ORDINANCE NO. 50-[__]

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 42-966 OF THE CITY OF WICHITA, KANSAS, THAT ESTABLISHED THE EAST BANK REDEVELOPMENT DISTRICT TO INCLUDE ADDITIONAL PROPERTY IN SUCH DISTRICT FOR STAR BOND PURPOSES ONLY; AND PROVIDING FOR A SUBSTANTIAL CHANGE TO THE DISTRICT PLAN ASSOCIATED WITH SUCH DISTRICT.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, pursuant to K.S.A. 12-1770 et seq., as amended (the "TIF Act") and Ordinance No. 42-966, passed December 12, 1995, and published December 15, 1995, the City Council (the “Governing Body”) of the City established a redevelopment district pursuant to the TIF Act, known as the East Bank Redevelopment District (the “District”) and approved a District Plan (the “District Plan”); and

WHEREAS, Exhibit A to Ordinance No. 42-966 contained the legal description of property within the District; and

WHEREAS, by Ordinance No. 45-339, passed June 25, 2002, and published June 29, 2002, the City removed certain property and reduced the boundaries of the District pursuant to K.S.A. 12-1771(g); and

WHEREAS, Exhibit A to Ordinance No. 45-339 contained the legal description of property within the District; and

WHEREAS, by Ordinance No. 46-407, passed November 23, 2004, and published November 29, 2004, the City added certain property, increased the boundaries of the District and adopted a substantial change to the District Plan, all pursuant to K.S.A. 12-1771(f); and

WHEREAS, Exhibit A to Ordinance No. 46-407 contained the legal description of property within the District; and

WHEREAS, pursuant to Ordinance No. 47-518, passed July 17, 2007, and published July 20, 2007, the City approved, pursuant to HB 2005, 2007 Kansas Legislature, as later codified as K.S.A. 12-17,160 et seq., as amended (the “STAR Bond Act”) the River District STAR Bond Project Plan, which provided that the District was also approved as a STAR Bond District; and

WHEREAS, pursuant to Ordinance No. 49-557, passed August 13, 2013, and published August 16, 2013, a non-substantial amendment to Ordinance No. 46-407 and the District Plan was made by attaching a map of the proposed project areas; and

WHEREAS, the Governing Body desires to further expand the boundaries of the District for STAR Bond purposes to include certain property located west of the existing District boundaries as described in SCHEDULE I hereto (the “Additional Property”), such property not being a part of any other STAR bond project district, in order to provide a site for public infrastructure improvements, the
renovation and expansion of athletic facilities and related commercial activities both within the District and the proposed expanded boundary area; and

WHEREAS, pursuant to the STAR Bond Act, the Secretary of the Kansas Department of Commerce (the “Secretary”) has consented to amending the boundaries of the District for STAR Bond purposes to include the Additional Property; and

WHEREAS, the Governing Body, by Resolution No. 16-430, adopted November 1, 2016, set a public hearing to consider amending the boundaries of the District to include the Additional Property and to make a substantial change to the District Plan; and

WHEREAS, Resolution No. 16-430 was published on November 25, 2016, and a copy thereof was mailed on November 9, 2016, to the entities and persons required by the Act, and

WHEREAS, on December 6, 2016, after complying with procedural requirements of the STAR Bond Act, a public hearing was opened, public comment was received by the Governing Body and the public hearing was closed; and

WHEREAS, the Governing Body is authorized by the Constitution of the State of Kansas (particularly Article 12, Section 5) and the STAR Bond Act to pass an ordinance further amending Ordinance No. 42-966 to expand the boundaries of the District to add the Additional Property and to make a substantial change to the District Plan.

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

Section 1. Ordinance Amendment. Exhibit A to Ordinance No. 42-966, as previously amended by Ordinance Nos 45-339, 46-407and 49-557 is hereby amended to read as set forth on SCHEDULE II attached hereto.

Section 2. District Plan Change. The proposed change to the District Plan as set forth on SCHEDULE III is hereby approved.

Section 3. Ratification. The rest and remainder of Ordinance No. 42-966, as amended by Ordinance Nos 45-339, 46-407and 49-557, is hereby ratified and confirmed.

