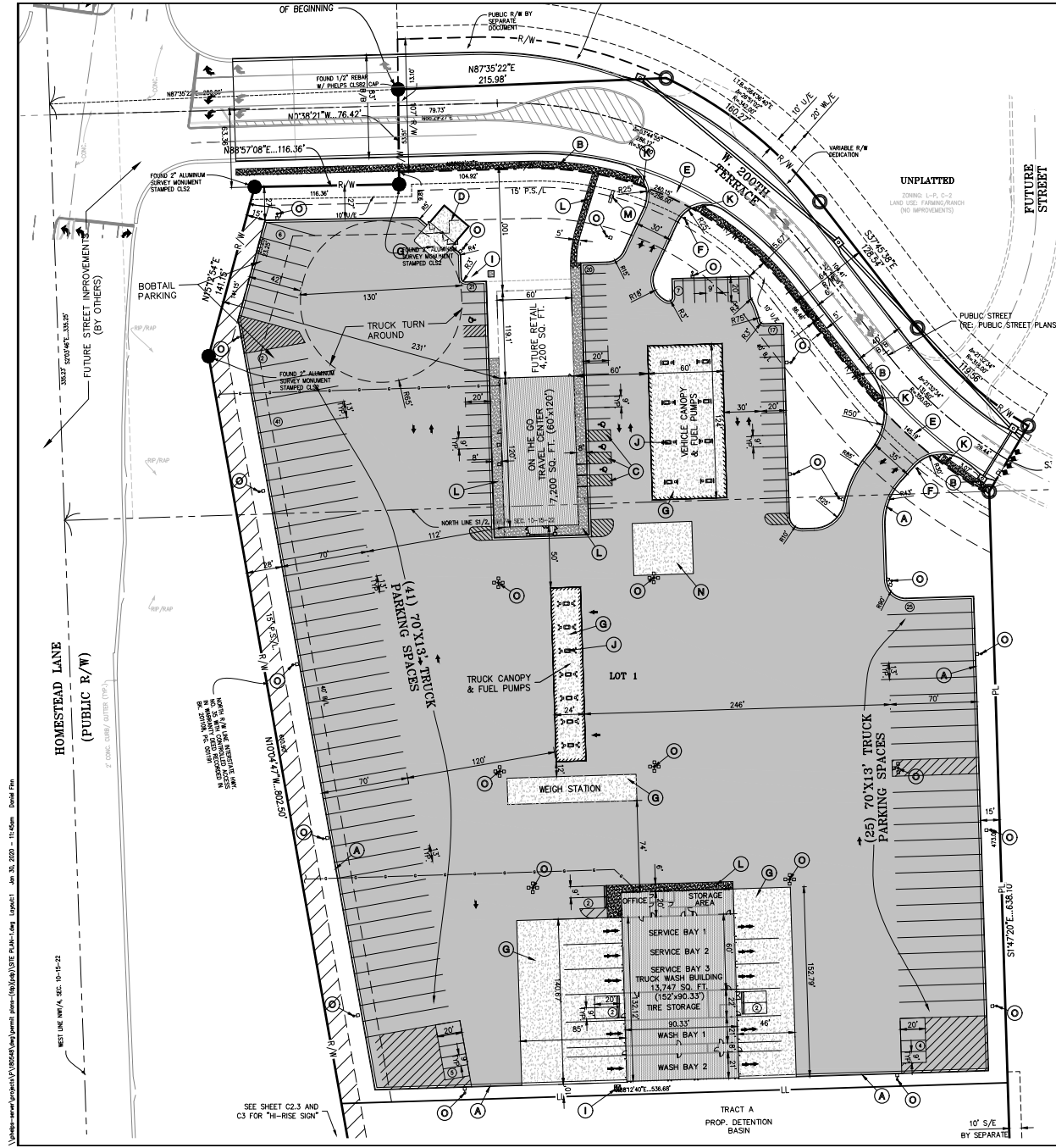
APPROVED AS TO FORM:

\_\_\_\_\_  
Scott W. Anderson  
Economic Development Counsel

**MY STORE III, INC.**  
a Kansas corporation

By: \_\_\_\_\_  
Moussa Sobaiti  
President and CEO

**EXHIBIT A**  
**LAYOUT OF PROJECT**



**APPLICANT:**  
MY STORE III INC.  
14728 W. 93RD STREET  
LENEXA, KANSAS 66215  
MR. MOUSSA SOBAITI

**ARCHITECT:**  
BCS DESIGN, INC.  
19922 WEST 161ST STREET  
OLATHE, KANSAS 66062  
(913) 393-1155  
(913) 393-1166 (FAX)

**SURVEYOR:**  
PHELPS ENGINEERING, INC.  
1270 N. WINCHESTER  
OLATHE, KANSAS 66061  
(913) 393-1155  
(913) 393-1166 (FAX)

**ENGINEER:**  
PHELPS ENGINEERING, INC.  
1270 N. WINCHESTER  
OLATHE, KANSAS 66061  
(913) 393-1155  
(913) 393-1166 (FAX)

**LEGAL**  
LOT 1, ON THE GO TRAVEL CENTER, FIRST PLAT, A SUBDIVISION IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS.

**SITE DIMENSION NOTES:**  
1. BUILDING SET SHOW ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC DIMENSIONS AND LAYOUT INFORMATION FOR THE BUILDING.  
2. ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FROM BACK OF CURB TO BACK OF CURB.  
3. HANDICAP PARKING MARKINGS AND SIGNS SHALL CONFORM TO ALL FEDERAL (AMERICANS WITH DISABILITIES ACT) AND STATE LAWS AND REGULATIONS.  
4. STOP SIGNS SHALL BE PROVIDED AT ALL LOCATIONS AS SHOWN ON PLANS AND SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.  
5. TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".  
6. PAVEMENT MARKING AND SIGNAGE NOTES:  
PAVEMENT MARKING STRIPES SHALL BE FOUR INCH (4") WIDE WHITE STRIPES. DIRECTIONAL ARROW AND HANDICAP STALL MARKINGS SHALL BE FURNISHED AT LOCATIONS SHOWN ON PLANS.  
7. TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.  
8. TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.  
9. TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.  
10. TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.

**FLOOD NOTE:**  
THE SUBJECT PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR COUNTY NO. 200705, JOHNSON COUNTY, KANSAS, MAY NO. 2009C03042, AND DATED AUGUST 3, 2009.

**ZONING:**  
THIS PROPERTY IS ZONED C-2 (HEAVY SERVICE COMMERCIAL) PER JOHNSON COUNTY AND WEBSITE.  
NOTE: THIS SURVEYOR WAS NOT SUPPLIED A ZONING PERMIT FOR THIS SURVEY.

**BENCHMARK:** (VERTICAL DATUM = NAVD83 BASED ON JNM BM 130) SQUARE CUT ON TOP OF CURB EAST SIDE OF SOUTHEAST CORNER ISLAND AT INTERSECTION OF HOMESTEAD LANE AND 199TH STREET. ELEVATION= 1015.81

**BM 927 = PLUS CUT TOP CURB ON NORTH SIDE OF CONCRETE ENTRANCE TO SUBJECT PROPERTY. ELEVATION=1025.81**

- SITE KEY NOTES:**
- (A) CONSTRUCT 2" TYPE 'B' CURB & GUTTER (TYPICAL)
  - (B) CONSTRUCT PUBLIC CONCRETE SIDEWALK (TYPICAL)
  - (C) CONSTRUCT ACCESSIBLE PARKING SPACE. INSTALL PAVEMENT MARKINGS, LAYDOWN CURB & BUMPERS. (SEE ACCESSIBLE PARKING SPACE DETAIL 101.12.)
  - (D) INSTALL MASONRY TRASH ENCLOSURE (REFER TO ARCH. PLANS)
  - (E) CONSTRUCT COMMERCIAL CONCRETE ENTRANCE (PER CITY STD. DETAIL)
  - (F) INSTALL STOP SIGN
  - (G) INSTALL CONCRETE PAVEMENT (SEE TYPICAL SECTION SHEET C11)
  - (H) CONSTRUCT TYPE A SIDEWALK RAMP WITH LAYDOWN CURB & GUTTER (OMIT DETECTABLE MARKINGS)
  - (I) CONSTRUCT CONCRETE TRANSFORMER PAD
  - (J) PLANS FOR BUILDING MATERIALS FOR FUEL ISLANDS. (REFER TO ARCH. PLANS)
  - (K) CONSTRUCT CITY STANDARD SIDEWALK RAMP WITH LAYDOWN CURB AND GUTTER WITH DETECTABLE MARKING MEETING PROWING REQUIREMENTS
  - (L) CONSTRUCT PRIVATE CONCRETE SIDEWALK (TYPICAL)
  - (M) PROPOSED MONUMENT SIGN (REFER TO ARCH. PLANS)
  - (N) CONCRETE PAD FOR UNDERGROUND GAS TANKS (SEE ARCH. PLANS)
  - (O) PARKING LOT LIGHT POLE (REFER TO LIGHTING PLANS)

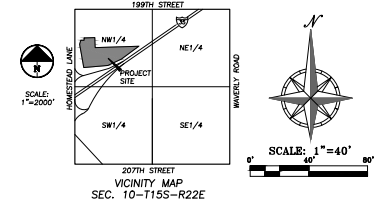
**SITE DATA**

SITE AREA TOTAL:	531,889± SQ.FT./12.21± AC.
ZONING	EXISTING C-2
FUTURE RETAIL BUILDING (1-STORY)	4,200 S.F.
PROPOSED BUILDING (1-STORY)	7,200 S.F.
PROPOSED TRUCK WASH (1-STORY)	13,747 S.F.
PROPOSED # OF EMPLOYEES (MAX SHIFT)	10 EMPLOYEES

**VEHICULAR PARKING DATA**

PROPOSED AUTO PARKING	PROVIDED	REQUIRED
STANDARD STALLS (9'-0" X 20'-0")	76	4 (76-100)
ACCESSIBLE STALLS	4	
TOTAL	80	36 (1/200)
PROPOSED SEMI-TRUCK PARKING		
TRUCK STALLS	66	
PUMPS	8	
SERVICE & WASH BAYS	7	
TOTAL	81	
PROPOSED BOB-TAIL TRUCK PARKING	8	

NOTE: AUTO PARKING INCLUDES THE 15 STALLS ADJACENT TO THE SERVICE & WASH BAYS.



