



ABOVE AND BEYOND. BY DESIGN.

City Hall • 8500 Santa Fe Drive
Overland Park, Kansas 66212-2899
TEL 913.895.6080/6083 • FAX 913.895.5095
E-MAIL Michael.Koss@opkansas.org

City Attorney's Office

August 24, 2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Board of County Commissioners
Johnson County Admin. Building
111 S. Cherry Street, Suite 3300
Olathe, KS 66061-3441

RE: **Promontory Redevelopment TIF District – Project Area 3 (Generally Located at the northeast corner of 91st Street and Metcalf Avenue)**

Pursuant to K.S.A. 12-1772, enclosed please find a certified true copy of Resolution No. 4838 providing notice of public hearing on **September 19, 2022 at 7:30 p.m.** concerning the adoption of a redevelopment project plan within the above referenced redevelopment district within the City of Overland Park, Kansas (the "Resolution"). The Resolution was adopted by the City Council on August 15, 2022.

Should you have any questions or desire additional information, please feel free to contact me or the Deputy City Manager Kristy Stallings at (913) 895-6152.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Koss".

Michael Koss
Deputy City Attorney

MK:mrs

Enclosure

cc: Curtis Petersen, Polsinelli PC
Joseph Serrano, Kutak Rock LLP
Kristy Stallings, Deputy City Manager
Tammy M. Owens, City Attorney
Todd LaSala, Stinson LLP

C E R T I F I C A T E


State of Kansas

County of Johnson

City of Overland Park

I, Elizabeth Kelley, City Clerk of the City of Overland Park, Kansas, hereby certify that the attached document is a true and correct copy of Resolution No. 4838, as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said city this 17th day of August, 2022.


Elizabeth Kelley
City Clerk



RESOLUTION NO. 4838

A RESOLUTION PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING THE CONSIDERATION OF A REDEVELOPMENT PROJECT PLAN FOR A PROJECT AREA IN A REDEVELOPMENT DISTRICT GENERALLY LOCATED AT THE NORTHEAST CORNER OF 91ST STREET AND METCALF AVENUE WITHIN THE CITY (PROMONTORY REDEVELOPMENT TIF PROJECT, PROJECT AREA 3).

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”) and Ordinance No. RD-3075 (the “TIF District Ordinance”) of the City of Overland Park, Kansas (the “City”), and in order to promote, stimulate and develop the general and economic welfare of the City, the Governing Body of the City has previously established a tax increment financing redevelopment district (the “Redevelopment District” as described on **Exhibit A** hereto) and approved the district plan (the “District Plan”), described in the TIF District Ordinance; and

WHEREAS, a TIF redevelopment project plan (the “Project Plan”) has been proposed for the redevelopment of Project Area 3 described on **Exhibit B** hereto; and

WHEREAS, a comprehensive feasibility study has been completed which indicates that the benefits, tax increment revenue and other available revenues under K.S.A. 12-1774(a)(1) expected to be derived from the redevelopment project described in the Project Plan are expected to exceed or be sufficient to pay for the redevelopment project costs approved by the City pursuant to the District Plan and the Act; and

WHEREAS, a copy of the Project Plan for Project Area 3 has been delivered to the Board of County Commissioners of Johnson County, Kansas, and to the Board of Education of Unified School District No. 512, Johnson County, Kansas, all in accordance with the Act; and

WHEREAS, the Planning Commission of the City has reviewed the Project Plan for Project Area 3 and found and determined that the Project Plan is consistent with the intent of the comprehensive plan for development of the City;

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. A public hearing to consider adoption of the proposed Project Plan shall be held on September 19, 2022, beginning at 7:30 p.m., Central Time (or as soon thereafter as is practical), at City Hall, 8500 Santa Fe Drive, Overland Park, Kansas. The date of the public hearing is not less than 30 or more than 70 days after the date of this Resolution as required by K.S.A. 12-1772(c).

Section 2. The Redevelopment District was created by the TIF District Ordinance passed by the City Council on March 16, 2015, and effective on March 31, 2015 (the publication date for the TIF District Ordinance). The boundaries of the Redevelopment District are set forth on **Exhibit A** attached hereto and incorporated herein by reference. The boundaries of Project Area 3

are set forth on **Exhibit B** attached hereto and incorporated herein by reference. A map of Project Area 3 is included on **Exhibit C** attached hereto and incorporated herein by reference.

Section 3. The Project Plan, including a summary of the feasibility study, the relocation assistance plan, and a description and map of the area to be redeveloped, is available for inspection during regular business hours in the office of the City Clerk of the City.

Section 4. A copy of this Resolution shall be sent by certified mail, return receipt requested, to the Board of County Commissioners of Johnson County, Kansas, and the Board of Education of Unified School District No. 512, Johnson County, Kansas. Copies of this Resolution also shall be sent by certified mail, return receipt requested, to each owner and occupant of land within Project Area 3 not more than 10 days following the date of adoption of this Resolution. This Resolution (including **Exhibits A, B and C**) shall be published once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing.

Section 5. This Resolution shall be in full force and effect from and after its adoption.

[Remainder of Page Intentionally Left Blank]

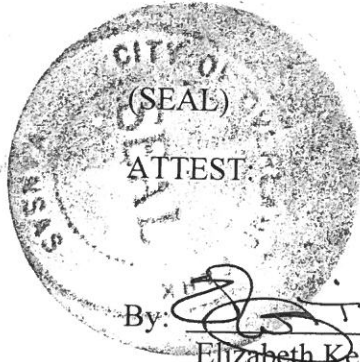
ADOPTED by the City Council this 15th day of August, 2022.

