

Introduced: March 17, 2015  
Passed: March 17, 2015  
Published: March 20, 2015

**ORDINANCE NO. 2015 - 6**

**AN ORDINANCE ADOPTING A REDEVELOPMENT PROJECT PLAN FOR A REDEVELOPMENT PROJECT AREA WITHIN THE MALL REDEVELOPMENT DISTRICT IN THE CITY OF HUTCHINSON, KANSAS, AND ADOPTING A DEVELOPMENT AGREEMENT IN CONNECTION THEREWITH.**

**WHEREAS**, the City Council of the City of Hutchinson, Kansas (the “City Council”) desires to promote, stimulate and develop the general and economic welfare of the City of Hutchinson, Kansas (the “City”) and the State of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within the City and the financing relating thereto, thereby promoting the general welfare of the citizens of the City and the State; and

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the City Council is authorized to adopt redevelopment project plans within established redevelopment districts, as said terms are defined in the Act, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof, or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues; and

**WHEREAS**, on January 15, 2015, Rockstep Hutchinson, LLC, a Texas limited liability company (the “Developer”) submitted to the City the Mall Redevelopment Project Plan (“Project Plan”) for a redevelopment project area (the “Project Area”) within the Mall Redevelopment District (the “District”); and

**WHEREAS**, on January 20, 2015, the City Council adopted Ordinance No. 2015-2, creating the District, the boundaries of which were defined in said Ordinance, which contains one redevelopment project area; and

**WHEREAS**, on January 20, 2015, the Planning Commission of the City made a finding that the Project Plan was consistent with the intent of the City’s comprehensive plan for the development of the City; and

**WHEREAS**, the City delivered a copy of the Project Plan to the County Commission of Reno County, Kansas and the Board of Education of Unified School District No. 308; and

**WHEREAS**, on February 3, 2015, the City Council adopted Resolution No. 2015R4, calling a public hearing to be held by the City Council on March 17, 2015 to consider adoption of the Project Plan; and

**WHEREAS**, on March 17, 2015, a public hearing was held where the Project Plan was presented and all interested persons were given an opportunity to be heard regarding the Project Plan; and

**WHEREAS**, the City Council and the Developer desire to enter into that certain Development Agreement to implement the Project Plan to redevelop the District (the “Development Agreement”).

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

**Section 1. Approval of Project Plan.** The City Council hereby adopts, pursuant to the Act, the Project Plan for the District. The boundaries of the Project Area are legally described on Exhibit A attached hereto.

**Section 2. Approval of Development Agreement.** The City Council hereby approves the Development Agreement for the Project Area in substantially the form presented to and reviewed by the City Council, with such changes therein as shall be approved by the officers of the City executing the same, with 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 any outside counsel engaged by the City, 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 to the County Commission of Reno County, Kansas, the Board of Education of Unified School District No. 308, and the County Appraiser and County Treasurer of Reno County, Kansas.

**Section 5. Effective Date.** This ordinance shall be in full force and take effect from and after its passage and publication in the official newspaper of the City.

**PASSED BY THE GOVERNING BODY**, this 17th day of March, 2015, for the City of Hutchinson, Kansas.

Cindy Proett, Mayor

ATTEST:

Karen Weltmer, City Clerk

APPROVED AS TO FORM ONLY:

Paul Brown, City Attorney

## EXHIBIT A

### Legal Description of the Project Area

A TRACT OF LAND IN THE NORTH HALF OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN, RENO COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN, RENO COUNTY, KANSAS; THENCE NORTH 89°37'00" EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 781.10 FEET TO A POINT WHICH IS 1866.17 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER FOR A PLACE OF BEGINNING; THENCE NORTH 00°03'35" EAST PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 521.02 FEET; THENCE SOUTH 89°37'00" WEST PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 517.74 FEET TO A POINT ON A CURVE ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF K-61 HIGHWAY WITH A RADIUS OF 858.85 FEET; THENCE NORTH 33°44'48" EAST (CHORD BEARING, CHORD LENGTH 525.66 FEET) ALONG THE ARC OF SAID CURVE AND SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 534.24 FEET; THENCE NORTH 51°34'00" EAST ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 403.90 FEET; THENCE NORTH 46°09'23" EAST ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 100.45 FEET; THENCE NORTH 51°34'00" EAST ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 1133.69 FEET; THENCE SOUTH 38°26'00" EAST A DISTANCE OF 864.61 FEET; THENCE NORTH 51°34'00" EAST A DISTANCE OF 353.58 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER WHICH POINT IS 1134.94 FEET SOUTH OF THE NORTHEAST CORNER, OF SAID NORTHWEST QUARTER AND 1510.02 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 308.04 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 416.00 FEET; THENCE SOUTH 25°47'00" WEST (CHORD BEARING, CHORD LENGTH 361.89 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 374.40 FEET; THENCE SOUTH 51°34'00" WEST A DISTANCE OF 19.97 FEET, THENCE SOUTH 38°26'00" EAST A DISTANCE OF 11.11 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 102.50 FEET; THENCE SOUTH 19°13'00" EAST (CHORD BEARING, CHORD LENGTH 67.47 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 68.76 FEET; THENCE SOUTH A DISTANCE OF 792.24 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER WHICH POINT IS 143.94 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 89°37'00" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 55.00 FEET; THENCE NORTH A DISTANCE OF 792.61 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 47.50 FEET; THENCE NORTH 19°13'00" WEST (CHORD BEARING, CHORD LENGTH 31.27 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 31.86 FEET; THENCE NORTH 38°26'00" WEST A DISTANCE OF 11.11 FEET; THENCE SOUTH 51°34'00" WEST A DISTANCE OF 773.59 FEET TO A POINT ON A CURVE HAVING A RADIUS OF 108.95 FEET; THENCE SOUTH 19°13'00" EAST (CHORD BEARING, CHORD LENGTH 71.72 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 73.08 FEET; THENCE SOUTH A DISTANCE OF 286.26 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89°37'00" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 54.83 FEET; THENCE WITH THE LINES OF THE FINAL PLAT OF ELEVENTH AVENUE ANNEX, AN ADDITION TO THE CITY OF HUTCHINSON,

RENO COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, THE FOLLOWING SEVEN (7) COURSES:

FIRST COURSE - NORTH  $00^{\circ}02'10''$  WEST A DISTANCE OF 291.97 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 17.75 FEET;

SECOND COURSE - NORTH  $65^{\circ}31'12''$  WEST (CHORD BEARING, CHORD LENGTH 32.30 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 40.57 FEET TO A POINT ON A CURVE HAVING A RADIUS OF 418.76 FEET;

THIRD COURSE - SOUTH  $86^{\circ}46'05''$  WEST (CHORD BEARING, CHORD LENGTH 513.00 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 552.14 FEET;

FOURTH COURSE - NORTH  $55^{\circ}27'36''$  WEST A DISTANCE OF 190.08 FEET TO THE POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 466.00 FEET;

FIFTH COURSE - NORTH  $48^{\circ}40'11''$  WEST (CHORD BEARING, CHORD LENGTH 110.20 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 110.45 FEET TO A POINT ON A CURVE HAVING A RADIUS OF 233.00 FEET;

SIXTH COURSE - SOUTH  $23^{\circ}35'44''$  WEST (CHORD BEARING, CHORD LENGTH 189.38 FEET) ALONG THE ARC OF SAID CURVE A DISTANCE OF 195.03 FEET;

SEVENTH COURSE - SOUTH  $00^{\circ}23'00''$  EAST A DISTANCE OF 289.16 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH  $89^{\circ}37'00''$  WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 157.86 FEET TO THE PLACE OF BEGINNING.