Section 4. Recording. A certified copy of this Ordinance shall be recorded with the Sedgwick County, Kansas, Register of Deeds.

Section 5. Conforming Amendments. The legal description of the District contained as exhibits to various documents related to the District are hereby modified to conform to the amendment authorized in Section 1 hereof

Section 6. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication of a summary thereof, one time in the official City newspaper.

Section 6. Notification. The City Clerk shall cause to be transmitted copies of this Ordinance to the Sedgwick County Board of County Commissioners, Clerk, Treasurer and Appraiser, to the Board of Education of Unified School District Nos. 259 (Wichita) and to the Secretary.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]
PASSED by not less than a majority of the City Council of the City of Wichita, Kansas, on December 6, 2016.

(Seal)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, Director of Law and City Attorney

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]
CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 50-[___] (the “Ordinance”) of the City of Wichita, Kansas (the “City”); that said Ordinance was passed by the City Council on December 6, 2016, that the record of the final vote on its passage is found on page ____ of journal ____; that a summary thereof was published in the official newspaper of the City on December 9, 2016; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: December 9, 2016.

______________________________________________
Karen Sublett, City Clerk
SCHEDULE I

DESCRIPTION OF ADDITIONAL PROPERTY

An area including the following additions, lots and parcels all located in Wichita, Sedgwick County, Kansas:
Advanced Learning Library Addition; Sycamore Addition; Odd Lots 21 to 51 on Oak Street and half of vacated Pearl on the south, West Wichita Addition; Even Lots 22 to 52 on Oak Street and half of vacated Pearl on the south, West Wichita Addition; Odd Lots 21 to 51 on Sycamore Street and half of vacated Pearl on the south, West Wichita Addition; Odd Lots 101 to 143 on Chicago, now Douglas Avenue, West Wichita Addition; Even Lots 102 to 140 and the West 5 feet of Lot 142 on Chicago, now Douglas Avenue, West Wichita Addition; Even Lots 144 to 160 and the East 20 feet of Lot 140 and the vacated alley adjacent on the South on Chicago, now Douglas Avenue, West Wichita Addition; Reserve A, West Wichita Addition except that part lying east of the center line of the railroad right-of-way and except the northwest 10 feet taken for alley and except that part replatted as part of Payne’s Park Addition; Payne’s Park Addition; that part of the Southwest ¼ of Section 20-Township 27-Range 1 East of the 6th P.M. lying South of Reserve A, West Wichita Addition and East of Payne’s Park Addition and lying north of the South line of Lot 9, Block 6, Payne’s Park Addition extended East to the center line of the railroad right-of-way and except that part dedicated for street; Wichita Ice Center Addition;
All public streets and rights of way contiguous to the above described parcels including parcels condemned in CC A-60844; and any portions of the Big Arkansas River lying contiguous to the above described parcels.
SCHEDULE II

EXHIBIT “A”

EAST BANK REDEVELOPMENT DISTRICT FOR STAR BOND PURPOSES

LEGAL DESCRIPTION
(Revised to include Additional Property)

An area including the following additions, lots and parcels all located in Wichita, Sedgwick County, Kansas:

