

**ORDINANCE NO. 24-35**

**AN ORDINANCE OF THE CITY OF OLATHE, KANSAS, ESTABLISHING A STAR BOND PROJECT DISTRICT PURSUANT TO K.S.A. 12-17,160 *ET SEQ.* AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (OLATHE GATEWAY STAR BOND PROJECT DISTRICT).**

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**WHEREAS**, pursuant to K.S.A. 12-17,160 *et seq.* (the “Act”), the City Council (the “City Council”) of the City of Olathe, Kansas (the “City”) is authorized to create a STAR bond project district within an eligible area of the City for certain purposes set forth in the Act; and

**WHEREAS**, the City Council has heretofore adopted Resolution No. 24-1036 (the “Resolution”) which provided that: (a) the City is considering establishment of a STAR bond project district to be known as the “Olathe Gateway STAR Bond Project District” (the “District”) to promote, stimulate and develop the general and economic welfare of the state of Kansas and the City as a major commercial entertainment and tourism area that includes a major multi-sport athletic complex; (b) described the proposed boundaries of the Olathe Gateway STAR Bond Project District; (c) described the District plan; (d) stated that a description and map of the proposed Olathe Gateway STAR Bond Project District is available for inspection at City Hall, 100 E. Santa Fe Street, Olathe, Kansas, during regular business hours; (e) called a public hearing on the establishment of the Olathe Gateway STAR Bond Project District to be held on September 17, 2024 at 7:00 p.m. or as soon thereafter as possible, in the Council Chambers, City Hall, 100 E. Santa Fe Street, Olathe, Kansas 66061; and (f) stated that the City Council will consider findings necessary for establishment of the Olathe Gateway STAR Bond Project District; and

**WHEREAS**, the proposed District consists of approximately 131.8 acres generally located at the northeast and southwest corners of 119<sup>th</sup> Street and Renner Boulevard including public rights of way adjacent thereto, all within the City; and

**WHEREAS**, notice of the public hearing was provided in accordance with the provisions of the Act, by: (a) providing a copy of the Resolution via certified mail, return receipt requested, to the Board of County Commissioners of Johnson County, Kansas and the Board of Education of USD 233 (Olathe), Johnson County, Kansas; (b) providing a copy of the Resolution via certified mail, return receipt requested, to each owner and occupant of land within the proposed District not more than 10 days following the date of adoption of the Resolution; (c) publishing a copy of the Resolution once in the official City newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing; and (d) posting a copy of the Resolution at a prominent location on the first page of the website of the City; and

**WHEREAS**, pursuant to such notice the public hearing was conducted by the City Council on this date; and

**WHEREAS**, the City has received from the Secretary of Commerce of the State of Kansas (the “Secretary”) a determination that the proposed District is an “eligible area” as said term is defined in the Act; and

**WHEREAS**, the City Council desires to establish the District in accordance with the provisions of the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:**

**Section 1. Findings.** The City Council hereby finds that notice of the public hearing conducted on this date was made in accordance with the provisions of the Act. The City Council hereby further finds and determines that the proposed District described in the Resolution constitutes a “major commercial entertainment and tourism area” including a “major multi-sport athletic complex” and an “eligible area” and therefore a “STAR bond project,” all as such terms are defined in the Act.

**Section 2. Creation of STAR Bond Project District.** A STAR bond project district is hereby created within the City in accordance with the provisions of the Act, which shall consist of the real estate legally described on Exhibit A attached hereto, which is incorporated herein by reference, and shall be known as the “Olathe Gateway STAR Bond Project District.” A map depicting the boundaries of the District is attached hereto as Exhibit B, which is incorporated herein by reference. The boundaries of the District do not contain any property not referenced in the Resolution, which provided notice of the public hearing on the creation of the District.

**Section 3. District Plan.** Within the District, it is anticipated that a unique mixed-use and entertainment project (the “Project”) will be developed by Loretto Commercial Development, LLC, a Texas limited liability company (“Developer”) that will feature distinct tourism, sports, and entertainment opportunities not already available in the City. The following preliminary plan for the proposed District (the “District Plan”), as presented to the City Council this date is hereby approved:

The buildings and facilities to be constructed or improved in the Olathe Gateway STAR Bond Project District generally include a mixed-use development consisting of some or all of the following uses: a multi-sport athletic complex for both professional and youth sports uses and events, entertainment uses, including an amusement park, retail uses, restaurant uses, and other general commercial development; hotel uses; residential uses, including multi-family residential facilities; visitor amenities and accessibility improvements and amenities for disabled visitors; and associated streets and other public and private infrastructure. The Olathe Gateway STAR Bond Project District may consist of one or more STAR bond project areas as delineated in one or more STAR bond project plans to be approved for property within the STAR bond project district.

