



Agenda

**REGULAR MEETING
GOVERNING BODY
CITY OF LENEXA, KANSAS
17101 W. 87th STREET PARKWAY**

**JUNE 2, 2020
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

APPROVE MINUTES

May 19, 2020 City Council meeting draft minutes (located in the Appendix)

MODIFICATION OF AGENDA

PROCLAMATIONS

National Gun Violence Awareness & Wear Orange Day - June 5; Emergency Medical Services Week

CONSENT AGENDA

Item Numbers 1 through 5

All matters listed within the Consent Agenda have been distributed to each member of the Governing Body for review, are considered to be routine, and will be enacted by one motion with no separate discussion. If a member of the Governing Body or audience desires separate discussion on an item, that item may be removed from the Consent Agenda and placed on the regular agenda.

1. Acceptance of the 2019 Storm Sewer Lining Project for maintenance

The 2019 Storm Sewer Lining Project included lining 7,167 linear feet of 15-inch diameter pipe with Cured-in-Place Pipe (CIPP) storm sewer lining. No pipe repairs or replacements were involved. Pipe lining locations were scattered throughout eastern Lenexa.

2. Resolution calling for a public hearing to consider establishing a community improvement district for the Jayhawk Ridge Project

The City received an application and petition from Jayhawk Ridge, LLC to establish a community improvement district (CID) for the Jayhawk Ridge mixed-use project located on the southeast corner of Prairie Star Parkway and Ridgeview Road. The petition requested the levy of a 1% CID sales tax on all sales within the proposed CID area. A public hearing will be held at the July 7, 2020 City Council meeting to consider establishing a CID.

3. Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located in the northeast corner of 83rd Street and Mize Road

The enlargement of Johnson County Wastewater service area boundaries in Lenexa is necessary to accommodate the construction of a development on the 44-acre area located in the northeast corner of 83rd Street and Mize Road.

4. Resolution authorizing the termination of a lease and payment in lieu of taxes agreement as a result of an industrial revenue bonds redemption (Pine Ridge West - Building 33 Project)

Lenexa 33, LLC notified the City of its intent to redeem the industrial revenue bonds associated with Pine Ridge West Building 33 Project and on April 28, 2020 exercised its option to purchase the project in accordance with the provisions of the Bond Lease. The abatement terminated after calendar year 2019.

5. Ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of the 87th Street Parkway and I-435 Interchange Improvements Project

For the construction of public improvements associated with the 87th Street Parkway and I-435 Interchange Improvements Project, an ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation is needed. This ordinance authorizes City staff and its acquisition counsel to file a condemnation petition with the district court to acquire the easements and rights-of-way necessary.

END OF CONSENT AGENDA

BUSINESS FROM FLOOR

Comments will be accepted from the audience on items not listed on the agenda. Please limit remarks to a maximum of five (5) minutes per person/issue.

COUNCILMEMBER REPORTS

STAFF REPORTS

6. Parks & Recreation program updates

EXECUTIVE SESSION

7. To perform the City Manager annual performance review as permitted by the non-elected personnel matter exception (K.S.A. 75-4319(b)(1))

ADJOURN

APPENDIX

8. May 19, 2020 City Council meeting draft minutes
9. National Gun Violence Awareness & Wear Orange Day Proclamation
10. Item 2 -- Jayhawk Ridge CID Petition
11. Item 4 -- Pine Ridge West Building 33 Termination of Lease and PILOT
12. Item 4 -- Pine Ridge West Building 33 Warranty Deed

Dist. Governing Body; Management Team; Agenda & Minutes Distribution List

IF YOU NEED ANY ACCOMMODATIONS FOR THE MEETING, PLEASE CONTACT THE CITY ADA COORDINATOR, 913/477-7550. KANSAS RELAY SERVICE 800/766-3777. PLEASE GIVE 48 HOURS NOTICE



**CITY COUNCIL
MEMORANDUM**

ITEM 1

SUBJECT: Acceptance of the 2019 Storm Sewer Lining Project for maintenance

CONTACT: Tim Green, Deputy Community Development Director

DATE: June 2, 2020

ACTION NEEDED:

Accept the 2019 Storm Sewer Lining Project for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

The City uses Cured-in-Place Pipe (CIPP) lining to rehabilitate deteriorated storm sewer pipe. The CIPP process is safer and faster than traditional open-cut methods and requires little, if any, excavation. CIPP costs 20% to 40% less than traditional open trench excavation. This project included pipe lining with no pipe repairs or replacements. The pipe lining locations were scattered throughout eastern Lenexa.

Staff performed a final inspection on May 13, 2020 and advised that all work had been completed in accordance with the plans and specifications. The maintenance bonds for this project shall go into force upon acceptance by the Governing Body on June 2, 2020 and will expire on June 2, 2022.