- LEGEND**
- PL — PROPERTY LINE
  - LL — LOT LINE
  - RW — RIGHT-OF-WAY
  - W/E — WATERLINE EASEMENT
  - U/E — UTILITY EASEMENT
  - P/E — PEDESTRIAN EASEMENT
  - A/E — PROPOSED ACCESS EASEMENT
  - — PROPOSED ASPHALT PAVEMENT
  - — PROPOSED 2" CURB & GUTTER
  - — PROPOSED CONCRETE SIDEWALK
  - — PROPOSED PARKING LOT LIGHT

**811**  
Know what's below.  
Call before you dig.

**UTILITY NOTES:**  
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES.

**CAMILL A. FIRM**  
2432  
12270  
PROFESSIONAL SEAL

**SITE PLAN**  
ON THE GO-TRAVEL CENTER  
32501 W. 200TH TERRACE  
EDGERTON, JOHNSON COUNTY, KANSAS

**REVISIONS**

NO.	DATE	BY	REVISION
1	8-12-19	JMM/CH	1.1. 1-20-19
2	8-12-19	JMM/CH	2.1. 1-20-19
3	8-12-19	JMM/CH	3.1. 1-20-19
4	8-12-19	JMM/CH	4.1. 1-20-19
5	8-12-19	JMM/CH	5.1. 1-20-19
6	8-12-19	JMM/CH	6.1. 1-20-19
7	8-12-19	JMM/CH	7.1. 1-20-19
8	8-12-19	JMM/CH	8.1. 1-20-19
9	8-12-19	JMM/CH	9.1. 1-20-19
10	8-12-19	JMM/CH	10.1. 1-20-19
11	8-12-19	JMM/CH	11.1. 1-20-19
12	8-12-19	JMM/CH	12.1. 1-20-19
13	8-12-19	JMM/CH	13.1. 1-20-19
14	8-12-19	JMM/CH	14.1. 1-20-19
15	8-12-19	JMM/CH	15.1. 1-20-19
16	8-12-19	JMM/CH	16.1. 1-20-19
17	8-12-19	JMM/CH	17.1. 1-20-19
18	8-12-19	JMM/CH	18.1. 1-20-19
19	8-12-19	JMM/CH	19.1. 1-20-19
20	8-12-19	JMM/CH	20.1. 1-20-19
21	8-12-19	JMM/CH	21.1. 1-20-19
22	8-12-19	JMM/CH	22.1. 1-20-19
23	8-12-19	JMM/CH	23.1. 1-20-19
24	8-12-19	JMM/CH	24.1. 1-20-19
25	8-12-19	JMM/CH	25.1. 1-20-19
26	8-12-19	JMM/CH	26.1. 1-20-19
27	8-12-19	JMM/CH	27.1. 1-20-19
28	8-12-19	JMM/CH	28.1. 1-20-19
29	8-12-19	JMM/CH	29.1. 1-20-19
30	8-12-19	JMM/CH	30.1. 1-20-19
31	8-12-19	JMM/CH	31.1. 1-20-19
32	8-12-19	JMM/CH	32.1. 1-20-19
33	8-12-19	JMM/CH	33.1. 1-20-19
34	8-12-19	JMM/CH	34.1. 1-20-19
35	8-12-19	JMM/CH	35.1. 1-20-19
36	8-12-19	JMM/CH	36.1. 1-20-19
37	8-12-19	JMM/CH	37.1. 1-20-19
38	8-12-19	JMM/CH	38.1. 1-20-19
39	8-12-19	JMM/CH	39.1. 1-20-19
40	8-12-19	JMM/CH	40.1. 1-20-19
41	8-12-19	JMM/CH	41.1. 1-20-19
42	8-12-19	JMM/CH	42.1. 1-20-19
43	8-12-19	JMM/CH	43.1. 1-20-19
44	8-12-19	JMM/CH	44.1. 1-20-19
45	8-12-19	JMM/CH	45.1. 1-20-19
46	8-12-19	JMM/CH	46.1. 1-20-19
47	8-12-19	JMM/CH	47.1. 1-20-19
48	8-12-19	JMM/CH	48.1. 1-20-19
49	8-12-19	JMM/CH	49.1. 1-20-19
50	8-12-19	JMM/CH	50.1. 1-20-19
51	8-12-19	JMM/CH	51.1. 1-20-19
52	8-12-19	JMM/CH	52.1. 1-20-19
53	8-12-19	JMM/CH	53.1. 1-20-19
54	8-12-19	JMM/CH	54.1. 1-20-19
55	8-12-19	JMM/CH	55.1. 1-20-19
56	8-12-19	JMM/CH	56.1. 1-20-19
57	8-12-19	JMM/CH	57.1. 1-20-19
58	8-12-19	JMM/CH	58.1. 1-20-19
59	8-12-19	JMM/CH	59.1. 1-20-19
60	8-12-19	JMM/CH	60.1. 1-20-19
61	8-12-19	JMM/CH	61.1. 1-20-19
62	8-12-19	JMM/CH	62.1. 1-20-19
63	8-12-19	JMM/CH	63.1. 1-20-19
64	8-12-19	JMM/CH	64.1. 1-20-19
65	8-12-19	JMM/CH	65.1. 1-20-19
66	8-12-19	JMM/CH	66.1. 1-20-19
67	8-12-19	JMM/CH	67.1. 1-20-19
68	8-12-19	JMM/CH	68.1. 1-20-19
69	8-12-19	JMM/CH	69.1. 1-20-19
70	8-12-19	JMM/CH	70.1. 1-20-19
71	8-12-19	JMM/CH	71.1. 1-20-19
72	8-12-19	JMM/CH	72.1. 1-20-19
73	8-12-19	JMM/CH	73.1. 1-20-19
74	8-12-19	JMM/CH	74.1. 1-20-19
75	8-12-19	JMM/CH	75.1. 1-20-19
76	8-12-19	JMM/CH	76.1. 1-20-19
77	8-12-19	JMM/CH	77.1. 1-20-19
78	8-12-19	JMM/CH	78.1. 1-20-19
79	8-12-19	JMM/CH	79.1. 1-20-19
80	8-12-19	JMM/CH	80.1. 1-20-19
81	8-12-19	JMM/CH	81.1. 1-20-19
82	8-12-19	JMM/CH	82.1. 1-20-19
83	8-12-19	JMM/CH	83.1. 1-20-19
84	8-12-19	JMM/CH	84.1. 1-20-19
85	8-12-19	JMM/CH	85.1. 1-20-19
86	8-12-19	JMM/CH	86.1. 1-20-19
87	8-12-19	JMM/CH	87.1. 1-20-19
88	8-12-19	JMM/CH	88.1. 1-20-19
89	8-12-19	JMM/CH	89.1. 1-20-19
90	8-12-19	JMM/CH	90.1. 1-20-19
91	8-12-19	JMM/CH	91.1. 1-20-19
92	8-12-19	JMM/CH	92.1. 1-20-19
93	8-12-19	JMM/CH	93.1. 1-20-19
94	8-12-19	JMM/CH	94.1. 1-20-19
95	8-12-19	JMM/CH	95.1. 1-20-19
96	8-12-19	JMM/CH	96.1. 1-20-19
97	8-12-19	JMM/CH	97.1. 1-20-19
98	8-12-19	JMM/CH	98.1. 1-20-19
99	8-12-19	JMM/CH	99.1. 1-20-19
100	8-12-19	JMM/CH	100.1. 1-20-19

**SHEET**  
**C1**

## CITY OF EDGERTON, KANSAS

### COUNCIL AGENDA ITEM

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**Council Meeting Date:** May 28, 2020

**Agenda Item:** Resolution No. 05-28-20C Setting Public Hearing

**Subject:** Edgerton Homestead Lane Retail TIF District  
Project Plan A1

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#### Summary:

On August 22, 2019, the City created the Homestead Lane Retail TIF District on property generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane (the “District”). Pursuant to an Amended and Restated Development Agreement with My Store III Inc. (the “Developer”), the City agreed to consider a TIF project plan for the redevelopment of 12.162 acres located in the northeast corner of Interstate 35 and Homestead Lane (the “Project Plan Area”) that is within the District.

The Developer proposes to construct a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements on the Project Plan Area. The City proposes to construct an interchange and other necessary public infrastructure improvements. Together, these improvements are referred to as “Project Plan A1.”

In order to create a project plan within a TIF District, the City needs to take the following actions:

1. Prepare a feasibility study;
2. Prepare a project plan;
3. Have the project plan considered by the Planning Commission;
4. Set a date for a public hearing on the project plan;
5. Notify the county, school district and property owners and publish notice of the public hearing; and
6. Approve an ordinance creating the project plan.

The City has caused a feasibility study to be prepared by Columbia Capital. The City has also caused Project Plan A1 to be prepared.

On April 14, 2020, the Edgerton Planning Commission approved a resolution finding that Project Plan A1 is consistent with the intent of the comprehensive plan for development of the City.

On April 23, 2020, the City approved Resolution No. 04-23-20A providing for notice of a public hearing to consider Project Plan A1. The City decided to delay the hearing and notices of the prior hearing were not mailed to the County or School District or published in the paper. This Resolution replaces Resolution No. 04-23-20A.

The City now needs to set a date for the public hearing on Project Plan A1. The resolution sets June 25, 2020 as the date for the public hearing.