**Section 4. STAR Bond Project Areas.** The District is contemplated to include at least two STAR Bond Project Areas as more specifically set forth below:

a. Project Area 1: Comprised of approximately 63.1335 acres of land generally located at the southwest corner of 119<sup>th</sup> Street and Renner Boulevard, all as legally described on *Exhibit C* attached hereto, and to be constructed or improved to generally include a mixed-use development consisting of some or all of the following uses: a multi-sport athletic complex for both professional and youth sports uses and events, entertainment uses, including an amusement park, retail uses, restaurant uses, and other general commercial development; hotel uses; residential uses, including multi-family residential facilities; visitor amenities and accessibility improvements and amenities for disabled visitors; and associated streets and other public and private infrastructure.

b. Project Area 2: Comprised of approximately 68.71 acres of land generally located at the northeast corner of 119<sup>th</sup> Street and Renner Boulevard, all as legally described on *Exhibit D* attached hereto, and to be constructed or improved to generally include a mixed-use development consisting of some or all of the following uses: entertainment uses, retail uses, restaurant uses, and other general commercial development; hotel uses; residential uses, including multi-family

residential facilities; visitor amenities and accessibility improvements and amenities for disabled visitors; and associated streets and other public and private infrastructure.

**Section 5. Applicable Incentives.** The following state, federal, and local tax incentives apply, or are anticipated to apply, within the District, or a business located or to be located within the District:

STAR bond financing; tax exempt financing; community improvement district financing; general improvement and assessment financing; tax increment financing; transportation development district financing; and/or economic development revenue bond financing and related tax abatements and exemptions.

**Section 6. Approval of Other Governmental Units.** No privately owned property subject to ad valorem taxation within the District shall be acquired and redeveloped pursuant to the Act if the Board of County Commissioners of Johnson County, Kansas and the Board of Education of USD 233 (Olathe) determines by resolution adopted within thirty days following the public hearing held this date, that the District will have an adverse effect on Johnson County or USD 233, respectively.

**Section 7. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including 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 8. Effective Date.** This Ordinance shall be effective upon its passage by the City Council, approval by the Mayor, and publication one time in the official City newspaper.

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**PASSED** by the City Council this 17<sup>th</sup> day of September, 2024.

**SIGNED** by the Mayor this 17<sup>th</sup> day of September, 2024.

(SEAL)

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John Bacon, Mayor

ATTEST:

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Brenda Swearingian, City Clerk

**EXHIBIT A**  
**DISTRICT LEGAL DESCRIPTION**

All that part of the South half of the Southwest quarter of Section 17, Township 13, Range 24 East in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of Section 17, Township 13, Range 24 East; thence N° 01 26' 24" W along the west section line of said section a distance of 1,324.80 feet to the Northwest corner of HALL'S ACRES plat; thence N 88° 13' 21" E to the west section line of Section 17, Township 13, Range 24 East; thence south along said section line at a bearing of S 3° 5' 56" E a distance of 297.05 feet to a point of Right-of-Way along S Kansas City Rd; thence southwesterly along said Right-of-Way S 42° 31' 27" W a distance of 1,434.70 feet to the south line of Section 17, Township 13, Range 24 East; thence west along said section line S 88° 11' 14" W a distance of 1,651.85 feet to the point of beginning, containing 68.71 acres more or less;

