

(Published in *The Legal Record* on September 24, 2024)

ORDINANCE NO. 24-36

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City of Olathe, Kansas (the “City”) is authorized to establish redevelopment districts within a defined area of the City which is an “eligible area” as said term is defined in the Act; and

WHEREAS, pursuant to the Act, on August 6, 2024, the City Council (the “Governing Body”) adopted Resolution No. 24-1035 calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on this date; and

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

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

WHEREAS, the Governing Body has been presented with a “Qualifications Analysis – Mur-Len Crossings Tax Increment Financing (TIF) Plan – Olathe, Kansas” dated February 16, 2024, prepared by Development Initiatives (the “Blight Study”) which provides factual evidence concerning the presence or absence within the proposed redevelopment district of the factors defining a “blighted area,” as set forth in the Act.

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

SECTION 1. The Governing Body hereby finds that:

- (a) due notice of the public hearing was made in accordance with the Act.
- (b) the real property described in **Exhibits A and B** (the “Redevelopment District”) does not contain any real property that was not designated in the notice of public hearing given as required by the Act and Resolution No. 24-1035.
- (c) based on the Blight Study, the Redevelopment District is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is in an area within the City that constitutes a “blighted area” and is therefore an “eligible area” (as said terms are defined in the Act).
- (d) the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the City.

SECTION 2. The Governing Body hereby establishes the Redevelopment District consisting of one redevelopment project area as depicted in **Exhibit A** and as legally described in **Exhibit B**. The approved redevelopment district plan for the Redevelopment District is described in a general manner as follows:

Acquisition of real property, demolition of certain existing improvements thereon, and the development and redevelopment thereof to consist of some or all of the following uses and improvements, without limitation: the redevelopment and improvement of certain real property within the City generally located at the northeast corner of the intersection of 135th Street and S. Mur-Len Road, to consist of a retail development containing approximately 115,000 square feet of retail/commercial uses, including entertainment, restaurant, retail, office, medical office, and/or other similar, related or appurtenant uses, along with all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and any other items allowable under K.S.A. 12-1770 *et seq.*, as amended.

SECTION 3. No privately-owned property subject to ad valorem taxation within the Redevelopment District shall be acquired and redeveloped pursuant to the Act if the Board of County Commissioners of Johnson County, Kansas or the Board of Education of Unified School District No. 233 determines by resolution adopted within thirty days following the public hearing held this date that the Redevelopment District will have an adverse effect on Johnson County or Unified School District No. 233, respectively.

SECTION 4. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, City consultants, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

SECTION 5. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

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PASSED by the Governing Body and **SIGNED** by the Mayor this September 17, 2024.

(SEAL)

John Bacon, Mayor

Brenda Swearingian, City Clerk

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT



EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

Tract 1

Lots 15, 16 and 17, and Tracts C and E, Mur-Len Commercial Park Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

Locator Numbers: DP48200000 0015; DP48200000 0016; DP48200000 0017; DP48200000 OTOC; DP48200000 OTOE; DP48200000 OTOD

Tract 2

Tract I:

Lot 1, MUR-LEN COMMERCIAL PARK, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

Tract II:

Lot 1, THE BANK SPOT, a subdivision in the City of Olathe, Johnson County, Kansas, except that part in street and roads.

Locator Numbers: DP48200000 0001; DP73700000 0001

Tract 3

Lot 1 Mur-Len Commercial Park, Third Plat, a subdivision in Olathe, Johnson County, Kansas.

Locator Number: DP48220000 0001