## **RESOLUTION NO. 05-28-20C**

### **A RESOLUTION PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER ADOPTION OF REDEVELOPMENT PROJECT PLAN A1 FOR THE HOMESTEAD LANE RETAIL TIF DISTRICT**

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**WHEREAS**, on August 22, 2019, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), and Ordinance No. 2021 of the City of Edgerton, Kansas (the “City”), and in order to promote, stimulate and develop the general and economic welfare of City, the Governing Body established a redevelopment district generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane referred to as the Homestead Lane Retail TIF District (the “District”); and

**WHEREAS**, the Governing Body desires to consider adoption of Redevelopment (TIF) Project Plan A1 (“Project Plan A1”) in accordance with the Act, which provides for the redevelopment of 12.162 acres located in the northeast corner of Interstate 35 and Homestead Lane (the “Project Plan A1 Area”) by constructing a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements (the “Private Project”); and

**WHEREAS**, a feasibility study was completed which indicates the benefits derived from Project Plan A1 are significant; and

**WHEREAS**, on April 14, 2020, the City Planning Commission reviewed Project Plan A1 and passed a resolution finding that Project Plan A1 is consistent with the intent of the comprehensive general plan for the development of the City; and

**WHEREAS**, on April 23, 2020 the City adopted Resolution No. 04-23-20A setting a public hearing on Project Plan A1; and

**WHEREAS**, the City desires to repeal Resolution No. 04-23-20A and establish a new date for a public hearing on Project Plan A1;

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

**Section 1.** Resolution No. 04-23-20A is hereby repealed. A public hearing to consider adoption of Project Plan A1 shall be held at the City Council meeting on June 25, 2020, at 7:00pm, or as soon thereafter as practical, at the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas.

**Section 2.** The boundaries of the District are set forth in **Exhibit A**.

**Section 3.** The boundaries of the Project Plan A1 Area that is the subject of Project Plan A1 is set forth in **Exhibit B**. A sketch depicting the Project Plan A1 Area to be redeveloped as Project Plan A1 is attached as **Exhibit C**.

**Section 4.** Project Plan A1, including the feasibility study and a description and map of the area to be redeveloped, are available for inspection during regular business hours in the office of the City Clerk. Because no relocation is required by the Project Plan, no relocation assistance plan is included, and there are no financial guarantees of prospective developers.

**Section 5.** The City Clerk shall mail a copy of this Resolution and a copy of Project Plan A1 by certified mail, return receipt requested, to the Board of County Commissioners of Johnson County, Kansas, and the Board of Education of Unified School District No. 231, Johnson County, Kansas. The City Clerk shall also mail copies of the above by certified mail to each owner and occupant of land within the Project Plan A1 Area not more than 10 days following the date of adoption of this Resolution.

**Section 6.** This Resolution shall be published by the City Clerk once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing.

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

**ADOPTED** this 28<sup>th</sup> day of May, 2020.

**CITY OF EDGERTON, KANSAS**

By: \_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Scott W. Anderson  
Economic Development Counsel

## EXHIBIT A

### LEGAL DESCRIPTION OF HOMESTEAD LANE RETAIL REDEVELOPMENT DISTRICT

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

#### TRACT I:

All that part of the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150 feet to the point of beginning, said point being on the Northerly right-of-way line of I-35 Highway; thence South 0 degrees 34 minutes 28 seconds East, along the Northerly right-of-way line of said I-35 Highway, 278.50 feet; thence South 54 degrees 55 minutes 40 seconds West, along the Northerly right-of-way line of said I-35 Highway, 255.31 feet; thence South 61 degrees 00 minutes 19 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.51 feet; thence South 55 degrees 17 minutes 10 seconds West, along the Northerly right-of-way line of said I-35 Highway, 300.00 feet; thence South 49 degrees 33 minutes 32 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.45 feet; thence South 55 degrees 17 minutes 10 seconds West, along the Northerly right-of-way line of said I-35 Highway, 332.33 feet; thence Southwesterly along the Northerly right-of-way line of said I-35 Highway on a curve to the Right having a radius of 22,768.30 feet, 1,865.80 feet, to a point on the West line of the Southeast Quarter of said Section 9; thence North 0 degrees 27 minutes 14 seconds West, along the West line of the Southeast Quarter of said Section 9, 1,904.32 feet to the Northwest corner of the Southeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East, 2,480.69 feet to the Point of Beginning, except those parts in streets or roads.

#### And except

A tract of land lying in the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Commencing on the Northeast corner of the Southeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150.00 feet to the Northerly right-of-way line of I-35 Highway; thence along said Northerly right-of-way line South 00 degrees 34 minutes 28 seconds East, 278.50 feet; thence continuing along said Northerly right-of-way line South 54 degrees 55 minutes 40 seconds West, 255.31 feet; thence continuing along said Northerly right-of-way line South 61 degrees 00 minutes 19 seconds West, 100.51 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 300.00 feet; thence continuing along said Northerly right-of-way line South 49 degrees 33 minutes 32 seconds West, 21.40 feet to the point of beginning; thence continuing South 48 degrees 33 minutes 32 seconds West along said Northerly right-of-way line of I-35 Highway, 79.05 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 332.23 feet; thence Southwesterly, along said Northerly right-of-way line, along a curve to the Right, having a radius of 22,768.30 feet, a central angle of 04 degrees 41 minutes 43 seconds, 1,865.80 feet to the West line of the Southeast Quarter of Section 9; thence North 00 degrees 27 minutes 14 seconds West along said West line of the Southeast Quarter of Section 9, 1,242.01 feet; thence South 89 degrees 54 minutes 42 seconds East, 1,918.60 feet to the point of beginning, except that part in road and highway.

#### TRACT II:

Beginning at a point 679.74 feet West of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence North 330 feet; thence West 1320 feet; thence South 330 feet;

thence East 1320 feet to the point of beginning, except those parts in streets or roads.

And:

A tract of land in the South Half of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Beginning at a point 879.74 West and 330.00 feet North of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence West 1320.00 feet to the center of a cul-de-sac; thence North 330.00 feet along the center line of an access road; thence East 330.00 feet and along the center line of said access road; thence continuing East 990.00 feet; thence South 330.00 feet to the point of beginning, except that part thereof in streets, roads or public right-of-way.

Except:

All that part of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West along the South line of the Northeast Quarter of said Section 9, 879.74 feet to the true point of beginning; thence North 00 degrees 21 minutes 18 seconds West parallel to the East line of said Section 9, 680.00 feet; thence North 89 degrees 50 minutes 55 seconds West 980.53 feet; thence South 00 degrees 27 minutes 14 seconds East along the Easterly right-of-way line of Pepper Tree Lane, 25.00 feet; thence North 89 degrees 50 minutes 55 seconds West along the Southerly right-of-way line of Pepper Tree Lane, 300.00 feet; thence South 00 degrees 27 minutes 18 seconds East, 50.00 feet; thence South 89 degrees 50 minutes 55 seconds East, 350.00 feet; thence South 31 degrees 48 minutes 49 seconds East, 63.40 feet; thence South 01 degrees 02 minutes 55 seconds East, 107.74 feet; thence South 39 degrees 42 minutes 31 seconds West, 27.31 feet; thence South 12 degrees 18 minutes 34 seconds East, 32.12 feet; thence South 39 degrees 22 minutes 58 seconds East, 35.76 feet; thence South 88 degrees 39 minutes 55 seconds East, 48.26 feet; thence North 78 degrees 35 minutes 27 seconds East, 29.31 feet; thence North 53 degrees 35 minutes 10 seconds East, 26.17 feet; thence North 43 degrees 04 minutes 52 seconds East, 17.52 feet; thence South 51 degrees 56 minutes 36 seconds East, 78.15 feet; thence South 89 degrees 50 minutes 55 seconds East, 252.55 feet; thence South 00 degrees 21 minutes 18 seconds East, 330.00 feet; to a point on the South line of the Northeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East along the South line of the Northeast Quarter of said Section 9, 442.00 feet to the point of beginning.

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

The East One-Third (1/3) of the Northeast Quarter (NE 1/4) excluding that part in roads and Highways of Section 9, Township 15, Range 22, in the City of Edgerton, Johnson County, Kansas.

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

Part of the Northwest One-Quarter of Section 10, Township 15 South, Range 22 East of the 6th Principal Meridian, Johnson County, Kansas. Lying North of Highway 35 as now established, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwestern right-of-way of Highway I-35 as recorded in Book 201108, Page 001191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (decd 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right of way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING. Except part in road and highway.

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

The North Half of the Northwest Quarter of Section 10, Township 15, Range 22, in Johnson County, Kansas, and

The North 25 Acres of Southeast Quarter, Northwest Quarter Section 10, Township 15, Range 22, Johnson County, Kansas, and

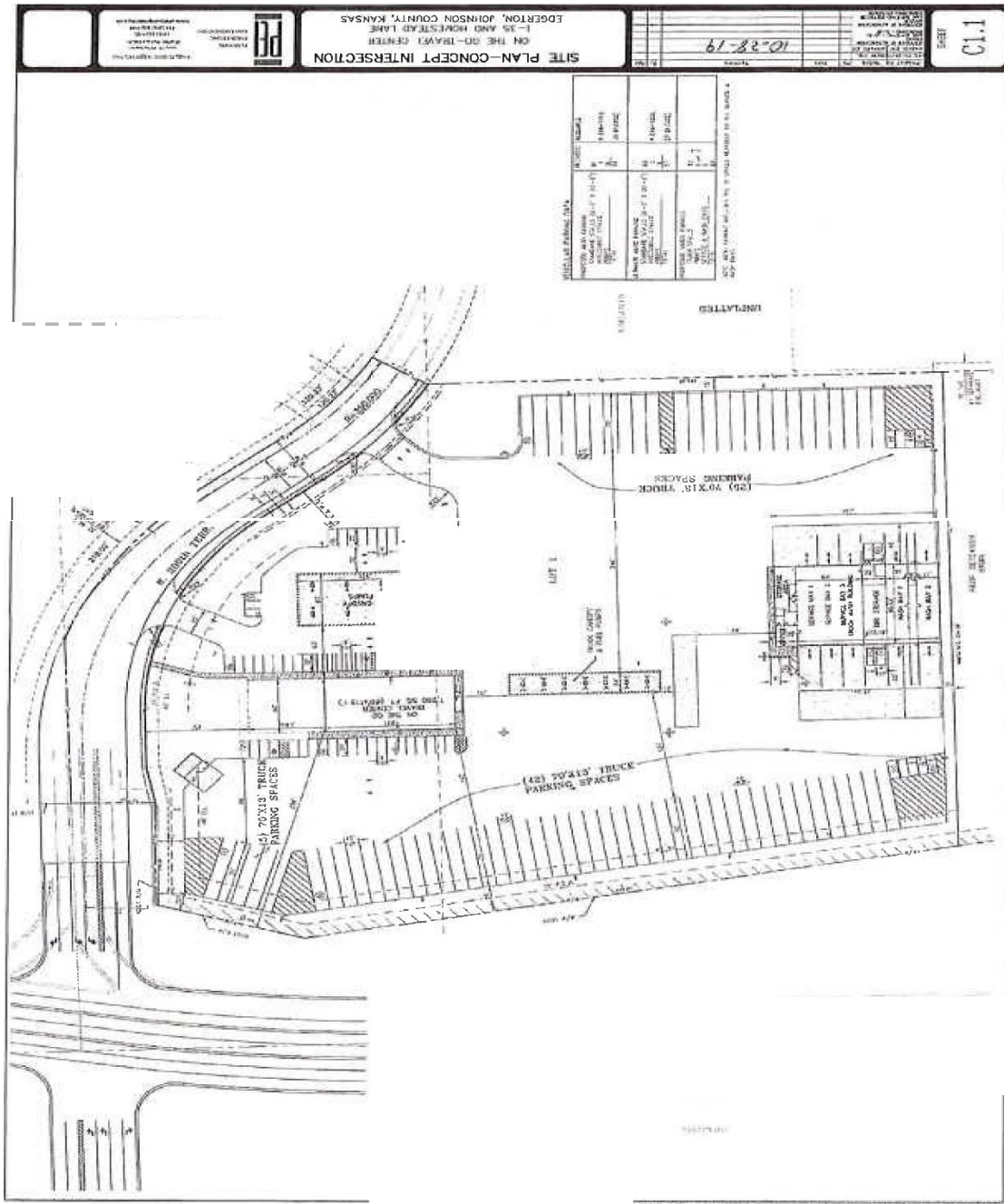
The West Half (W 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4), and the South Fifteen Acres (S 15 Acres) of the East Half (E 1/2) of the South Half (S 1/2) of the Northwest Quarter of Section Ten (10), Township Fifteen (15) Range Twenty Two (22), Johnson County, Kansas, containing Fifty Five (55), acres, more or less, and