**AND**

All that part of the Northeast Quarter of Section 19, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, more particularly described by Chris R. Sprague, Kansas PS-1632 of Olsson, LS-144, on October 11, 2023, as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of said Section 19; thence South 02 degrees 07 minutes 57 seconds East, on the East line of said Northeast Quarter, a distance of 369.28 feet to a point; thence departing said East line, South 87 degrees 52 minutes 03 seconds West a distance of 60.00 feet to a point on the West right-of-way line of Renner Boulevard as established by Dedication for Public Street, Storm Drainage and Utilities, recorded in Book 2232, Page 966 and the POINT OF BEGINNING; thence South 02 degrees 07 minutes 57 seconds East, on said West right-of-way line, a distance of 537.10 feet to the Northeast corner of Fire Station No. 2, a platted subdivision in said City of Olathe; thence departing said West right-of-way line, South 87 degrees 28 minutes 07 seconds West, on the North line of said Fire Station No. 2, a distance of 370.00 feet to the Northwest corner thereof; thence departing said North line, South 02 degrees 07 minutes 57 seconds East, on the West line of said Fire Station No. 2, a distance of 319.99 feet to the Southwest corner thereof, said point also lying on the North line of Interstate Addition, a platted subdivision in said City of Olathe; thence departing said West line, South 87 degrees 28 minutes 07 seconds West, on the North line of said Interstate Addition, a distance of 1,753.01 feet to the Northwest corner thereof; thence departing said North line, South 02 degrees 07 minutes 57 seconds East, on the West line of said Interstate Addition, a distance of 348.26 feet to a point of curvature; thence in a Southerly, Southeasterly, and Easterly, on the Southwesterly line of said Interstate Addition, on a curve to the left having a radius of 577.71 feet, through a central angle of 90 degrees 23 minutes 57 seconds, an arc distance of 911.49 feet to a point; thence North 87 degrees 28 minutes 07 seconds East, on the South line of said Interstate Addition, a distance of 554.94 feet to a point; thence departing said South line, South 02 degrees 07 minutes 57 seconds East, on the West line of said Interstate Addition, a distance of 20.00 feet to a point on the North line of a 30.00 foot-wide public right-of-way, as established by Dedication for Public Street and Utilities, recorded in Book 196, Page 649; thence departing said West line, South 87 degrees 28 minutes 07 seconds West, on said North right-of-way line, a distance of 1,204.94 feet to the Southeast corner of Lot 1, Olathe Entertainment District Third Plat, a platted subdivision in said City of Olathe; thence departing said North right-of-way line, North 02 degrees 31 minutes 53 seconds West, on the East line of said lot 1, a distance of 24.00 feet to a point; thence South 87 degrees 28 minutes 07 seconds West, on the East line of said Lot 1, a distance of 251.59 feet to a point; thence North 02 degrees 00 minutes 17 seconds West, on the East line of said Lot 1, a distance of 253.85 feet to the Northernmost Northeast corner thereof; thence departing said East line, South 87 degrees 59 minutes 43 seconds West, on the North line of said Lot 1, a distance of 155.00 feet to the Northwest corner thereof, said point also being on the West line of

the Northeast Quarter of said Section 19; thence departing said North line, North 02 degrees 00 minutes 17 seconds West, on said West line of said Northeast Quarter, a distance of 765.82 feet to the Southwest corner of Resourcenet International, a platted subdivision in said City of Olathe; thence departing said West line, North 87 degrees 28 minutes 58 seconds East, on the South line of said Resourcenet International, a distance of 575.00 feet to the Southeast corner thereof; thence departing said South line, North 02 degrees 00 minutes 17 seconds West, on the East line of said Resourcenet International, a distance of 1,071.51 feet to the Northeast corner thereof, said point also being on the South right-of-way line of 119th Street as now established; thence departing said East line, North 87 degrees 28 minutes 54 seconds East, on said South right-of-way line, a distance of 610.29 feet to a point on the Southerly right-of-way line as established by Dedication for a Public Street, recorded in Book 202102, Page 000726; thence departing said South right-of-way line South 85 degrees 38 minutes 24 seconds East, on said Southerly right-of-way line, a distance of 123.91 feet to a point; thence North 87 degrees 28 minutes 54 seconds East, continuing on said Southerly right-of-way line, a distance of 233.41 feet to a point on the Southerly right-of-way line of 119th Street as established by Dedication for a Public Street, recorded in Book 200810, Page 001916; thence South 55 degrees 38 minutes 24 seconds East, on said Southerly right-of-way line, a distance of 23.35 feet to a point; thence North 87 degrees 29 minutes 00 seconds East, continuing on said Southerly right-of-way line, a distance of 111.00 feet to a point; thence North 49 degrees 54 minutes 43 seconds East, continuing on said Southerly right-of-way line, a distance of 22.98 feet to a point on the Southerly right-of-way line of 119th Street as established by said Dedication for a Public Street, recorded in Book 202102, Page 000726; thence departing the Southerly right-of-way line as recorded in said Book 200810, Page 001916, on the Southerly right-of-way line of 119th Street recorded in Book 202102, Page 000726, the following eight (8) courses: thence North 87 degrees 28 minutes 54 seconds East a distance of 38.40 feet to a point; thence North 42 degrees 28 minutes 54 seconds East a distance of 16.97 feet to a point; thence North 87 degrees 28 minutes 54 seconds East a distance of 39.17 feet to a point of curvature; thence Easterly, on a curve to the right having a radius of 2,486.00 feet, through a central angle of 02 degrees 54 minutes 44 seconds, an arc distance of 126.36 feet to a point; thence South 89 degrees 36 minutes 22 seconds East a distance of 245.12 feet to a point; thence South 82 degrees 48 minutes 47 seconds East a distance of 123.59 feet to a point; thence North 87 degrees 28 minutes 54 seconds East a distance of 269.45 feet to a point; thence South 42 degrees 18 minutes 21 seconds East a distance of 38.29 feet to a point on the West right-of-way line of Renner Boulevard as established by said Dedication for a Public Street, recorded in Book 202102, Page 000726; thence departing said Southerly right-of-way line, South 02 degrees 07 minutes 35 seconds East, on said West right-of-way line, a distance of 238.76 feet to a point; thence North 87 degrees 52 minutes 25 seconds East, continuing on said West right-of-way line, a distance of 26.99 feet to the POINT OF BEGINNING, containing 2,750,097 Square Feet, or 63.1335 Acres, more or less.

