

(Published in *The Derby Weekly Informer* on August 3, 2016)

ORDINANCE NO. 2280

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATED TO IMPLEMENTATION OF A PROJECT PLAN FOR THE DERBY STAR BOND PROJECT DISTRICT.

WHEREAS, pursuant to K.S.A. 12-17,160 et seq. (the “Act”), the City Council (the “Governing Body”) of the City of Derby, 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, pursuant to Ordinance No. 2242 adopted by the City Council on September 8, 2015 and published September 16, 2015 (the “District Creation Ordinance”), the City established a STAR bond project district known as the Derby 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; and

WHEREAS, pursuant to the Act, the City is authorized to undertake one or more STAR Bond projects within the District, which may be implemented in separate development stages, and prepare a STAR Bond project plan, in consultation with the City’s planning commission; and

WHEREAS, the City is considering adoption of the STAR Bond Project Plan submitted to the City Council on this date, which has been prepared by the City in consultation with the City’s Planning Commission (the “Project Plan”) pursuant to the Act and provides for the redevelopment of all real property within the District (the “Project Area”); and

WHEREAS, on June 2, 2016, the City’s Planning Commission 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 has been delivered by the City to the Board of County Commissioners of Sedgwick County, Kansas and to the Board of Education of U.S.D. No. 260, Sedgwick County, Kansas (Derby); and

WHEREAS, the Governing Body has heretofore on June 6, 2016, adopted Resolution No. 25-2016 (the “Resolution”) which provided that: (a) the City is considering adoption of the Project Plan; (b) a public hearing on the approval of the Project Plan shall be held on July 12, 2016 at 6:30 p.m. or as soon thereafter as possible, in the Council Room, Derby City Hall; (c) copies of the Project Plan, including a summary of the feasibility study, relocation assistance plan and any financial guarantees of the proposed developer and a description and map of the Project Area to be redeveloped within the District are public records and are available for public inspection at Derby City Hall, 611 Mulberry Rd., Suite 300, Derby, Kansas during regular business hours; and (d) notice of such public hearing should be disseminated in accordance with the provisions of the Act; 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, within 10 days of adoption thereof, via certified mail,

return receipt requested, to the Board of County Commissioners of Sedgwick County, Kansas, the Board of Education of USD 260, Sedgwick County, Kansas (Derby) and to each owner and occupant of land within the proposed Project Area; and (b) publishing a copy of the Resolution, including *Exhibits A and B* attached thereto, 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

WHEREAS, pursuant to such notice the public hearing was conducted by the Governing Body on July 12, 2016; and

WHEREAS, upon considering the information and comments received at the public hearing, the Governing Body passed an ordinance approving the Project Plan in accordance with the provisions of the Act; and

WHEREAS, in order to implement the Project Plan, there has been prepared and presented to the Governing Body a Development Agreement, dated July 26, 2016, between the City and Derby Destination Development, LLC, a Kansas limited liability company, as Developer (the “Development Agreement”); and

WHEREAS, the Governing Body desires to approve the Development Agreement to implement the Project Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS, AS FOLLOWS:

Section 1. Approval of Development Agreement. The Development Agreement is hereby approved in substantially the form presented to the Governing Body, with such changes as may be approved by the City Attorney. The Mayor is hereby authorized to execute the Development Agreement by and on behalf of the City and the City Clerk or Deputy City Clerk is hereby authorized to attest such signature.

Section 2. Further Action. The Mayor, City Manager, Finance Director, 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 3. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body, approval by the Mayor, and publication one time in the official City newspaper.

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PASSED by the City Council of the City of Derby, Kansas on July 26, 2016 and **APPROVED AND SIGNED** by the Mayor



Randy White

Mayor

Jean Espin

Deputy City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on July 26, 2016; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in *The Derby Weekly Informer* on August 3, 2016.

DATED: August 3, 2016.



Deputy City Clerk

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