All of Lot 6 Except the South 514.50 feet of the east 121.7 feet; and except the South 145 feet of the West 100.3 feet of the East 222 feet of County Clerk's subdivision of the NW 1/4 of Section 7, Township 15, Range 22, in Johnson County, Kansas.

**EXHIBIT B**  
**LEGAL DESCRIPTION OF PROJECT PLAN A1 AREA**

All that part of the NW 1/4 of Section 10, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW 1/4 of said Section 10; thence S 2° 03' 46" E, along the West line of the NW 1/4 of said Section 10, a distance of 991.99 feet; thence N 87° 35' 22" E, a distance of 280.86 feet, to a point on the North right-of-way line of Interstate Highway No. 35, as established in the Warranty Deed recorded in Book 201108 at Page 001191, in the Office of the Register of Deeds, Johnson County, Kansas, said point also being the true point of beginning; thence continuing N 87° 35' 22" E, a distance of 185.94 feet; thence Easterly and Southeasterly, along a curve to the right having a radius of 390.00 feet, a central angle of 32° 01' 48" and whose initial tangent bearing is S 69° 47' 26" E, an arc distance of 218.02 feet, to the point of tangency; thence S 37° 45' 38" E, a distance of 93.64 feet, to a point of curvature; thence Southeasterly and Easterly, along a curve to the left having a radius of 320.00 feet and a central angle of 21° 31' 36", an arc distance of 120.23 feet; thence S 30° 41' 48" W, a distance of 59.41 feet, to a point on the North line of the South Half of the NW 1/4 of said Section 10; thence S 1° 47' 20" E, a distance of 638.10 feet, to a point on the North right-of-way line of said Interstate Highway No. 35; thence S 85° 06' 40" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 509.79 feet; thence N 10° 04' 47" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 802.50 feet; thence N 15° 12' 54" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 141.15 feet; thence N 88° 57' 08" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 116.36 feet; thence N 0° 38' 21" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 76.42 feet, to the true point of beginning, containing 12.162 acres, more or less.

## Map of Boundaries of Project Plan A1 Area



**EDGERTON HOMESTEAD LANE RETAIL DISTRICT  
REDEVELOPMENT (TIF) DISTRICT  
PROJECT PLAN A1**

(On the Go Travel Plaza)

In accordance with K.S.A. 12-1770 *et seq.*, as amended (the “**Act**”), to promote, stimulate and develop the general and economic welfare of the city of Edgerton, Kansas (“**City**”), the Edgerton City Council adopted Ordinance No. 2021 on August 22, 2019, establishing a Redevelopment (TIF) District (the “**District**”). The District is legally described in attached **Exhibit A**. The City has identified multiple development projects located within the District.

The Act allows one or more TIF projects to be undertaken by a city within an established district and any such project plan may be implemented in separate development stages. To date, the City has not approved any TIF project plans in the District.

The City desires to establish Project Plan A1 as described herein (the “**Project Plan**”). The Project Plan will incorporate approximately 12.162 acres located in the northeast corner of Interstate 35 and Homestead Lane and is legally described on **Exhibit B** (the “**Project Plan Area**”). The Developer for the Project Plan is My Store III Inc., a Kansas corporation (the “**Developer**”). The Developer entered into an Amended and Restated Development Agreement with the City dated December 2, 2019 (“**Development Agreement**”) and, in accordance with the terms and conditions of the Development Agreement, the Developer will develop the Project Plan Area.

Anticipated within the Project Plan is construction of a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure, all of which are more specifically described in **Section 5** herein (the “**Private Project**”).

The Project Plan shall extend for a period of twenty years from the date the Project Plan is approved by the City (the “**Project Plan Term**”). The incremental ad valorem property taxes (as defined by the Act) generated from the real property within the Project Plan Area during the Project Plan Term in excess of the amount of real property taxes collected for the base year assessed valuation shall constitute the “**TIF Revenues**.” In accordance with the Act and in cooperation with the Planning Commission, the City prepared the Project Plan.

**1. Financial Feasibility.**

Columbia Capital Management, LLC prepared a Financial Feasibility Study (“**Feasibility Study**”) for the Project Plan, a copy of which is attached hereto as **Exhibit E**. Projections on development in the Project Plan Area were provided by the Developer. The Feasibility Study incorporates a number of assumptions, including a constant mill levy of 118.567, which excludes the 20 mill school levy, the 8 mill school capital levy and the 1.5 State mill levy. The mill levy may vary each year of the TIF Term based on legislative actions and budgetary decisions made by the individual taxing jurisdictions. The Feasibility



Study also assumes property tax collection at 100%, Private Project completion by December 31, 2020, and a 0% annual increase in appraised valuation after the Private Project is fully constructed and stabilized.

The Developer will advance funds necessary to construct the Private Project and to pay the costs associated with the estimated and approved private TIF eligible reimbursable costs set forth generally on **Exhibit C** attached hereto (the “**Private TIF Reimbursable Costs**”). The Developer will subsequently be reimbursed with TIF Revenues received by the City on a “pay-as-you-go” basis. Such advances and reimbursements will be made in accordance with the terms of a Disposition and Development Agreement to be entered into between the City and the Developer (the “**DDA**”). The Private TIF Reimbursable Costs are set forth in more detail in the DDA. The City also identified various public reimbursable costs set forth generally on **Exhibit C** which include reimbursement for the cost associated with public infrastructure in, adjacent to or substantially for the benefit of the District (the “**Public TIF Reimbursable Costs**”), which costs are eligible for TIF reimbursement in accordance with the TIF District Plan and the terms of the DDA. Collectively, the Private TIF Reimbursable Costs and Public TIF Reimbursable Costs are referred to as the “**TIF Reimbursable Costs**”.

There is an estimated total of \$3,147,395 in TIF Reimbursable Costs identified with the Project Plan, but reimbursement of TIF Reimbursable Costs is dependent upon the amount of TIF Revenues generated within the Project Plan Area during the Project Plan Term and received by the City, and shall be paid in accordance with the amount, priority and duration set forth in the DDA. In no event will any TIF Reimbursable Costs be reimbursed in an amount that exceeds the amount of TIF Revenues available.

The Feasibility Study indicates that if projected development, assessed values and tax revenues are accurate, TIF Revenues will be sufficient to reimburse the Developer for a portion of the approved Private TIF Reimbursable Costs. Other revenue sources, including but not limited to private equity, are available to meet Private TIF Reimbursable Costs and other private development costs associated with the Private Project. TIF Reimbursable Costs must (1) be reasonably approved by the City in accordance with the terms of the DDA; (2) meet the definition of “redevelopment project cost” set out in K.S.A. 12-1770a(o), as amended; (3) be authorized in this Project Plan and in the TIF District Plan; and (4) be in compliance with the terms for reimbursement and prioritization described with particularity in the DDA.

The City has authorized a maximum reimbursement of \$1,750,000 to Developer for Private TIF Reimbursable Costs and anticipates reimbursing Developer for such Private TIF Reimbursable Costs incurred and paid by the Developer with available TIF Revenues generated during the twenty (20) year Project Plan Term. The Public TIF Reimbursable Costs total \$1,707,033 plus the annual TIF Administrative Fee and will be reimbursed to the City with available TIF Revenues in the time and priority set forth in the DDA. Based on the current projections and cash flow analysis contained in the Feasibility Study, it is determined that the Project benefits, TIF Revenues and other available revenues, exceed the TIF Reimbursable Costs, and that the TIF Revenues and other available revenue sources, including private revenue sources for the private costs, should be sufficient to pay

for such TIF Reimbursable Costs. For any improvements constructed by Developer in the Project Plan, the Developer is responsible for all expenses, including but not limited to, Private TIF Reimbursable Costs, even if they exceed the amount of available TIF Revenues. The City reserves the right to amend the specific approved TIF Reimbursable Costs, and the amount, duration and prioritization thereof, to conform to the provisions of the DDA. The City may also amend this Project Plan in accordance with state law and the DDA.