The contractor was SAK Construction.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

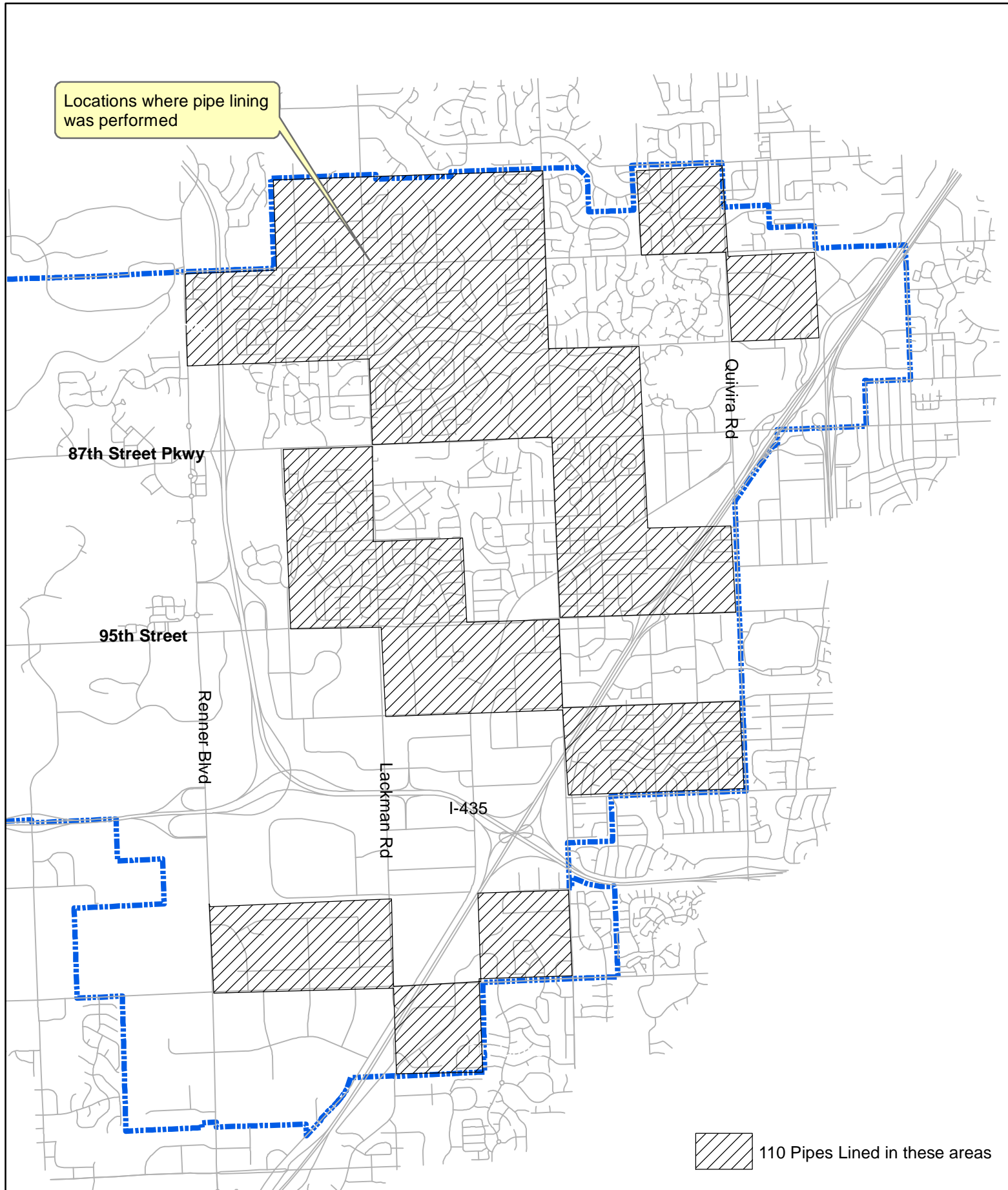
This project was funded by 2019 Stormwater Infrastructure funds.

STAFF RECOMMENDATION:

Acceptance for maintenance.

ATTACHMENTS

1. Map



2019 Pipe Lining Project

Aerial/Vicinity Map



**CITY COUNCIL
MEMORANDUM**

ITEM 2

SUBJECT: Resolution calling for a public hearing to consider establishing a community improvement district for the Jayhawk Ridge Project

CONTACT: Sean McLaughlin, City Attorney

DATE: June 2, 2020

ACTION NEEDED:

Adopt a resolution calling for a public hearing to consider establishing a community improvement district (CID) for the Jayhawk Ridge Project.

PROJECT BACKGROUND/DESCRIPTION:

The City received a petition from Jayhawk Ridge, LLC ("Developer"), which owns more than 55% of the land within the proposed CID. In order to establish a CID, the City must hold a public hearing. The attached resolution provides notice of a public hearing to consider establishment of a CID over a portion of the Jayhawk Ridge mixed-use project located on the southeast corner of Prairie Star Parkway and Ridgeview Road. The public hearing will be held at the July 7, 2020 City Council meeting at 7 PM or as soon thereafter as may be heard. At the public hearing, staff will present more detailed information regarding the proposed CID project. After the presentation, all interested persons will be provided an opportunity to be heard. Following the public hearing, the Governing Body, by a majority vote, may pass an ordinance establishing the CID.