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**EXHIBIT B  
MAP OF DISTRICT**

**[Including identification of STAR Bond Project Area 1 and STAR Bond Project Area 2]**



## EXHIBIT C

### PROJECT AREA 1 LEGAL DESCRIPTION

All that part of the Northeast Quarter of Section 19, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, more particularly described by Chris R. Sprague, Kansas PS-1632 of Olsson, LS-144, on October 11, 2023, as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of said Section 19; thence South 02 degrees 07 minutes 57 seconds East, on the East line of said Northeast Quarter, a distance of 369.28 feet to a point; thence departing said East line, South 87 degrees 52 minutes 03 seconds West a distance of 60.00 feet to a point on the West right-of-way line of Renner Boulevard as established by Dedication for Public Street, Storm Drainage and Utilities, recorded in Book 2232, Page 966 and the POINT OF BEGINNING; thence South 02 degrees 07 minutes 57 seconds East, on said West right-of-way line, a distance of 537.10 feet to the Northeast corner of Fire Station No. 2, a platted subdivision in said City of Olathe; thence departing said West right-of-way line, South 87 degrees 28 minutes 07 seconds West, on the North line of said Fire Station No. 2, a distance of 370.00 feet to the Northwest corner thereof; thence departing said North line, South 02 degrees 07 minutes 57 seconds East, on the West line of said Fire Station No. 2, a distance of 319.99 feet to the Southwest corner thereof, said point also lying on the North line of Interstate Addition, a platted subdivision in said City of Olathe; thence departing said West line, South 87 degrees 28 minutes 07 seconds West, on the North line of said Interstate Addition, a distance of 1,753.01 feet to the Northwest corner thereof; thence departing said North line, South 02 degrees 07 minutes 57 seconds East, on the West line of said Interstate Addition, a distance of 348.26 feet to a point of curvature; thence in a Southerly, Southeasterly, and Easterly, on the Southwesterly line of said Interstate Addition, on a curve to the left having a radius of 577.71 feet, through a central angle of 90 degrees 23 minutes 57 seconds, an arc distance of 911.49 feet to a point; thence North 87 degrees 28 minutes 07 seconds East, on the South line of said Interstate Addition, a distance of 554.94 feet to a point; thence departing said South line, South 02 degrees 07 minutes 57 seconds East, on the West line of said Interstate Addition, a distance of 20.00 feet to a point on the North line of a 30.00 foot-wide public right-of-way, as established by Dedication for Public Street and Utilities, recorded in Book 196, Page 649; thence departing said West line, South 87 degrees 28 minutes 07 seconds West, on said North right-of-way line, a distance of 1,204.94 feet to the Southeast corner of Lot 1, Olathe Entertainment District Third Plat, a platted subdivision in said City of Olathe; thence departing said North right-of-way line, North 02 degrees 31 minutes 53 seconds West, on the East line of said lot 1, a distance of 24.00 feet to a point; thence South 87 degrees 28 minutes 07 seconds West, on the East line of said Lot 1, a distance of 251.59 feet to a point; thence North 02 degrees 00 minutes 17 seconds West, on the East line of said Lot 1, a distance of 253.85 feet to the Northernmost Northeast corner thereof; thence departing said East line, South 87 degrees 59 minutes 43 seconds West, on the North line of said Lot 1, a distance of 155.00 feet to the Northwest corner thereof, said point also being on the West line of the Northeast Quarter of said Section 19; thence departing said North line, North 02 degrees 00 minutes 17 seconds West, on said West line of said Northeast Quarter, a distance of 765.82 feet to the Southwest corner of Resourcenet International, a platted subdivision in said City of Olathe; thence departing said West line, North 87 degrees 28 minutes 58 seconds East, on the South line of said Resourcenet International, a distance of 575.00 feet to the Southeast corner thereof; thence departing said South line, North 02 degrees 00 minutes 17 seconds West, on the East line of said Resourcenet International, a distance of 1,071.51 feet to the Northeast corner thereof, said point also being on the South right-of-way line of 119th Street as now established; thence departing said East line, North 87 degrees 28 minutes 54 seconds East, on said South right-of-way line, a distance of 610.29 feet to a point on the Southerly right-of-way line as established by Dedication for a Public Street, recorded in Book 202102, Page 000726; thence departing said South right-of-way line South 85 degrees 38 minutes 24 seconds East, on said Southerly right-of-way line, a distance of 123.91 feet to a point; thence North 87 degrees 28 minutes 54 seconds East, continuing on said Southerly right-of-way line, a distance of 233.41 feet to a point on the Southerly right-of-way line of 119th