In summary, assuming the Project Plan approval in the second quarter of 2020 with construction commencing mid-year 2020 and complete by December 31, 2020, the City anticipates the ad valorem property tax increment will generate approximately \$2.47 million over the Project Plan Term (the “**Estimated Total TIF Revenue Projection**”). The Developer will be responsible for all expenses of Developer, including the Private TIF Reimbursable Costs, above the TIF Revenue generated from the Project Plan and allocated to the Private TIF Reimbursable Costs during the Project Plan Term. If the TIF Revenue does not meet the estimated total TIF Reimbursable Costs, the City shall be under no obligation to provide financial assistance to Developer beyond the TIF Revenues actually generated from the Project Plan Area in accordance with the distribution formula and term set out in the DDA. A summary of the feasibility assumptions and Estimated Total TIF Revenue Projection is included in **Exhibit E**.

## **2. Redevelopment District Plan and Redevelopment (TIF) Project Plan A1.**

### Redevelopment District Plan

The TIF District area includes the land within the City of Edgerton, Kansas as legally described on **Exhibit A**, but generally described as an area located at the northeast and northwest corners of Interstate 35 and Homestead Lane. The Redevelopment (TIF) District Plan for the Homestead Lane Retail TIF District contemplates development of truck stops, truck maintenance facilities, restaurants, hotels and other transportation and workforce related services (the “**Homestead TIF Projects**”). The Homestead TIF Projects serve The Logistics Park – Kansas City and the BNSF Railway Intermodal.

In accordance with the Homestead Lane Retail TIF District Plan, TIF increment may be used to pay for eligible project expenses within specific project areas for such items including, but not limited to, public infrastructure, land acquisition, site preparation, street improvements and their appurtenances, sidewalks, storm and sanitary sewers, utility improvements as permitted in the Act, parks, parking facilities, landscaping, water mains, storm water detention, sculptures and public art, and plazas.

### Redevelopment (TIF) Project Plan A1

The Project Plan incorporates approximately 12.162 acres located in the northeast corner of Interstate 35 and Homestead Lane, all within the Homestead Lane Retail TIF District. The Project Plan Area is legally described in **Exhibit B**. The Project Plan consists of a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements, all of which are more specifically described in **Section 5** herein.

### **3. Map of Redevelopment Project Plan Area.**

A map of the Project Plan Area is attached as **Exhibit D**.

### **4. Relocation Assistance Plan.**

No relocation is required with the Project Plan. Accordingly, there is no relocation assistance plan.

### **5. Description of the Buildings and Facilities Proposed to be Constructed or Improved.**

The Private Project part of Project Plan A1 consists of a truck stop, convenience store, truck maintenance facility, truck wash and restaurants. Private TIF Reimbursable Costs incurred as a result of Project Plan A1 include, but are not limited to, land acquisition within the Project Plan area, architectural and engineering costs associated with the site improvements (but excluding all other vertical buildings to be owned or leased by the Developer), infrastructure improvements, site development, surface parking, lighting, landscaping, hardscape, utilities located within the right-of-way, sidewalks, and related site amenities (insofar as landscaping, hardscaping, utilities, sidewalks and related amenities are not contained in the Public Project Improvements), interest during construction and TIF Fee. The Private Project part of Project Plan A1 also consists of a public street, sidewalks, storm sewer, curbs, street lighting and sanitary sewer. The Private TIF Reimbursable Costs are described in more detail in the DDA.

The Public Project part of Project Plan A1 consists of certain public infrastructure improvements, adjacent to or substantially for the benefit of the District, including a new interchange and traffic signals (the “**Public Project Improvements**”). The Public TIF Reimbursable Costs are described in more detail in the DDA.

### **6. Other Relevant Information.**

- a. Reimbursement of TIF Reimbursable Costs shall be made from ad valorem property tax increment (as defined in the Act) actually received by the City from the Project Plan Area and deposited into the special fund established by the City in accordance with K.S.A. 12-1778 (the “**Homestead Lane Project Plan Fund**”).
- b. If sufficient TIF Revenues are not available to pay all of the Private TIF Reimbursable Costs, the City is under no obligation to reimburse Private TIF Reimbursable Costs from any other public source. It is contemplated that TIF Reimbursable Costs also will be reimbursed by proceeds from a Community Improvement District that will be formed later.
- c. Prior to any reimbursement of Private TIF Reimbursable Costs, Developer and City shall enter into a separate, valid and enforceable DDA. A detailed

description of all TIF Reimbursable Costs, and the procedure for distribution, reimbursement amount and priority of payment of the TIF Reimbursable Costs is set out in the DDA and consistent with the Project Plan.

- d. The City does not anticipate issuing TIF Bonds. Upon future request of Developer, the City shall reasonably consider any such request to issue TIF Bonds if the market can feasibly support such a bond issue and if the TIF Revenues and any other collateral provided for such TIF Bonds, provide reasonable assurance that the principal of and interest on the TIF Bonds will be paid on a timely basis. A decision on whether or not a TIF Bond issue is feasible and adequately secured will be the City's final decision and within the City's sole discretion. The City is under no obligation to issue TIF Bonds and makes no commitment to do so.

## EXHIBIT A

### LEGAL DESCRIPTION OF HOMESTEAD LANE RETAIL REDEVELOPMENT DISTRICT

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

#### TRACT I:

All that part of the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150 feet to the point of beginning, said point being on the Northerly right-of-way line of I-35 Highway; thence South 0 degrees 34 minutes 28 seconds East, along the Northerly right-of-way line of said I-35 Highway, 278.50 feet; thence South 54 degrees 55 minutes 40 seconds West, along the Northerly right-of-way line of said I-35 Highway, 255.31 feet; thence South 61 degrees 00 minutes 19 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.51 feet; thence South 55 degrees 17 minutes 10 seconds West, along the Northerly right-of-way of said I-35 Highway, 300.00 feet; thence South 49 degrees 33 minutes 32 seconds West, along the Northerly right-of-way line of said I-35 Highway, 100.45 feet; thence South 55 degrees 17 minutes 10 seconds West, along the Northerly right-of-way line of said I-35 Highway, 332.33 feet; thence Southwesterly along the Northerly right-of-way line of said I-35 Highway on a curve to the Right having a radius of 22,768.30 feet, 1,865.80 feet, to a point on the West line of the Southeast Quarter of said Section 9; thence North 0 degrees 27 minutes 14 seconds West, along the West line of the Southeast Quarter of said Section 9, 1,904.32 feet to the Northwest corner of the Southeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East, 2,480.69 feet to the Point of Beginning, except those parts in streets or roads.

#### And except

A tract of land lying in the Southeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Commencing on the Northeast corner of the Southeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West, along the North line of the Southeast Quarter of said Section 9, 150.00 feet to the Northerly right-of-way line of I-35 Highway; thence along said Northerly right-of-way line South 00 degrees 34 minutes 28 seconds East, 278.50 feet; thence continuing along said Northerly right-of-way line South 54 degrees 55 minutes 40 seconds West, 255.31 feet; thence continuing along said Northerly right-of-way line South 61 degrees 00 minutes 19 seconds West, 100.51 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 300.00 feet; thence continuing along said Northerly right-of-way line South 49 degrees 33 minutes 32 seconds West, 21.40 feet to the point of beginning; thence continuing South 48 degrees 33 minutes 32 seconds West along said Northerly right-of-way line of I-35 Highway, 79.05 feet; thence continuing along said Northerly right-of-way line South 55 degrees 17 minutes 10 seconds West, 332.23 feet; thence Southwesterly, along said Northerly right-of-way line, along a curve to the Right, having a radius of 22,768.30 feet, a central angle of 04 degrees 41 minutes 43 seconds, 1,865.80 feet to the West line of the Southeast Quarter of Section 9; thence North 00 degrees 27 minutes 14 seconds West along said West line of the Southeast Quarter of Section 9, 1,242.01 feet; thence South 89 degrees 54 minutes 42 seconds East, 1,918.60 feet to the point of beginning, except that part in road and highway.

#### TRACT II:

Beginning at a point 679.74 feet West of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence North 330 feet; thence West 1320 feet; thence South 330 feet;

thence East 1320 feet to the point of beginning, except those parts in streets or roads.

And:

A tract of land in the South Half of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas, being more particularly described as follows:

Beginning at a point 879.74 West and 330.00 feet North of the Southeast corner of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas; thence West 1320.00 feet to the center of a cul-de-sac; thence North 330.00 feet along the center line of an access road; thence East 330.00 feet and along the center line of said access road; thence continuing East 990.00 feet; thence South 330.00 feet to the point of beginning, except that part thereof in streets, roads or public right-of-way.

Except:

All that part of the Northeast Quarter of Section 9, Township 15, Range 22, Johnson County, Kansas described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 9; thence North 89 degrees 50 minutes 55 seconds West along the South line of the Northeast Quarter of said Section 9, 879.74 feet to the true point of beginning; thence North 00 degrees 21 minutes 18 seconds West parallel to the East line of said Section 9, 680.00 feet; thence North 89 degrees 50 minutes 55 seconds West 980.53 feet; thence South 00 degrees 27 minutes 14 seconds East along the Easterly right-of-way line of Pepper Tree Lane, 25.00 feet; thence North 89 degrees 50 minutes 55 seconds West along the Southerly right-of-way line of Pepper Tree Lane, 300.00 feet; thence South 00 degrees 27 minutes 18 seconds East, 50.00 feet; thence South 89 degrees 50 minutes 55 seconds East, 350.00 feet; thence South 31 degrees 48 minutes 49 seconds East, 63.40 feet; thence South 01 degrees 02 minutes 55 seconds East, 107.74 feet; thence South 39 degrees 42 minutes 31 seconds West, 27.31 feet; thence South 12 degrees 18 minutes 34 seconds East, 32.12 feet; thence South 39 degrees 22 minutes 58 seconds East, 35.76 feet; thence South 88 degrees 39 minutes 55 seconds East, 48.26 feet; thence North 78 degrees 35 minutes 27 seconds East, 29.31 feet; thence North 53 degrees 35 minutes 10 seconds East, 26.17 feet; thence North 43 degrees 04 minutes 52 seconds East, 17.52 feet; thence South 51 degrees 56 minutes 36 seconds East, 76.15 feet; thence South 89 degrees 50 minutes 55 seconds East, 252.55 feet; thence South 00 degrees 21 minutes 18 seconds East, 330.00 feet; to a point on the South line of the Northeast Quarter of said Section 9; thence South 89 degrees 50 minutes 55 seconds East along the South line of the Northeast Quarter of said Section 9, 442.00 feet to the point of beginning.