The proposed CID will levy a 1% CID sales tax on all property within the CID, which covers 24.78 acres ("Property"). Developer is constructing a mixed-use development that is anticipated to include a five-story mixed-use building with 15,000 square feet of retail and 150 residential units; a three-story, 100,000 square foot climate controlled self-storage facility; 36,000 square feet of retail uses in six buildings; and access roads, surface parking, sidewalks, landscaping, site development, surface remediation and reclamation, and associated infrastructure ("CID Project"). The CID sales tax will commence on or about January 1, 2022 and the funds will be used to pay for approved CID eligible costs associated with the CID Project.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

There are no financial implications to the City. It is proposed that this will be a reimbursement CID financed with a 1% CID sales tax on retail sales within the CID area.

STAFF RECOMMENDATION:

Adoption of the resolution.

ATTACHMENTS

1. Map
2. Resolution
3. Petition located in the Appendix

Jayhawk Ridge CID Area



RESOLUTION NO. _____

A RESOLUTION GIVING NOTICE OF A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT OVER A PORTION OF LAND IN THE CITY OF LENEXA, KANSAS (JAYHAWK RIDGE PROJECT).

WHEREAS, K.S.A. 12-6a26 *et seq.*, as amended, establishes the Community Improvement District Act (the “Act”) for economic development and any other purpose for which public money may be expended; and

WHEREAS, cities are authorized to create a community improvement district (“CID”) to assist with the financing of eligible projects provided cities comply with the procedures set forth in the Act; and

WHEREAS, the City received a petition from the owners of record of more than 55% of the land within the proposed CID and the owners of record of more than 55% by assessed value of the land area within the proposed CID generally described as the southeast corner of Prairie Star Parkway and Ridgeview Road (the “ Project”) and legally described in Section 8 herein; and

WHEREAS, in order to assist in the development and redevelopment of the CID Project, the City desires to consider the establishment of a CID as requested by Petitioners and in accordance with the Act; and

WHEREAS, K.S.A. 12-6a29 provides that any city proposing to establish a CID must adopt a resolution stating that the city is considering the establishment of a CID and include in such resolution notice that a public hearing will be held to consider the establishment of the CID.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS, AS FOLLOWS:

SECTION 1. A public hearing to consider the advisability of creating a CID shall be held at the Lenexa City Council meeting on July 7, 2020 at 7:00 p.m., central daylight time or as soon thereafter as it may be heard, in the Council Chambers at the Lenexa City Hall, 17101 W. 87th St. Pkwy, Lenexa, Kansas.

SECTION 2. The general nature of the CID Project consists of the construction of a mixed-use development that is anticipated to include a five-story mixed-use building with approximately 15,000 sq. ft. of retail and 150 residential unit; a three-story, approximately 100,000 sq. ft. climate controlled self-storage facility; approximately 36,000 sq. ft of retail uses in approximately six buildings; and access roads, surface parking, sidewalks, landscaping, site development, surface remediation and reclamation and associated infrastructure on the Petitioner Property. The Petitioner is requesting that revenues generated from a

CID Sales Tax be used to pay for or reimburse some or all of the Project costs. The general components of the Project include but are not limited to such items as site preparation and development, construction of buildings and tenant finish improvements, including FF&E, construction of infrastructure and surface parking; ongoing operation and maintenance costs and any other items or uses associated with the CID Project as authorized by the Act.

SECTION 3. The estimated total cost of the CID Project is \$100,000,000.

SECTION 4. The proposed method of financing the Project is through a combination of private equity, private debt and Pay-as-you-go financing reimbursed with a CID sales tax in the amount of one percent (1%). The City may entertain a future request to issue CID Special Obligation Bonds if the City deems it is feasible and in the best interest of the City, but the City is not obligated to approve such issuance. Further, the City will not be issuing full faith and credit bonds to finance this proposed Project.

SECTION 5. The amount of the CID sales tax to be levied is one percent (1%) for a term of twenty-two (22) years from the date the CID sales tax is first collected and the Petition proposes a January 1, 2022 commencement date for the CID sales tax.

SECTION 6. There will be no CID special assessment levied on the property as a result of the CID petition.

SECTION 7. A map of the proposed CID is included in Exhibit A attached to this Resolution and incorporated herein.

SECTION 8. The legal description of the proposed CID is as follows:

Part of the NW¼ of Section 6, T13S, R24E of the Sixth Principal Meridian, in the City of Lenexa, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of the NW¼ of Section 6, T13S, R24E of the Sixth Principal Meridian, in the City of Lenexa, Johnson County, Kansas; thence S 01°58'19" E, along the West line of said NW¼ a distance of 695.28 feet to the TRUE POINT OF BEGINNING; thence N 53°20'51" E a distance of 218.43 feet to a point on the Easterly right-of-way line of Ridgeview Road as now established; thence N 01°50'40" W, along the Easterly right-of-way line of said Ridgeview Road, a distance of 307.72 feet; thence N 35°15'40" E a distance of 35.78 feet; thence N 85°02'21" E a distance of 128.84 feet; thence N 88°02'32" E a distance of 155.49 feet; thence N 87°46'02" E a distance of 625.40 feet; thence S 01°39'00" E a distance of 356.99 feet; thence Southwesterly, on a curve to the right having a radius of 625.00 feet, for a distance of 301.57 feet; thence Southwesterly, on a curve to the left having an initial tangent bearing of S 25°59'44" W and a radius of 575.00 feet, for a distance of 277.61 feet; thence S 01°40'00" E a distance of