Two Rivers Addition; Exploration Place Addition; Lot 1, Block 3, and Reserves H and I, Park Plaza 1st Addition; Farm Credit Banks of Wichita Addition; Church Park Addition; River Vista Village Addition; a parcel described as beginning at the southeast corner of Lot 17, Waco Avenue, Waterman’s Addition to Watermans Addition to Wichita, Sedgwick County, Kansas now platted as Block 1, Church Park Addition to Wichita, Sedgwick County, Kansas thence south along the west line of Waco Avenue to the north line of the Missouri Pacific Railroad right-of-way; thence west along the north line of said right-of-way to the left or east bank of the Arkansas River; thence north along the east or left bank of said river to the south line of said Lot 17; thence east along the south line of said Lot 17 to the point of beginning except therefrom right-of-way dedicated for First Street as recorded on Film 160, Page 425 and Film 218, Page 59; that portion of the former Missouri Pacific Railroad, later Union Pacific Railroad Company, right-of-way lying between Waco Avenue and the Arkansas River; a parcel described as beginning commencing at the Southeast Corner of Holmes’ Addition to Wichita, Kansas, thence N 00°00'00” E along the East line of said Addition, said line also being the West line of Waco Avenue, a distance of 307.09 feet; thence continuing along said line N 00°00’00” E (Assumed), a distance of 84.00 feet to the Point of Beginning; thence S 66°10’26” W, a distance of 190.86 feet; thence S 00°42’43” E, a distance of 7.95 feet; thence N 89°39’27” E, a distance of 50.23 feet; thence along a curve to the left, having a radius of 69.50 feet, a chord bearing of N 58°21’33” E, a chord distance of 72.21 feet, for an arc length of 75.93 feet; thence along a curve to the right, having a radius of 70.5 feet, a chord bearing of N 58°31’51” E, a chord distance of 73.61 feet, for an arc length of 77.45 feet to a point on said west line; thence N 00°00’00” E along said West line a distance of 8.43 feet to the Point of Beginning; a parcel described as beginning at the Southeast corner of Lot 1, Holmes Addition to Wichita, Kansas thence N 00 ’00’00” E (assumed) along the West right-of-way of Waco Avenue, a distance of 307.08 feet to the South line of the former Missouri Pacific Railroad property described as “Commencing at the Southeast Corner of Holmes’ Addition to Wichita, Kansas, thence N 00°00’00” E along the East line of said Addition, said line also being the West line of Waco Avenue, a distance of 307.09 feet; thence continuing along said line N 00°00’00” E (Assumed), a distance of 84.00 feet to the Point of Beginning; thence S 66°10’26” W, a distance of 190.86 feet; thence S 00°42’43” E, a distance of 7.95 feet; thence N 89°39’27” E, a distance of 50.23 feet; thence along a curve to the left, having a radius of 69.50 feet, a chord bearing of N 58°21’33” E, a chord distance of 72.21 feet, for an arc length of 75.93 feet; thence along a curve to the right, having a radius of 70.5 feet, a chord bearing of N 58°31’51” E, a chord distance of 73.61 feet, for an arc length of 77.45 feet to a point on said west line; thence N 00°00’00” E along said West line a distance of 8.43 feet to the Point of Beginning; thence W 89°54’33” E along said North line, a distance of 43.57 feet; thence N
67°22’33” E, a distance of 155.60 feet to the Point of Beginning; East Bank Development Addition; Lot 1
and Lot 2, Block 1, Civic Center South Addition; Lots 79, 81, 83, 85 and 87, Douglas Avenue,
Greiffenstein’s Addition; Lot 1, except that part platted as East Bank Development Addition, Block 2,
Civic Center South Addition; Lot 1, except the west 133. 76 feet, Block 3, Civic Center South Addition;
Waterwalk Phase 2 Addition; Waterwalk Phase 1 Addition; Lots 111 and 113, Main Street,
Greiffenstein’s 3rd Addition; a tract of land in the Southeast ¼ S 20-T 27- R 1E beginning at the
Northwest corner of Lot 1, Eastbank First Addition thence southerly to the South line of said Southeast ¼
thence west to the east bank of the Arkansas River; thence Northerly along said East bank to a point West
of the point of beginning except the North 125 feet thereto and the except the Easterly 16 feet and except
Kellogg right of way on the south; Waterwalk West Addition; Lots 1, 2 and 3 and the East ½ of the
vacated street adjacent on the West, Shirks 1st Subdivision; that part of Reserve A, Winne’s Addition to
Wichita, Sedgwick County, Kansas lying north of Kellogg (US Highway 54) right of way and except that
part platted as Waterwalk West Addition and that part condemned in CC A-60844; all public streets and
rights of way contiguous to the above described parcels including parcels condemned in CC A-60844 and
any portions of the Big Arkansas River lying contiguous to the above described parcels.