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

The East One-Third (1/3) of the Northeast Quarter (NE 1/4) excluding that part in roads and Highways of Section 9, Township 15, Range 22, in the City of Edgerton, Johnson County, Kansas.

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

Part of the Northwest One-Quarter of Section 10, Township 15 South, Range 22 East of the 6th Principal Meridian, Johnson County, Kansas. Lying North of Highway 35 as now established, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwestern right-of-way of Highway I-35 as recorded in Book 201108, Page 001191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (decd 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right of way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING. Except part in road and highway.

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

The North Half of the Northwest Quarter of Section 10, Township 15, Range 22, in Johnson County, Kansas, and

The North 25 Acres of Southeast Quarter, Northwest Quarter Section 10, Township 15, Range 22, Johnson County, Kansas, and

The West Half (W 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4), and the South Fifteen Acres (S 15 Acres) of the East Half (E 1/2) of the South Half (S 1/2) of the Northwest Quarter of Section Ten (10), Township Fifteen (15) Range Twenty Two (22), Johnson County, Kansas, containing Fifty Five (55), acres, more or less, and

All of Lot 6 Except the South 514.50 feet of the east 121.7 feet; and except the South 145 feet of the West 100.3 feet of the East 222 feet of County Clerk's subdivision of the NW 1/4 of Section 7, Township 15, Range 22, in Johnson County, Kansas.

**EXHIBIT B**  
**LEGAL DESCRIPTION OF PROJECT PLAN AREA**

All that part of the NW 1/4 of Section 10, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW 1/4 of said Section 10; thence S 2° 03' 46" E, along the West line of the NW 1/4 of said Section 10, a distance of 991.99 feet; thence N 87° 35' 22" E, a distance of 280.86 feet, to a point on the North right-of-way line of Interstate Highway No. 35, as established in the Warranty Deed recorded in Book 201108 at Page 001191, in the Office of the Register of Deeds, Johnson County, Kansas, said point also being the true point of beginning; thence continuing N 87° 35' 22" E, a distance of 185.94 feet; thence Easterly and Southeasterly, along a curve to the right having a radius of 390.00 feet, a central angle of 32° 01' 48" and whose initial tangent bearing is S 69° 47' 26" E, an arc distance of 218.02 feet, to the point of tangency; thence S 37° 45' 38" E, a distance of 93.64 feet, to a point of curvature; thence Southeasterly and Easterly, along a curve to the left having a radius of 320.00 feet and a central angle of 21° 31' 36", an arc distance of 120.23 feet; thence S 30° 41' 48" W, a distance of 59.41 feet, to a point on the North line of the South Half of the NW 1/4 of said Section 10; thence S 1° 47' 20" E, a distance of 638.10 feet, to a point on the North right-of-way line of said Interstate Highway No. 35; thence S 85° 06' 40" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 509.79 feet; thence N 10° 04' 47" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 802.50 feet; thence N 15° 12' 54" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 141.15 feet; thence N 88° 57' 08" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 116.36 feet; thence N 0° 38' 21" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 76.42 feet, to the true point of beginning, containing 12.162 acres, more or less.



**EXHIBIT C**  
**TIF Reimbursable Costs– Project Plan A1**

The following items are estimated TIF eligible private and public costs for reimbursement with TIF Revenues generated from Project Plan A1. The priority and duration of reimbursement is set forth in the DDA.

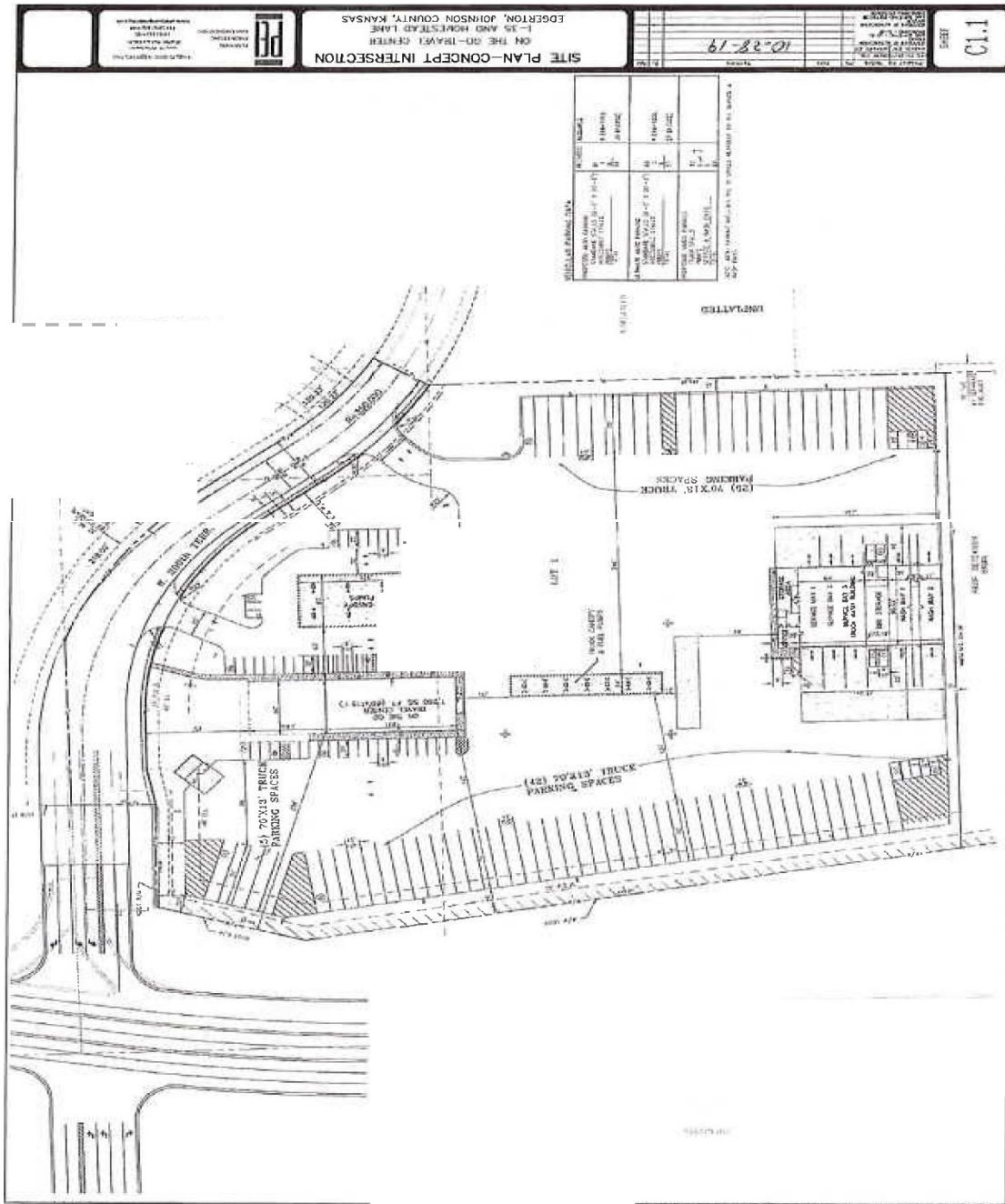
<b>Description of Expenditure</b>		<b>Reimbursement to:</b>	<b>Maximum Reimbursement</b>
Eligible TIF Fees (excluding Annual Administrative Fee)		Developer <sup>1</sup>	\$14,403.62
Private TIF Reimbursable Costs paid by Developer, including:	Estimated Costs	Developer	\$4,143,271 <sup>2,3</sup>
a. Public Street Improvements	594,220		
b. Land Acquisition	850,000		
c. Site Work Improvements	1,869,051		
d. Parking	780,000		
e. Architecture and Engineering	50,000		
f. Annual Administrative TIF Fee (0.5% of annual TIF Revenues Reimbursed to Developer)	TBD		
<b>Maximum Aggregate Private TIF Reimbursable Costs</b>			<b>\$1,750,000<sup>4</sup></b>
Public TIF Reimbursable Costs paid by City, including:  The City's costs associated with public infrastructure improvements, adjacent to or substantially for the benefit of the District, including a new interchange and traffic signals	1,500,000	City	
Sanitary Sewer Easements	200,000	City	
TIF Study	7,033		
<b>Maximum Aggregate Public TIF Reimbursable Costs</b>			<b>\$1,707,033</b>
<b>Maximum Aggregate TIF Reimbursable Costs</b> (excluding the City Annual Administrative Fee which is TBD)			<b>\$3,147,395</b>

Notwithstanding any other provision of this Plan to the contrary, reimbursable expenditures shall at all times be consistent with the Act, including judicial interpretation of the Act.

<sup>1</sup> The TIF Fee is based upon 1% of the Private TIF reimbursable Costs in the estimated amount of \$1,750,000 (which amount represents the Total Private TIF Reimbursable Costs less the TIF Fee). This total excludes the Annual Administrative TIF Fee as it is TBD based upon eligible TIF Revenue disbursed. This sum shall be reimbursed to Developer if it has been paid by Developer and if not, it shall be deducted from the first Private TIF Reimbursable Cost payment (and thereafter until paid in full) and paid to the City.

- <sup>2</sup> This amount includes sums which may be included in a subsequent Community Improvement District. At the time of certifying its costs to the City, Developer must elect the Project Plan and the incentive source for which it desires reimbursement and it shall not submit those same costs for reimbursement from any other reimbursement source.
- <sup>3</sup> The amount of the total Public TIF Reimbursable Costs does not include a sum for the Annual Administrative TIF Fee as this amount is to be determined as it is based upon the annual amount of TIF Revenues disbursed to Developer.
- <sup>4</sup> The Total Maximum Aggregate of TIF Reimbursable Costs does not include a sum for the Annual Administrative TIF Fee as this amount is to be determined as it is based upon the annual amount of TIF Revenues disbursed to Developer.