181.46 feet; thence S 87°20'17" W a distance of 458.52 feet; thence S 42°13'21" E a distance of 30.67 feet to a point on the Easterly right-of-way line of said Ridgeview Road; thence S 71°23'50" W, along the Easterly right-of-way line of said Ridgeview Road, a distance of 44.74 feet; thence Northwesterly, continuing along the Easterly right-of-way line of said Ridgeview Road, on a curve to the right having a radius of 54.00 feet, for a distance of 81.26 feet; thence Northwesterly, continuing along the Easterly right-of-way line of said Ridgeview Road, on a curve to the left having an initial tangent bearing of N 22°23'10" W and a radius of 1,310.00 feet, for a distance of 28.35 feet; thence S 66°22'26" W a distance of 124.00 feet to a point on the Westerly right-of-way line of said Ridgeview Road; thence Southeasterly, along the Westerly right-of-way line of said Ridgeview Road, on a curve to the right having an initial tangent bearing of S 23°37'34" E and a radius of 1,186.00 feet, for a distance of 34.65 feet; thence Southwesterly, continuing along the Westerly right-of-way line of said Ridgeview Road, on a curve to the right having an initial tangent bearing of S 21°57'08" E and a radius of 34.00 feet, for a distance of 62.30 feet; thence Northwesterly, continuing along the Westerly right-of-way line of said Ridgeview Road, on a curve to the right having an initial tangent bearing of S 83°02'14" W and a radius of 195.00 feet, for a distance of 157.44 feet; thence N 22°14'16" W a distance of 384.29 feet to a point on the West line of said NW¼; thence N 01°58'19" W, along the West line of said NW¼, a distance of 44.61 feet; thence N 67°46'15" E a distance of 33.95 feet; thence N 22°13'44" W a distance of 26.28 feet; thence S 67°46'15" W a distance of 24.25 feet to a point on the West line of said NW¼; thence N 01°58'19" W, along the West line of said NW¼, a distance of 249.80 feet to the TRUE POINT OF BEGINNING, containing 24.77593 acres, more or less.

SECTION 9. The Governing Body shall consider findings necessary for the establishment of the proposed CID.

SECTION 10. A copy of this Resolution shall be mailed by certified mail, return receipt requested, to each owner and occupant of land within the proposed CID project area at least 10 days prior to the date of the public hearing. The City Clerk shall publish this resolution at least once each week for two consecutive weeks in the official city newspaper with the second publication occurring at least seven days prior to the date fixed for the public hearing.

SECTION 11. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Lenexa City Council this 2nd day of June, 2020.

SIGNED by the Mayor this 2nd day of June, 2020.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

Attest:

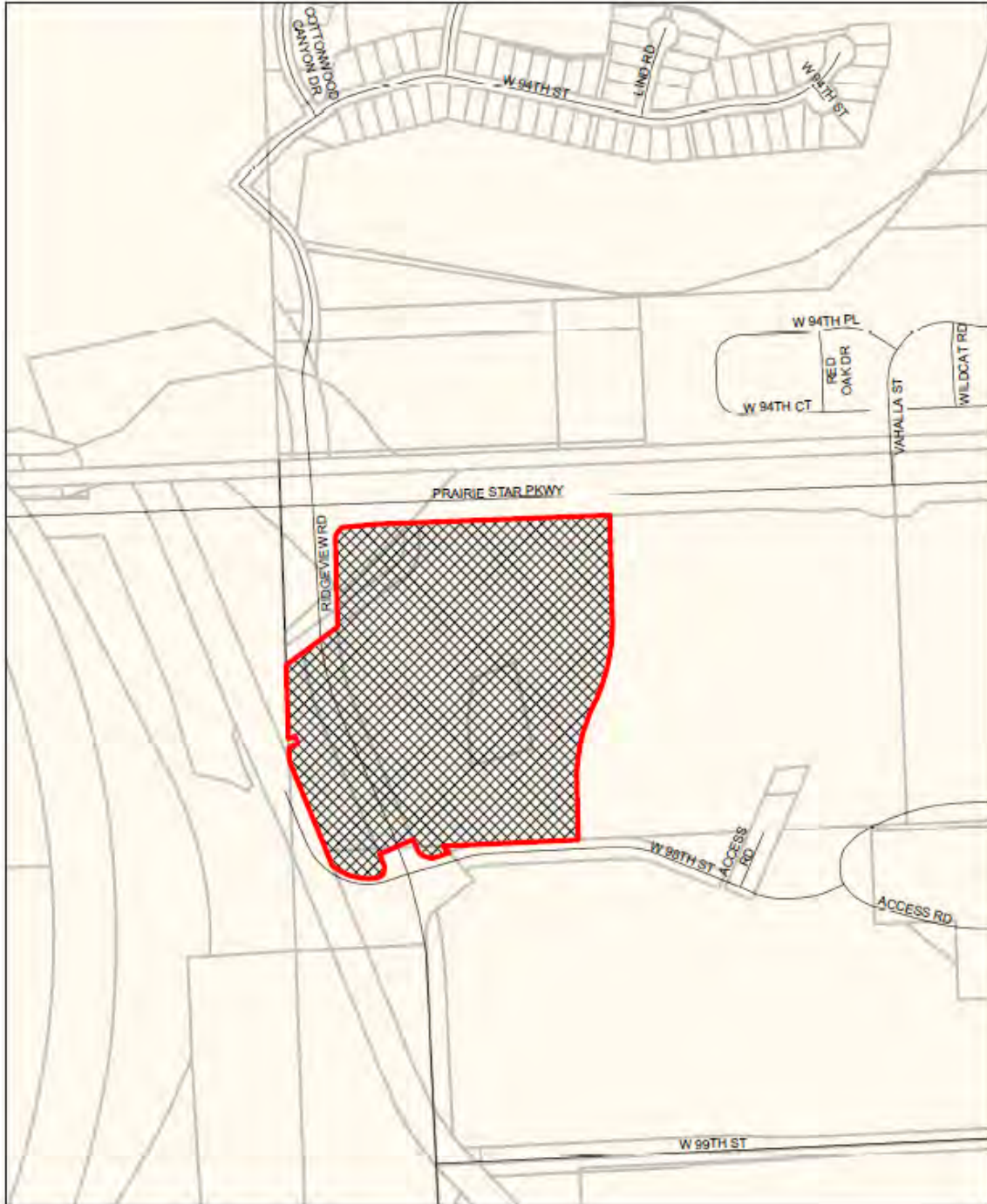
Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney

Exhibit A – Map of Proposed CID District

Jayhawk Ridge CID Area





**CITY COUNCIL
MEMORANDUM**

ITEM 3

SUBJECT: Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located in the northeast corner of 83rd Street and Mize Road

CONTACT: Sean McLaughlin, City Attorney

DATE: June 2, 2020

ACTION NEEDED:

Adopt a resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located in the northeast corner of 83rd Street and Mize Road.

PROJECT BACKGROUND/DESCRIPTION:

Johnson County Charter Resolution No. 29-92 requires the County to get the City's consent to any proposed enlargements to the Consolidated Main Sewer District of Johnson County, Kansas ("CMSD"). CMSD has requested consent to enlarge its sanitary sewer system in an approximately 40-acre area located in the northeast corner of 83rd Street and Mize Road. The proposed enlargement is located in Lenexa and will serve the proposed DeSoto School District's Mill Creek Career and Technical Education/Early Childhood Center. City staff has reviewed this request and does not object to the requested enlargement.

STAFF RECOMMENDATION:

Adoption of the resolution.

ATTACHMENTS

1. Map
2. Resolution



Owner: Unified School
District #232

Property ID: IF231229-3009


Parcel Acreage: 40.03 acres

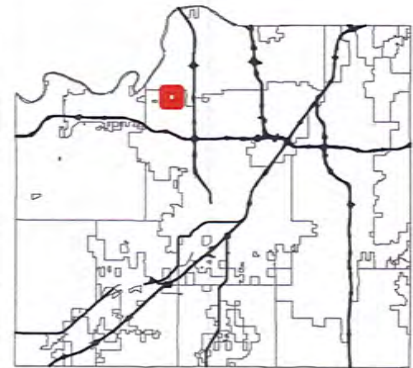
Land Use: Institutional highest
and best use

IF231229-3009

-  Subject Parcels
-  Current CMSD Boundary

Sanitary Sewers

-  Gravity Sewers



RESOLUTION NO. _____

A RESOLUTION CONSENTING TO THE ENLARGEMENT OF THE CONSOLIDATED MAIN SEWER DISTRICT OF JOHNSON COUNTY, KANSAS TO INCLUDE PROPERTY LOCATED IN THE NORTHEAST CORNER OF 83rd STREET AND MIZE ROAD.

WHEREAS, Johnson County, Kansas Charter Resolution No. 29-92 requires the Board of County Commissioners to obtain the City's consent before enlarging any sewer district within the City limits; and

WHEREAS, the Board of County Commissioners desires to expand the Consolidated Main Sewer District to include the approximately 44.09 acre area located in the northeast corner of 83RD Street and Mize Road; and

WHEREAS, the City consents to the proposed enlargement of the Consolidated Main Sewer District.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: The City consents to the proposed enlargement of the Consolidated Main Sewer District within the city limits of Lenexa, Kansas to include the property shown and described on Exhibit "A".

SECTION TWO: This Resolution shall become effective upon passage.

ADOPTED by the City Council this 2nd day of June, 2020.

SIGNED by the Mayor this 2nd day of June, 2020.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 4

SUBJECT: Resolution authorizing the termination of a lease and payment in lieu of taxes agreement as a result of an industrial revenue bonds redemption (Pine Ridge West - Building 33 Project)

CONTACT: Sean McLaughlin, City Attorney
Doug Robinson, Chief Financial Officer

DATE: June 2, 2020

ACTION NEEDED:

Adopt a resolution authorizing the termination of a lease and payment in lieu of taxes (PILOT) agreement as a result of an industrial revenue bonds (IRBs) redemption (Pine Ridge West - Building 33 Project).

PROJECT BACKGROUND/DESCRIPTION:

The City issued \$5,188,161 in its IRBs in June 2009 on behalf of Lenexa 33, LLC ("Company") for construction of its facility at 11601 W. 81st Street. The City also entered into a 10-year PILOT agreement with the Company. Wells Fargo, N.A. is the trustee on the IRBs. In connection with the issuance of the IRBs, the City entered into a lease with the Company.