APPROVED AND SIGNED by the Mayor this 15th day of August, 2022.

CITY OF OVERLAND PARK, KANSAS

By: _____

Curt Skoog
Mayor



By: _____

Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:

By: _____

Michael Koss
Deputy City Attorney

APPROVED AS TO FORM:

By: _____

Joseph D. Serrano, Kutak Rock LLP
Bond Counsel

EXHIBIT A

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

A parcel of land being a part of Lots 1, 3 and 4, Block's Plaza, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, according to the plat of Block's Plaza as recorded in Plat Book 49 at Page 46 in the Office of the Register of Deeds of Johnson County, Kansas, being a part of the Southwest Quarter of the Northwest Quarter of Section 32, Township 12 South, Range 25 East, now in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:

(Note: For orientation the bearings in this description are based on the East line of said Lot 3 having a bearing of South 02° 07' 22" East.)

Beginning at the Southeast corner of said Lot 3 monumented by a reinforcing rod;

Thence South 87° 36' 04" West, a distance of 385.55 feet on the South line of said Lot 1;

Thence North 88° 56' 59" West, a distance of 110.37 feet on the South line of said Lot 3;

Thence North 88° 55' 41" West, a distance of 22.46 feet on the South line of said Lot 1;

Thence South 87° 36' 04" West, a distance of 177.57 feet on the South line of said Lot 1;

Thence North 02° 07' 57" West, a distance of 297.00 feet on the West line of said Lot 1;

Thence North 87° 36' 04" East, a distance of 200.00 feet on the North line of said Lot 1;

Thence North 02° 07' 57" West, a distance of 300.00 feet on the West line of said Lot 3;

Thence South 87° 36' 04" West, a distance of 200.00 feet on the Southwesterly line of said Lot 3;

Thence North 02° 07' 57" West, a distance of 681.31 feet West line of said Lot 3;

Thence North 87° 32' 41" East, a distance of 225.74 feet on the North line of said Lot 3 to the beginning of a non-tangent curve concave to the Northeast having a radius of 280.00 feet;

Thence Southeasterly an arc length of 130.80 feet on said curve and continuing on said North line of said Lot 3, said curve having a chord bearing of South 79° 04' 21" East and a chord distance of 129.61 feet;

Thence North 87° 32' 41" East, a distance of 843.97 feet on the North line of said Lots 3 and 4;

Thence South 02° 07' 22" East, a distance of 567.48 feet on the East line of said Lot 4;

Thence South 87° 35' 05" West, a distance of 500.00 feet on the South line of said Lot 4;

Thence South 02° 07' 22" East, a distance of 690.00 feet on the East line of said Lot 3 to the point of beginning. Containing 1,104,071 square feet or 25.3460 acres. Subject to all easements and restrictions of record.

Less and except:

Commencing at the Southeast corner of said Lot 3 monumented by a reinforcing rod;

Thence North 26° 31' 57" West, a distance of 188.35 feet to the Point of Beginning;

Thence South 88° 00' 00" West, a distance of 178.04 feet;

Thence North 02° 00' 00" West, a distance of 175.20 feet;

Thence South 88° 00' 00" West, a distance of 20.00 feet;

Thence North 02° 00' 00" West, a distance of 131.33 feet;

Thence North 88° 00' 00" East, a distance of 149.33 feet;

Thence South 02° 00' 00" East, a distance of 91.17 feet;

Thence South 64° 21' 01" East, a distance of 30.50 feet;

Thence South 02° 00' 00" East, a distance of 26.01 feet;

Thence North 88° 00' 00" East, a distance of 20.98 feet;

Thence South 02° 00' 00" East, a distance of 88.33 feet;

Thence South 65° 26' 06" East, a distance of 17.89 feet;

Thence South 02° 00' 00" East, a distance of 10.00 feet;

Thence South 88° 00' 00" West, a distance of 15.33 feet;

Thence South 02° 02' 11" East, a distance of 68.86 feet to the Point of Beginning.

Containing 51,845 square feet or 1.1902 acres. Subject to all easements and restrictions of record.

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA 3

All of Lot 5 and Tract C, together with all that part of Tract B, PROMONTORY, a subdivision in the City of Overland Park, Johnson County, Kansas, as described by Scott D. Confer, KS LS-1249, Phelps Engineering, Inc. Project Number 220098, to wit:

Beginning at the Northeast corner of said Tract C; thence S 2° 07' 22" E, along the East line of said Tract C, a distance of 316.99 feet, to the Southeast corner thereof; thence S 87° 52' 03" W, along the South line of said Tract C, and along the South line of said Lot 5, a distance of 298.87 feet, to the Southwest corner of said Lot 5; thence N 2° 07' 57" W, along the West line of said Lot 5, and its Northerly extension, a distance of 317.68 feet, to a point on the North line of said Tract B; thence N 88° 00' 00" E, along the North line of said Tract B, and along the North line of said Lot 5, and along the North line of said Tract C, a distance of 298.92 feet, to the point of beginning, containing 2.1775 acres, more or less.

EXHIBIT C

MAP OF REDEVELOPMENT PROJECT AREA 3