# EXHIBIT D TIF PROJECT PLAN A1 AREA



## **EXHIBIT E**

### **FINANCIAL FEASIBILITY STUDY**

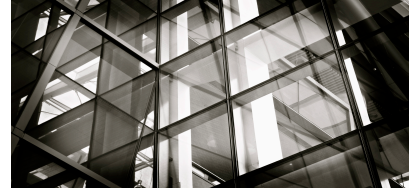


# City of Edgerton, Kansas

Edgerton Homestead Lane Tax Increment Financing District  
Project Plan #A1

Amended & Restated Financial Analysis | May 2020





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Columbia Capital is an SEC-registered investment adviser and a registered municipal advisor. Columbia Capital provides advice as a fiduciary to its clients.



## INTRODUCTION

My Store III, Inc., a Kansas corporation (the “Developer”), requests the City of Edgerton (“City”) approve a tax increment financing project plan at the northeast corner of Interstate 35 and Homestead Lane in Edgerton (the “Plan”). The Plan would be the first project plan area within the Edgerton Homestead Lane Tax Increment Financing District, created by the City on August 22, 2019, (the “District”) and would result in the construction of a travel center with supporting commercial uses as more fully defined below (the “Project”). The Developer is in good standing as of May 20, 2020, according to the records of the Kansas Secretary of State.

The purpose of this financial analysis (the “Analysis”) is to satisfy the requirements of Kansas statutes related to the development of tax increment financing district (KSA 12-1770 *et seq.*), specifically the requirement found at KSA 12-1772(a)(1). This document amends and restates our earlier financial analysis on the Project dated March 2020 to reflect additional users at the Project.

Tax increment financing (TIF) is a tool that allows a city to identify a defined geographic area within which certain taxes, including *ad valorem* property taxes, sales taxes and other revenues, may be captured for a period of limited duration and redirected to the payment or reimbursement of certain eligible project costs.

In Kansas, TIF is limited to a 20-year duration from the effective date of a project plan, capturing incremental property taxes (i.e., those net new taxes created by the development above base year levels) plus other taxes pledged by the City for capture at its discretion, including but not limited to sales taxes and other locally-levied taxes and fees.

The Plan contemplates the capture of 50% of incremental *ad valorem* property taxes for the full 20 years permitted by statute, up to a cap of \$1,750,000. The City further agreed to issue industrial revenue bonds to provide the Project with a sales tax exemption on construction labor and materials through the statutory industrial revenue bond (IRB) mechanism. We estimate the value of that exemption to be approximately \$400,000.

The Developer reports a \$10.8 million total development cost budget for the Project based upon the assumptions described herein.

## RELATIONSHIPS

Columbia Capital Management, LLC (the “Financial Advisor”) is a registered municipal advisor and serves as the City’s financial advisor. The City engaged the Financial Advisor to provide a financial evaluation of the Plan and to make certain statutory findings. The Financial Advisor is not now, nor has ever been, engaged by the Developer or its related entities to provide it with similar services.

The Financial Advisor serves as a fiduciary to the City. The reader’s interests may vary from those of the City’s.

## RELIANCE

This Analysis is not a projection of the likelihood of success of the project proposed in the Plan and as described more fully herein. In preparing this analysis, the Financial Advisor relied upon certain data and information supplied to it by the Developer, contained both in the Plan, delivered to the City and provided to it separately. Except where noted herein, the Financial Advisor has relied upon this data and information without independently verifying the veracity or reliability of such information. The Analysis may not be used except in the context of the City’s review of the Developer’s request for TIF incentives. The Analysis assumes all components of the Project are developed as described herein.

As with any work of this kind, the Analysis is almost exclusively forward-looking. The reader should note that small changes in modeling inputs could have significant impacts on modeled financial outcomes. The reader must consider this Analysis in light of contractual arrangements that the City would expect to undertake with the Developer to formalize the development components of the Plan and their anticipated timing for completion.

## THE PROJECT

According to the Developer’s application for TIF, the Project includes:

- Truck stop with at least six diesel refueling stations and 16 regular fuel refueling stations
- Truck parking
- Bathrooms with showers
- Internal food preparation
- Convenience store
- Truck scales
- Truck maintenance facility
- Truck wash
- One in-store fast-food franchisee
- A 4,200 sf outparcel, housing two national fast-food restaurant users



The Project also includes required infrastructure to support the development, including work in the public right-of-way.

## SOURCES OF FUNDS

According to the Developer's lender, Mutual Savings Association, the sources of the funds for the Project are as follows:

SOURCE	
Equity	\$ 409,500
Bank Loan	10,374,000
<b>TOTAL DEVELOPMENT COSTS</b>	<b>\$ 10,783,500</b>

As the Developer has already acquired land equal to the amount of the equity contribution, the equity is already in place. The lender provided us with a conditional bank loan offer for the \$10.374 million construction loan.

## DEVELOPMENT BUDGET AND PROJECT COST

The Developer's project budget, provided to us on March 21, 2020, shows the following expected total development costs. We have estimated amounts that would be potentially eligible for reimbursement from TIF:

USE	TOTAL BUDGET	EST. TIF ELIGIBLE
<b>Public Improvements</b>		
Public Street	\$ 594,220	\$ 594,220
<b>Acquisition &amp; Site Preparation</b>		
Land Acquisition	850,000	850,000
Site Work Improvements	1,869,051	1,869,051
Utilities	1,126,975	-
Parking	780,000	780,000
<b>Vertical Construction</b>		
Vertical Building Construction	3,281,927	-
Fuel Canopies & Equipment	1,150,000	-
FF&E	715,000	-
<b>Soft Costs</b>		
Architecture & Engineering	300,000	50,000
<b>Transaction Costs</b>		
Construction Interest	116,327	-
<b>TOTAL DEVELOPMENT COSTS</b>	<b>\$ 10,783,500</b>	<b>\$ 4,143,271</b>

Pursuant to the development agreement by and between the City and the Developer, TIF reimbursement is limited to \$1,750,000.

## DEVELOPMENT SCHEDULE

We understand from the Developer that the Project will break ground immediately. The development agreement requires completion by the end of 2021.

## OPERATING AND INCENTIVES PROJECTIONS

The Developer provided us with a third-party market study performed SFS Corporation and dated September 9, 2019 (the “Market Study”). The Market Study identifies likely non-fuel, stabilized retail sales at approximately \$3.8 million annually, not including sales from the fast food franchisee. Further, including all revenue sources, the Market Study projects strong net income from the Project each year, evidence that the Developer should have sufficient wherewithal to cover all operating costs plus annual debt service.

Additionally, the Developer provided us with information on potential users for the 4,200 sf outparcel, along with an estimate of its post-completion property tax value. For that building, the Developer expects to lease to two national fast-food restaurants producing an additional \$2.7 million per year in retail sales.

The Developer estimates post-completion Project market valuation of approximately \$4.50 million.

**Developer Benefits.** Because its TIF incentives will inure to the Developer over time as revenues are generated by the project, the Developer must provide for the full costs of the project upfront. TIF reimbursements become, in effect, non-operating income to the project to offset annual debt service costs.

The table below presents the Developer’s projected stabilized debt service coverage based upon the Market Study, Developer estimates of property tax valuation of the completed project and our estimates of likely incentive revenues:

DEBT SERVICE COVERAGE	
Net Operating Income	\$ 1,923,127
TIF Reimbursement	66,684
<b>Total Available for Debt Service</b>	<b>\$ 1,989,811</b>
Estimated Annual Debt Service	769,095
Estimated Debt Service Coverage	2.59x

Based upon the foregoing assumptions, and further assuming no growth in base assessed valuation or the sales tax base for the project, we project the TIF to generate approximately \$2.47 million over its life. According to the development agreement by and between the City and the Developer, TIF incremental revenues will be split equally between the parties.

**Incentive Proceeds Available for City Public Infrastructure Costs.** In addition to its approximately \$1.23 million share of the TIF incremental revenues (again, assuming no assessed valuation growth over time, the City, with the consent of the Developer, will create a community improvement district (CID), the boundaries of which will be coterminous with the TIF. All CID revenues will be directed to public infrastructure costs related to the

project. Based upon the Developer's projections of retail sales for the project, applying a factor for non-taxable sales and assuming no growth in the sales tax base over time, we project the CID will generate approximately \$1.3 million over its life.

## STATUTORY FINDINGS

Based upon our review of the information provided by the Developer, we find the following:

- the estimated total development costs of the Project are \$10,783,500
- this total development cost will be initially paid through a combination of Developer equity and private financing, each of which are in place
- the Developer's projected net operating income from the Project at stabilization, including the benefit of TIF reimbursement, exceeds its expected costs of servicing the debt in that year and each subsequent year

As such, the Plan's benefits and TIF revenue and other available revenues under subsection (a)(1) of K.S.A. 12-1774, and amendments thereto, are expected to exceed or be sufficient to pay for the Plan's project costs. The Plan will have no effect on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto.

## City Council Action Item

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**Council Meeting Date:** May 28, 2020

**Department:** Utilities

### **Agenda Item: Consider Submittal of Application to Johnson County for 7<sup>th</sup> & Nelson Sanitary Sewer Project for Community Development Block Grant (CDBG) Funding for 2021**

**Background/Description of Item:**

Each year Johnson County invites cities to submit application for Community Development Block Grant (CDBG) funds made available by the federal government. Johnson County states that the primary goal of Johnson County's Community Development program is to provide federal financial assistance to eligible applicants for the purpose of community development. Toward this goal, the County has identified a number of strategic priorities.

1. Complete/advance existing projects approved by voters and the Board of County commissioners with efficiency and effectiveness.
2. Strengthen and finance the appropriate level of service to meet the needs of the County's vulnerable populations, pursuing innovative strategies.
3. Develop a creative and innovative vision for a transit plan that is fiscally stable.
4. Focus on developing innovative initiatives that enhance operational effectiveness and efficiency, levels of customer service and stewardship.

During the work session held on October 10, 2019, City Council identified the 7<sup>th</sup> and Nelson Sanitary Sewer Project as a priority for completion. This project would be an eligible Public Facilities and Improvement project by definition for use of CDBG funds. Additionally, all of Edgerton is within a Census Block Group that qualifies for funding by area benefit.