Street as established by Dedication for a Public Street, recorded in Book 200810, Page 001916; thence South 55 degrees 38 minutes 24 seconds East, on said Southerly right-of-way line, a distance of 23.35 feet to a point; thence North 87 degrees 29 minutes 00 seconds East, continuing on said Southerly right-of-way line, a distance of 111.00 feet to a point; thence North 49 degrees 54 minutes 43 seconds East, continuing on said Southerly right-of-way line, a distance of 22.98 feet to a point on the Southerly right-of-way line of 119th Street as established by said Dedication for a Public Street, recorded in Book 202102, Page 000726; thence departing the Southerly right-of-way line as recorded in said Book 200810, Page 001916, on the Southerly right-of-way line of 119th Street recorded in Book 202102, Page 000726, the following eight (8) courses: thence North 87 degrees 28 minutes 54 seconds East a distance of 38.40 feet to a point; thence North 42 degrees 28 minutes 54 seconds East a distance of 16.97 feet to a point; thence North 87 degrees 28 minutes 54 seconds East a distance of 39.17 feet to a point of curvature; thence Easterly, on a curve to the right having a radius of 2,486.00 feet, through a central angle of 02 degrees 54 minutes 44 seconds, an arc distance of 126.36 feet to a point; thence South 89 degrees 36 minutes 22 seconds East a distance of 245.12 feet to a point; thence South 82 degrees 48 minutes 47 seconds East a distance of 123.59 feet to a point; thence North 87 degrees 28 minutes 54 seconds East a distance of 269.45 feet to a point; thence South 42 degrees 18 minutes 21 seconds East a distance of 38.29 feet to a point on the West right-of-way line of Renner Boulevard as established by said Dedication for a Public Street, recorded in Book 202102, Page 000726; thence departing said Southerly right-of-way line, South 02 degrees 07 minutes 35 seconds East, on said West right-of-way line, a distance of 238.76 feet to a point; thence North 87 degrees 52 minutes 25 seconds East, continuing on said West right-of-way line, a distance of 26.99 feet to the POINT OF BEGINNING, containing 2,750,097 Square Feet, or 63.1335 Acres, more or less.

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**EXHIBIT D**

**PROJECT AREA 2 LEGAL DESCRIPTION**

All that part of the South half of the Southwest quarter of Section 17, Township 13, Range 24 East in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of Section 17, Township 13, Range 24 East; thence N° 01 26' 24" W along the west section line of said section a distance of 1,324.80 feet to the Northwest corner of HALL'S ACRES plat; thence N 88° 13' 21" E to the west section line of Section 17, Township 13, Range 24 East; thence south along said section line at a bearing of S 3° 5' 56" E a distance of 297.05 feet to a point of Right-of-Way along S Kansas City Rd; thence southwesterly along said Right-of-Way S 42° 31' 27" W a distance of 1,434.70 feet to the south line of Section 17, Township 13, Range 24 East; thence west along said section line S 88° 11' 14" W a distance of 1,651.85 feet to the point of beginning, containing 68.71 acres more or less.

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