

**ORDINANCE NO. 2516**

**AN ORDINANCE TERMINATING THE REDEVELOPMENT DISTRICT ESTABLISHED PURSUANT TO ORDINANCE NO. 2110 OF THE CITY OF GARDNER, KANSAS (175TH AND CEDAR NILES PROJECT).**

**WHEREAS**, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”), and Ordinance No. 2110 of the City of Gardner, Kansas (the “City”), passed on June 21, 2004, the City established a redevelopment district in the area of the City described on Exhibit A attached to this Ordinance and commonly referred to as “175th and Cedar Niles Project” (the “District”); and

**WHEREAS**, pursuant to the Act and Ordinance No. 2126 of the City passed on November 1, 2004, the City approved a Redevelopment Plan for the City of Gardner, Kansas (the “City”), providing a plan for the redevelopment of the District (the “Redevelopment Plan”); and

[**WHEREAS**, in connection with the Redevelopment Plan, the City entered into a Redevelopment Agreement with Wal-Mart Stores, Inc. (the “Developer”), dated January 3, 2005, and the City has completed all of its obligations to the Developer under such Agreement; and]

**WHEREAS**, it is necessary to terminate the District;

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

**Section 1.** The District established pursuant to Ordinance No. 2110 of the City for the property within the boundaries described on Exhibit A attached is hereby terminated and dissolved.

**Section 2.** Following publication of this Ordinance, the City Clerk is authorized and directed to mail a copy of this Ordinance by certified mail, return receipt requested, to the County Clerk, County Assessor, County Treasurer and Board of County Commissioners of Johnson County, Kansas, and the Board of Education of Unified School District No. 231 of Johnson County, Kansas and to cause this Ordinance to be filed of record with the Register of Deeds of Johnson County, Kansas.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage by the Governing Body of the City and publication once in the official City newspaper.

Passed by the City Council of the City of Gardner, Kansas, and approved by the Mayor on this May 16, 2016.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow

Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz

Jeanne Koontz, City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION OF DISTRICT

All that part of the Northeast Quarter of Section 30, Township 14 South, Range 23 East, in the City of Gardner, Johnson County, Kansas, more particularly described as follows: commencing at the northeast corner of the Northeast Quarter of said Section 30, thence South  $02^{\circ}17'13''$  East (S  $00^{\circ}25'00''$  E deed), with the east line of the Northeast Quarter of said Section 30, a distance of 110.00 feet; thence North  $80^{\circ}41'36''$  West, a distance of 30.62 feet to a point on the west right-of-way of Cedar Niles Road, said point being the point of beginning; thence South  $02^{\circ}17'13''$  East, with the west right-of-way of Cedar Niles Road, a distance of 811.69 feet to a point on the northwesterly right-of-way of Interstate 35; thence with the northwesterly right-of-way of Interstate 35, on a curve to the left having a radius of 11609.16 feet, a central angle of  $05^{\circ}16'55''$ , with an initial tangent bearing of South  $50^{\circ}38'53''$  West, an arc distance of 1070.21 feet; thence continuing with the northwesterly right-of-way of Interstate 35, South  $45^{\circ}17'32''$  West (S  $47^{\circ}18'42''$  W deed), a distance of 343.60 feet; thence North  $01^{\circ}53'48''$  West, and no longer with the northwesterly right-of-way of Interstate 35, a distance of 1416.55 feet; thence S  $88^{\circ}00'46''$  West, a distance of 250.00 feet; thence North  $01^{\circ}53'48''$  West, a distance of 400.00 feet to a point on the south right-of-way of 175th Street; thence North  $88^{\circ}00'46''$  East (N  $89^{\circ}58'32''$  deed), with the south right-of-way of 175th Street, a distance of 944.25 feet; thence continuing with the south right-of-way of 175th Street, South  $01^{\circ}59'14''$  East, a distance of 10.00 feet; thence continuing with the south right-of-way of 175th Street, South  $80^{\circ}41'36''$  East (S  $78^{\circ}44'08''$  E deed), a distance of 408.50 (408.66 deed) feet to the point of beginning;

AND, the real property comprised of Kansas Department of Transportation right-of-way necessary for construction of the U.S. 56 Highway improvements required by the traffic study prepared on behalf of Wal-Mart Stores, Inc. by TranSystems Corporation dated November 10, 2003. These improvements take place from approximately 1,000 feet West of the intersection with Cedar Niles Road as measured along U.S. 56 centerline to approximately 800 feet East of the intersection with Cedar Niles Road as measured along U.S. 56 centerline;

AND, the real property comprised of City of Gardner, Kansas right-of-way; Kansas Department of Transportation right-of-way; additional purchased right-of-way; and purchased temporary and permanent easements necessary for construction of the Cedar Niles Road improvements required by the traffic study prepared on behalf of Wal-Mart Stores, Inc. by TranSystems Corporation dated November 10, 2003. These improvements take place from approximately 200 feet North of the intersection with U.S. 56 as measured along the Cedar Niles Road centerline to approximately 800 feet South of the intersection with U.S. 56 as measured along the Cedar Niles Road centerline;

AND, the real property comprised of City of Gardner, Kansas right-of-way; additional dedicated and purchased right-of-way; and dedicated and purchased temporary and permanent easements necessary for construction of the 175<sup>th</sup> Street (Santa Fe Street) improvements required by the traffic study prepared on behalf of Wal-Mart Stores, Inc. by TranSystems Corporation dated November 10, 2003. These improvements take place from approximately 1,500 feet West of the intersection with Cedar Niles Road as measured along the 175<sup>th</sup> Street centerline to approximately 100 feet East of the intersection with Cedar Niles Road as measured along the 175<sup>th</sup> Street centerline.