

(Published in Lawrence Journal-World on April ____, 2014)

ORDINANCE NO. 8971

AN ORDINANCE ADOPTING THE REDEVELOPMENT PROJECT PLAN FOR THE NORTH PROJECT AREA OF THE NINTH & NEW HAMPSHIRE REEVELOPMENT DISTRICT AND APPROVING A REDEVELOPMENT AGREEMENT RELATED THERETO.

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

WHEREAS, the Governing Body adopted Resolution No. 6967 on June 19, 2012 calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on July 24, 2012; and

WHEREAS, the Governing Body adopted Resolution No. 6968 making a finding that the area of the proposed Redevelopment District as hereinafter described was properly designated as an enterprise zone prior to July 1, 1992 by resolution of the City pursuant to K.S.A. 12-17,107 through 12-17,113 prior to its repeal; and

WHEREAS, notice of the public hearing was given as required by the Act, except that the Douglas County Commission and the Board of Education of USD #497 have each waived the required notice to them under the Act; and

WHEREAS, the public hearing was held on July 24, 2012 and closed on the same day; and

WHEREAS, the City by the adoption of Ordinance No. 8768 on August 7, 2012, created a redevelopment district (the “Redevelopment District”) consisting of two redevelopment project areas (the “North Project Area” and the “South Project Area”), all pursuant to the Act; and

WHEREAS, the City is considering the adoption of a redevelopment project plan entitled Ninth & New Hampshire Redevelopment District North Project Area Redevelopment Project Plan and dated January 27, 2014 (the “Project Plan”) which provides for the redevelopment of the North Project Area within the Redevelopment District; and

WHEREAS, on February 24, 2014 the Planning Commission of the City made a finding that the Project Plan is consistent with the intent of the City’s comprehensive plan for the development of the City; and

WHEREAS, a copy of the Project Plan was delivered by the City to the Board of County Commissioners of Douglas County and to the Board of Education of Unified School District No. 497.

WHEREAS, the Governing Body of the City adopted Resolution No. 7056 on March 4, 2014 calling for a public hearing considering the adoption of the Project Plan to be held by the Governing Body of the City on April 8, 2014; and

WHEREAS, notice of the public hearing on adoption of the Project Plan was given as required by the Act; and

WHEREAS, the public hearing was held and closed on April 8, 2014, with presentation of the Plan and an opportunity for all interested persons to be heard regarding the proposed Project Plan; and

WHEREAS, the City and 100 East 9th Street, LLC, a Kansas limited liability company (the “Developer”) desire to enter into a Redevelopment Agreement for the North Project Area to be dated the date set forth therein (the “Redevelopment Agreement”);

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

Section 1. Approval of Project Plan. The governing body of the City hereby adopts the Project Plan pursuant to the Act for the North Project Area of the Redevelopment District with the North Project Area legally described on Exhibit A attached hereto.

Section 2. Approval of Redevelopment Agreement. The governing body of the City hereby approves the Redevelopment Agreement in substantially the form presented to and reviewed by the City Commission (a copy of the Redevelopment Agreement, upon execution thereof, shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the officers of the City executing such documents, such officers’ signatures thereon being conclusive evidence of their approval thereof:

Section 3. Further Action. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, 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 4. Transmittal of Project Plan. Copies of the Project Plan and this ordinance shall be filed with the City Clerk and also transmitted by the City Clerk to the County Appraiser and County Treasurer and to the Board of County Commissioners of Douglas County and to the Board of Education of Unified School District No. 497.

Section 5. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 6. 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 on April 15, 2014.

SIGNED by the Mayor on April ____, 2014.

(SEAL)

Mike Amyx, Mayor

Diane Trybom, Acting City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF NORTH PROJECT AREA OF THE NINTH &
NEW HAMPSHIRE REDEVELOPMENT DISTRICT**

North Project Area

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas and adjacent right-of-way of alley to the east, and adjacent right-of-way of New Hampshire Street to the west and extending north from northern boundary of the project area through the 8th Street intersection.