And:
An area including the following additions, lots and parcels all located in Wichita, Sedgwick County,
Kansas:
Advanced Learning Library Addition; Sycamore Addition; Odd Lots 21 to 51 on Oak Street and half of
vacated Pearl on the south, West Wichita Addition; Even Lots 22 to 52 on Oak Street and half of vacated
Pearl on the south, West Wichita Addition; Odd Lots 21 to 51 on Sycamore Street and half of vacated
Pearl on the south, West Wichita Addition; Odd Lots 101 to 143 on Chicago, now Douglas Avenue, West
Wichita Addition; Even Lots 102 to 140 and the West 5 feet of Lot 142 on Chicago, now Douglas
Avenue, West Wichita Addition; Even Lots 144 to 160 and the East 20 feet of Lot 140 and the vacated
alley adjacent on the South on Chicago, now Douglas Avenue, West Wichita Addition; Reserve A, West
Wichita Addition except that part lying east of the center line of the railroad right-of-way and except the
northwest 10 feet taken for alley and except that part replatted as part of Payne’s Park Addition; Payne’s
Park Addition; that part of the Southwest ¼ of Section 20-Township 27-Range 1 East of the 6th P.M. lying
South of Reserve A, West Wichita Addition and East of Payne’s Park Addition and lying north of the
South line of Lot 9, Block 6, Payne’s Park Addition extended East to the center line of the railroad right-
of-way and except that part dedicated for street; Wichita Ice Center Addition;
All public streets and rights of way contiguous to the above described parcels including parcels
condemned in CC A-60844; and any portions of the Big Arkansas River lying contiguous to the above
described parcels.

Subject to survey and all easements and restriction of record.
SECTION 1: PURPOSE

A district plan is required for inclusion in the establishment of a redevelopment district under K.S.A. 12-1770 et seq. and a STAR bond district under K.S.A. 12-17,160 et seq. The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describe in a general manner the buildings and facilities to be constructed, reconstructed or improved.

SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME

Projects financed through tax increment financing typically involve the creation of an "increment" in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes are paid to the City to fund projects in the redevelopment district, and the remaining portion is paid to all taxing jurisdictions. The portion of property taxes paid to the City in this way is determined increase in the assessed value of the properties within the redevelopment district as a result of the new development occurring within the area. When the aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district may be funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the "original valuation," are distributed to all taxing jurisdictions just as they were prior to redevelopment. This condition continues until all eligible project costs are funded, or for the 20-year duration of the established district, as defined by statute, whichever is shorter. A similar increment of State and local sales taxes will support improvements authorized by the Kansas Secretary of Commerce associated with STAR bond financing, including the repayment of STAR bonds.

SECTION 3: BUILDINGS AND FACILITIES

The redevelopment district is within the city limits of Wichita, Kansas. The current district is generally bounded on the north by Central Avenue and Greenway Boulevard, on the east by Waco Avenue and Main Street, on the south by Kellogg Street and on the west by McLean Boulevard.

This area included in the district has been the object of significant public redevelopment efforts for over forty years. The Century II Civic Center was undertaken as a major urban renewal project in the 1960s, as was the construction of the main branch of the Wichita Public Library. In the 1970s, the old City Library was redeveloped as a science museum, old City Hall was reopened as the Wichita/Sedgwick County Historic Museum and Century II was expanded by the addition of Expo Hall. During the 1980s, the City concentrated on acquisition of property along the east bank of the Arkansas River in order to clear the land for future public redevelopment projects, including the construction of a convention hotel. In the 1990s, the City continued to acquire land on the east bank, and together with Sedgwick County, redeveloped the West Bank of the Arkansas River into the Exploration Place science museum.

The condition of the buildings in the district that predate the recent redevelopment efforts is typical of that
of a seventy year old central business district. Many aging commercial and office buildings stood vacant due to the migration of commercial businesses to the suburbs during the 1970s and 1980s. However many of the buildings in the proposed redevelopment district have been demolished during this period. The redevelopment plan is intended provide the catalyst that will help complete the downtown revitalization process that started over thirty years ago.

The proposed expanded STAR bond project district, whose boundaries are generally set forth in “Schedule 1”, attached hereto, is an area that meets the criteria for designation as a “major commercial entertainment and tourism area, including a major multi-sport athletic complex” as defined by state law governing the establishment and financing of STAR bond project districts. Property located within a major commercial entertainment and tourism area is legally eligible for establishment of a STAR bond project district.