Cities who are interested in submitting a CDBG application to the County are required to obtain the views of citizens through at least one public hearing held before the city council and advertised at least fourteen (14) days in advance in the city's newspaper of record. The public comment period begins on the day after publication. The City of Edgerton published a Public Hearing Notice in the Gardner News on May 13th. At time of preparation of the packet, the City has received no comments. The City will hold a Public Hearing on Thursday, May 28<sup>th</sup> prior to considering this item.

CDBG is a reimbursement program in which cities may apply for up to \$200,000. If Edgerton applies for \$200,000 in 2021, Edgerton would be ineligible to apply for a grant in 2022. CDBG funds do not have a required match. However, the City is expected to provide leveraged funds in accordance with its financial capability. The application must contain verifiable statements indicating that the local leveraged funds represent the maximum amount available for the activity and that without the requested CDBG funds the activity could not be completed. However, those costs may be documented and used as local leveraged funds.

In preparation for the CIP work session, City Engineer/Staff prepared an Engineer's Estimate of Probable Project Costs. The total project cost is estimated at \$468,000 which includes design, construction, inspection, etc. CDBG funds may only be used on construction.

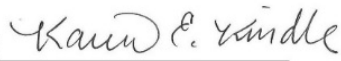
Staff would recommend using sewer funds as leverage dollars for the \$268,000 over the \$200,000 allowed by CDBG. The final source of leverage funds will be determined by City Council if CDBG funding is awarded.

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

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**Funding Source:** Sewer Fund: \$268,000  
CDBG: \$200,000

**Budget Allocated:** N/A

x 

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve Submittal of Application to Johnson County for 7<sup>th</sup> & Nelson Sanitary Sewer Project for Community Development Block Grant (CDBG) Funding for 2021**

**Enclosed:** Notice of Public Hearing

**Prepared by:** Dan Merkh, Public Works Director

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given to all interested parties, groups, and residents that the City of Edgerton will hold a public hearing on May 28, 2020 at 7:00 PM at the following location:

Edgerton City Hall, 404 E. Nelson Street, Edgerton, KS

The purpose of the public hearing is to receive input and funding proposals from the public on the possible use of Community Block Grant (CDBG) funds in resolving local community development and housing needs. CDBG funds may be used to carry out eligible activities including, but not limited to, housing rehabilitation, public improvements, economic development, and public services. All CDBG projects must address one of three national objectives: 1) benefit low and moderate income persons; 2) aid in the prevention or elimination of slums or blight; and/or 3) meet other community development needs having a particular urgency.

The City is considering an application to the Johnson County CDBG program for Fiscal Year 2021. Those interested in community development and housing needs in the City should attend and make their ideas known. Written comments are also invited.

Dated this 13<sup>th</sup> of May, 2020.

Chris Clinton  
City Clerk  
404 E. Nelson Street  
Edgerton, Kansas 66021  
(913) 893-6231

## City Council Action Item

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**Council Meeting Date:** May 28, 2020

**Department:** Public Works

### **Agenda Item: Consider Ordinance 2039 Approving the Descriptions and Survey of Lands Necessary for Acquisition Of Sewer Easements and Homestead Lane Intersection Easements Needed For Construction of the 200<sup>th</sup> Street Sanitary Sewer.**

**Background/Description of Item:**

The City of Edgerton is constructing a new full access intersection at Homestead Lane and 200<sup>th</sup> Street just north of Interstate 35. The City needs a temporary construction easement on the property located at 20080 Homestead Lane (northwest corner of Homestead Lane and Interstate 35) to remove the existing right-in/right-out entrances and construct the new intersection. Staff has contacted the property owner and requested the dedication of the easement by June 4, 2020.

In addition, a new public sanitary sewer main is being constructed from the existing gravity sewer interceptor on the west side of the property at 20080 Homestead Lane to near east side of Homestead Lane at 200<sup>th</sup> Street. The City needs a permanent sanitary sewer easement and temporary construction easement for this Project. Staff has contacted the property owner and requested the dedication of these easements by June 4, 2020.

Prior to June 4, staff will continue to negotiate easements with the property owner as the preferred method to acquire the easements. However, in case negotiations do not reach a conclusion that satisfies both parties, staff recommends moving forward with the condemnation process.

On May 14, 2020, the Edgerton City Council took the first step by passing Resolution 05-14-20B, confirming the necessity for condemnation and authorizing the preparation of survey and legal descriptions. Passing that resolution does not prohibit the City from continuing to negotiate and/or acquire the easements. It simply authorizes the preparation of the legal descriptions. That Resolution with the associated right of way and easement descriptions was published in the Gardner News on May 20, 2020. City Attorney has prepared the enclosed ordinance as the next step in the condemnation process.

**Related Ordinance(s) or Statue(s):** N/A

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**Funding Source:** LPKC Phase I Public Infrastructure Fund

**Budget Allocated:** \$15,000,000

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

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**Recommendation: Approve Ordinance 2039 Approving the Descriptions and Survey of Lands Necessary for Acquisition Of Sewer Easements and Homestead Lane Intersection Easements Needed For Construction of the 200<sup>th</sup> Street Sanitary Sewer.**

**Enclosed:** Ordinance 2039

**Prepared by:** Katy Crow, Development Services Director



## **ORDINANCE NO. 2039**

### **AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING AN INTERSECTION AND CITY SANITARY SEWER LINES AT 20080 HOMESTEAD LANE (200<sup>th</sup> STREET SANITARY SEWER PROJECT)**

WHEREAS, K.S.A. 26-201 requires that, prior to commencing condemnation proceedings, the Governing Body, by passage of an ordinance, authorize and provide for the acquisition of land or interest needed by the City, set forth the land or interest to be condemned, state for what purpose the condemned land or interest in land is to be used, and, if applicable, designate, as a benefit district, property specifically benefited by the proposed improvement.

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

**Section 1.** That the legal descriptions and survey of temporary construction easements and sanitary sewer easements necessary for the construction of an intersection and city sanitary sewer lines at 20080 Homestead Lane, said location being within the City of Edgerton, Johnson County, Kansas -- as prepared by the City Engineer, and filed with the City Clerk pursuant to Resolution No. 05-14-20A (adopted by the Governing Body of the City of Edgerton, Kansas on May 14, 2020) -- are hereby approved.

**Section 2.** That the action of the Governing Body of the City of Edgerton, Kansas in acquiring temporary construction easements and sanitary sewer easements necessary for the construction of an intersection and city sanitary sewer lines at 20080 Homestead Lane within the City of Edgerton, Johnson County, Kansas has been declared necessary by the Governing Body.

**Section 3.** That the acquisition of permanent and temporary easements, as described hereinafter, is all in accordance with and under the provisions of Chapter 26 of the Kansas Statutes Annotated.

**Section 4.** That there be and there is hereby declared to be public necessity to acquire, by Eminent Domain Proceedings for the purpose of constructing an intersection and city sanitary sewer lines at 20080 Homestead Lane, the land hereinafter described:

#### **TEMPORARY CONSTRUCTION EASEMENT - INTERSECTION**

A TRACT OF LAND IN NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6TH P.M. IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 S.02°03'46"E. (BEING AN ASSUMED BEARING) 889.10 FEET; THENCE S.87°56'14"W. 70.68 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WEST RIGHT-OF-WAY LINE OF HOMESTEAD LANE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF HOMESTEAD LANE

S.08°14'50"W. 250.00 FEET; THENCE  
N.81°45'10"W. 50.00 FEET; THENCE  
N.08°14'50"E. 250.00 FEET; THENCE  
S.81°45'10"E. 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 12,500 SQUARE FEET.

#### **PERMANENT SANITARY SEWER EASEMENT**

A TRACT OF LAND 40 FEET IN WIDTH ACROSS A PART OF THE NE1/4 OF SECTION 9, TOWNSHIP 15, RANGE 22, IN JOHNSON COUNTY, KANSAS, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 9; THENCE N 2° 03' 46" W, ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 9, A DISTANCE OF 659.94 FEET; THENCE S 86° 33' 57" W, A DISTANCE OF 193.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 86° 33' 57" W, A DISTANCE OF 8.02 FEET; THENCE N 89° 21' 09" W, A DISTANCE OF 300.00 FEET; THENCE S 86° 59' 55" W, A DISTANCE OF 333.58 FEET, TO THE POINT OF TERMINUS ON THE EAST LINE OF THE VARIABLE WIDTH SANITARY SEWER EASEMENT RECORDED IN BOOK 201210 AT PAGE 000189, IN THE OFFICE OF THE REGISTER OF DEEDS, JOHNSON COUNTY, KANSAS, CONTAINING 25,664 SQUARE FEET, MORE OR LESS.

THE LIMITS OF SAID EASEMENT SHALL EITHER EXTEND OR TERMINATE AS NECESSARY TO PRODUCE A CONTINUOUS BOUNDARY THAT IS CONTIGUOUS WITH THE CORRESPONDING LINES AS DESCRIBED.

#### **TEMPORARY CONSTRUCTION EASEMENT – SANITARY SEWER**

A TRACT OF LAND 100 FEET IN WIDTH ACROSS A PART OF THE NE1/4 OF SECTION 9, TOWNSHIP 15, RANGE 22, IN JOHNSON COUNTY, KANSAS, LYING 50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 9; THENCE N 2° 03' 46" W, ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 9, A DISTANCE OF 659.94 FEET; THENCE S 86° 33' 57" W, A DISTANCE OF 193.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 86° 33' 57" W, A DISTANCE OF 8.02 FEET; THENCE N 89° 21' 09" W, A DISTANCE OF 300.00 FEET; THENCE S 86° 59' 55" W, A DISTANCE OF 378.45 FEET, TO THE POINT OF TERMINUS ON THE WEST LINE OF THE EAST THIRD OF THE NE1/4 OF SAID SECTION 9, CONTAINING 68,646 SQUARE FEET, MORE OR LESS.

THE LIMITS OF SAID EASEMENT SHALL EITHER EXTEND OR TERMINATE AS NECESSARY TO PRODUCE A CONTINUOUS BOUNDARY THAT IS CONTIGUOUS WITH THE CORRESPONDING LINES AS DESCRIBED.

**Section 5.** That this Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 28<sup>th</sup> of May, 2020.

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Donald Roberts, Mayor

(Seal)

ATTEST:

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Chris Clinton, City Clerk

APPROVED AS TO FORM:

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Lee W. Hendricks, City Attorney