The tax abatement ended in 2019 and the Company desires to exercise its purchase option and redeem the IRBs. Upon redemption and Trustee Certification, the City will reconvey the property to the Company.

Upon approval and execution of the redemption documents, the City Attorney will hold the documents in escrow pending receipt from the Trustee of its certification that all associated costs with the IRB redemption have been paid in full. Upon receipt of such written Trustee Certification, the City Attorney will record the Termination of Lease and PILOT, and Special Warranty Deed.

STAFF RECOMMENDATION:

Adoption of the resolution.

ATTACHMENTS

1. Map
2. Resolution
3. Termination of Lease and PILOT located in the Appendix
4. Warranty Deed located in the Appendix



RESOLUTION NO. 2020 -

A RESOLUTION AUTHORIZING THE CITY OF LENEXA, KANSAS TO EXECUTE THE NECESSARY DOCUMENTS TO TERMINATE THE LEASE AGREEMENT AND PILOT AGREEMENT AND CONVEY CERTAIN REAL AND PERSONAL PROPERTY TO LENEXA 33, LLC PERTAINING TO INDUSTRIAL REVENUE BONDS (TAXABLE UNDER FEDERAL LAW) SERIES 2009 FOR PROPERTY LOCATED AT 11601 W. 81ST STREET, LENEXA, KANSAS. (PINE RIDGE WEST – BUILDING 33 PROJECT).

WHEREAS, the City of Lenexa, Kansas (the "City", also referred to as "Issuer") issued its Industrial Revenue Bonds, 2009 Series, on behalf of Lenexa 33, LLC ("Lenexa 33", also referred to as the "Tenant") in the aggregate original principal amount of \$5,188,161 (the "Bonds") in connection with the acquisition and equipping of the real property at 11601 W. 81st Street, Lenexa, Kansas and legally described in Schedule "I" attached hereto (the "Project"); and

WHEREAS, the Bonds were issued pursuant to Ordinance No. 5097 passed and approved by the Lenexa Governing Body on June 2, 2009 and pursuant to which Wells Fargo Bank, N.A. was appointed the trustee (the "Trustee"); and

WHEREAS, in connection with the issuance of the Bonds, the City also entered into a Trust Indenture with the Trustee dated as of June 19, 2009 (the "Indenture"); and

WHEREAS, in connection with the issuance of the Bonds, the City as Issuer and Landlord, entered into a lease with Tenant dated as of June 19, 2009 (the "Lease Agreement") and a Memorandum of Lease is recorded with the Johnson County Records and Tax Administration (the "RTA") at Book 2000906, Page 009276, creating a leasehold estate in certain real estate and improvements thereon; and

WHEREAS, the City entered into a Payment in Lieu of Tax Agreement with Tenant dated as of June 2, 2009 and amended on July 22, 2009 (the "PILOT Agreement"); and

WHEREAS, Tenant provided the required notice to the City, the Trustee and all bondholders and thereafter, on April 28, 2020 of its intent pursuant to Article 17 of the Lease, to redeem bonds on about May 28, 2020; and

WHEREAS, upon receipt from the Trustee of a written certification verifying the Bonds matured and were fully paid and there is no remaining outstanding principal balance or other costs and fees as permitted by the Bond documents

associated with the Bonds, the City will deliver the necessary documents to terminate the agreements; and

WHEREAS, the City desires to convey to Tenant title to the real property acquired with the Bond proceeds upon satisfaction of the conditions specified herein and thereafter terminate the Lease Agreement and the PILOT Agreement. The City desires to take such action at its regularly scheduled June 2, 2020 City Council meeting with approval, execution and release of the documents.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: Notice. The City acknowledges receipt of the required notice and the fee associated with Tenant's exercise of its option to purchase as required by the Bond Lease.

SECTION TWO: Approval of Transfer. The City authorizes the transfer by the City to Tenant of the real property legally described as:

Lot 33, Pine Ridge West Business Park – Sixth Plat, a subdivision in the City of Lenexa, Johnson County, Kansas (the "Property")

free and clear of all liens and encumbrances except:

- (a) Permitted Encumbrances as defined in the Lease Agreement;
- (b) those to which title was subject on the date of conveyance to the Issuer of the Project, or to which title became subject with the Tenant or its successors and assigns written consent, or which resulted from any failure of the Tenant or its successors and assigns to perform any of its covenants or obligations under the Lease Agreement;
- (c) taxes and assessments, general and special, if any, which have been assessed but not yet paid; and
- (d) the rights of any party having condemned or who is attempting to condemn or use for a limited period, all or any part of the Project; and

SECTION THREE: Authorization of Documents. The City approves the Kansas Special Warranty Deed and the Termination of Lease & PILOT Agreement and the Discharge of the Memorandum of Lease ("Discharge") in substantially the same form presented to and reviewed by the Governing Body at this City Council meeting.