The buildings and facilities to be constructed or improved in the STAR Bond project district may be described in a general manner as a mixed-use development consisting of some or all of the following uses: major multi-sport athletic complex; stadium improvements; destination attractions; retail uses; restaurant uses; other general commercial development; hotel uses; pedestrian overpasses; museums; and associated public and private infrastructure.

SECTION 4: STAR BOND PROJECT AREAS AND ELIGIBLE PROJECT COSTS

It is anticipated that the proposed improvements may occur in single or multiple phases within the STAR Bond Project Area, which must be adopted by the City Council by a 2/3 majority vote before the expenditure of any funds to be financed with STAR bonds.

STAR bond financing may be used to pay for the purchase of real estate and site preparation including the demolition of structures and utility relocations, as well as on public infrastructure improvements, such as streetscape, public parking, utility extensions, landscaping, public plazas, sidewalks and pedestrian underpasses or overpasses, museum facilities and multi-sport athletic complex and any other items permitted to be financed by statute.

SECTION 5: REDEVELOPMENT

Redevelopment plans center around the construction of a 300-room full-service convention hotel adjacent to the Century II Expo Hall, the River Corridor improvements and the WaterWalk mixed-use commercial development. The Hyatt Regency Hotel was developed in 1996, and serves as the "headquarters" hotel for large conventions at Century II. In addition to the hotel, the City built and operates a 12,000 square foot conference center and a 500-car parking garage adjoining both the hotel and Century II. Both the Douglas Avenue Bridge and the Lewis Street Bridge have been substantially reconstructed, based on designs selected through a nationwide design competition, and a pedestrian promenade along the east bank of the Arkansas River, has been constructed from Kellogg to Douglas. In addition, Waterman, Wichita and Lewis Streets on the east bank, and McLean Boulevard on the west bank have been improved and upgraded with appropriate streetscape designs.

Plans for the other phases of redevelopment in the area include the public-private development of a major commercial, entertainment and tourism area in the immediate vicinity of the Arkansas River between the Kellogg and Seneca bridges, which will include restaurants, shops, offices and apartments. The WaterWalk Project includes as public amenities a water feature, a small outdoor amphitheater, plazas, fountains, walkways, a pedestrian bridge across the Arkansas River and public parking facilities. The River Corridor Project includes riverbank promenades, water features, a large outdoor amphitheater and
renovation of the Keeper of the Plains complex at the confluence of the Arkansas River and the Little Arkansas River. The goal is to create a major tourism attraction that will bring people from throughout the State of Kansas and the United States. (? Add brief references to West Bank Apts improvements and Drury Hotel project)

SECTION 6: SUMMARY

Per statute, the above-mentioned redevelopment projects will be presented to the Governing Body in segments through the adoption of separate redevelopment plans. Each plan will identify specific project areas located within the district and will include detailed descriptions of the projects as well as a financial feasibility study that shows the economic benefits outweigh the costs. A map generally describing the various project areas is attached hereto as Schedule 1.
SCHEDULE I

MAP GENERALLY DEPICTING PROJECT AREAS

[ON FOLLOWING PAGE]
On December 6, 2016, the City Council of the City of Wichita, Kansas (the “City”) passed an ordinance entitled:

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 42-966 OF THE CITY OF WICHITA, KANSAS, THAT ESTABLISHED THE EAST BANK REDEVELOPMENT DISTRICT TO INCLUDE ADDITIONAL PROPERTY IN SUCH DISTRICT FOR STAR BOND PURPOSES ONLY; AND PROVIDING FOR A SUBSTANTIAL CHANGE TO THE DISTRICT PLAN ASSOCIATED WITH SUCH DISTRICT.

Ordinance No. 50-[] (the “Ordinance”) further amends Exhibit A to Ordinance No. 42-966, as amended by Ordinance Nos 45-339, 46-407 and 49-557, that established the East Bank Redevelopment District (the “District”) for STAR Bond Purposes. Exhibit A contains the legal description of the District. The Ordinance also authorized conforming amendments (relating to the legal description) to related District documents; and makes a substantial change to the District Plan. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 13th Floor, City Hall, 455 North Main, Wichita, Kansas 67202-1679. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wichita.gov.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: December 9, 2016.

Jennifer Magaña, Director of Law and City Attorney