SECTION FOUR: Execution of Documents. The Mayor is authorized and directed to execute the Kansas Special Warranty Deed and the Termination of Agreements and Discharge and the City Clerk is hereby authorized and directed

to attest to such documents, for and on behalf of the City. The City Clerk shall cause the Special Warranty Deed and the Termination of Agreements and Discharge to be recorded with the Johnson County RTA, with such changes therein as shall be approved by the officer of the City executing such documents, such officer's signatures thereon being conclusive evidence of the City's approval thereof.

SECTION FIVE: Further Authority. The Mayor, City Manager and City Clerk are authorized to execute such other documents, certificates and UCC termination statements as may be necessary to transfer the Project, terminate all interest of the City in the Project and carry out the intent of this Resolution, provided such documents are first reviewed and approved by the City Attorney.

SECTION SIX: Conditions Precedent. This resolution and the actions described herein are contingent upon: (1) the City's receipt of payment Tenant of \$1,000.00 payable to the City as required by the Lease (the "City Fee"); (2) Tenant's execution of the Termination of Lease Agreement & Memorandum thereof (the "Document Execution"); and (3) receipt from the Trustee of a written certification of Trustee, on a form approved by the City Attorney, verifying the Bonds matured and were fully paid and there is no remaining outstanding principal balance or other costs and fees as permitted by the Bond documents associated with the Bonds (the "Trustee Certification").

SECTION SEVEN: Effective Date. This Resolution shall take effect and be in force from and after its adoption.

ADOPTED by the Lenexa City Council this 2nd day June 2020.

APPROVED by the Mayor this 2nd day June, 2020.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 5

SUBJECT: Ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of the 87th Street Parkway and I-435 Interchange Improvements Project

CONTACT: Tim Green, Deputy Community Development Director
Sean McLaughlin, City Attorney

DATE: June 2, 2020

ACTION NEEDED:

Pass an ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of the 87th Street Parkway and I-435 Interchange Improvements Project.

PROJECT BACKGROUND/DESCRIPTION:

This is an ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the construction of the public improvements associated with the 87th Street Parkway and I-435 Interchange Improvements Project ("Project"). This ordinance authorizes the City's property acquisition counsel to file a condemnation petition with the district court to acquire the easements and rights-of-way necessary for the Project.

On January 21, 2020, the City Council passed Resolution 2020-07, which authorized City staff to begin the acquisition process. Resolution 2020-07 authorized the Community Development Director, or a designee, to negotiate and approve offers for the easements and rights-of-way necessary for the Project and to enter into agreements accomplishing such acquisition, whose value does not exceed authorization under the City's purchasing policy; and the City Manager, or a designee, is authorized to enter into all other agreements accomplishing such acquisition, provided there is sufficient funding available in the approved project budget to accomplish the same.

The Project requires acquisition from five tracts. The City sent out purchase offers on April 1, 2020, but the City has been unable to acquire any property due in part to the pandemic. The City anticipates including all five tracts in the condemnation proceedings, but will continue to negotiate the acquisitions for each of the tracts during the condemnation process and remove any tracts from the condemnation proceedings as they are acquired.

The condemnation proceedings will not affect the timeline for the Project, which is scheduled to begin in winter 2021.

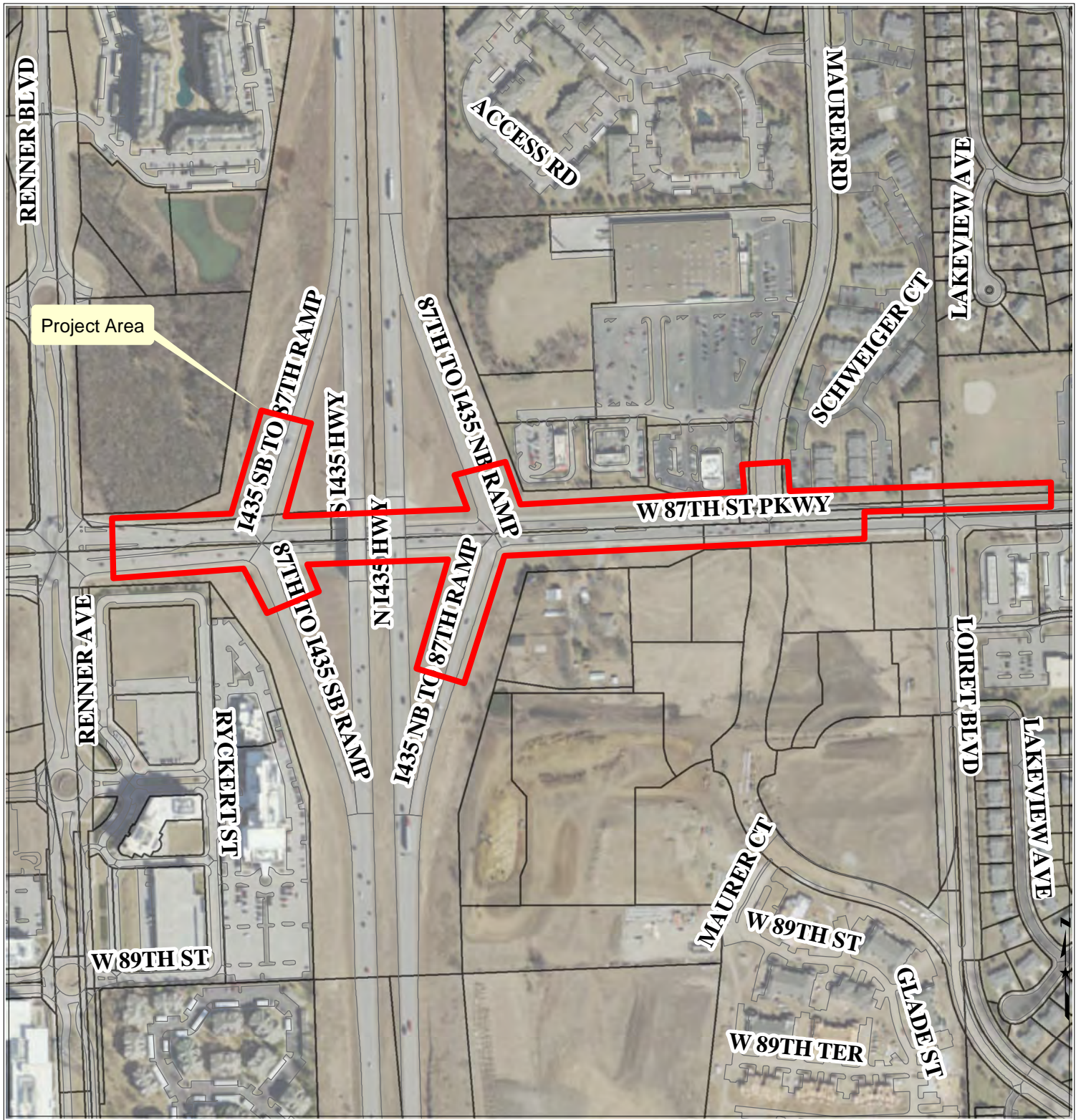
The City is using Orrick & Erskine as its acquisition counsel.

STAFF RECOMMENDATION:

Passage of the ordinance.

ATTACHMENTS

- 1. Map
- 2. Ordinance



87th St Pkwy and I-435 Interchange Improvements Renner Blvd to Maurer Rd

0 105 210 420 630 840
Feet



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE 87TH STREET PARKWAY AND I-435 INTERCHANGE IMPROVEMENTS PROJECT IN LENEXA, JOHNSON COUNTY, KANSAS.

WHEREAS, the Governing Body of the City of Lenexa, Kansas did by Resolution No. 2020-07, declare the necessity for, and authorize a survey and description of lands or interests therein to be acquired by the City for the following:

Construction of the 87th Street Parkway and I-435 Interchange Improvements Project.

The project includes construction of additional traffic lanes, mill and overlay of the existing road surface, modifications to existing storm sewer and street lighting systems, trail relocation, traffic signal replacement, utility location and relocation, environmental review and mitigation, landscaping, and all appurtenant facilities, as well as easement and condemnation costs; preliminary and final engineering; survey, staking, grading, and erosion control; appraisal fees; construction supervision/inspection; testing; and other related improvements to be constructed with the main improvement; City administrative costs; legal fees; and costs associated with the bond and interest expense associated with financing the improvement and other necessary appurtenances; and

WHEREAS, said survey and description was prepared and is maintained at the Lenexa City Hall.

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

SECTION ONE: It is hereby authorized and provided that the lands or interests therein, hereafter described, be acquired for the following improvement:

Construction of the 87th Street Parkway and I-435 Interchange Improvements Project.

The project includes construction of additional traffic lanes, mill and overlay of the existing road surface, modifications to existing storm sewer and street lighting systems, trail relocation, traffic signal replacement, utility location and relocation, environmental review and mitigation, landscaping, and all appurtenant facilities, as well as easement and condemnation costs; preliminary and final engineering; survey, staking, grading, and erosion control; appraisal fees; construction supervision/inspection; testing; and other related improvements to be constructed with the main improvement; City administrative costs; legal fees; and costs associated with the bond and interest expense associated with financing the improvement and other necessary appurtenances.

TRACT 4 – MCDONALD’S PROPERTY:

FEE OWNER: McDonald’s Corporation

SITUS 15920 W. 87th Street Parkway
ADDRESS: Lenexa, KS 66219

Parcel ID: IF241229-2014

MAILING McDonalds Corporation
ADDRESS: 16332 Monrovia St.
Overland Park, KS 66221

Temporary Construction Easement

All that part of a tract of land described in a Warranty Deed found in Book 3224, at Page 986 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at a 3/4” iron rebar marking the Southeast corner of said Southwest Quarter; thence South 87°38’09” West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (South 87°38’22” West deed) on the South line of said Southwest Quarter, a distance of 726.01 feet to a point; thence North 02°21’51” West, a distance of 66.75 feet to a point on the Northeasterly right-of-way line of Interstate No. 435 as described in Book 1150, at Page 598, as field in said Register of Deeds Office and the **POINT OF BEGINNING**; thence North 73°18’23” West on said Northeasterly right-of-way line, a distance of 73.65 feet to a point 90.80 feet North of said South section line; thence South 83°29’34” East, a distance of 91.09 feet to a point 76.75 feet North of said South section line; thence North 87°38’09” East on a line 76.75 feet North of and parallel with said South section line, a distance of 75.41 feet to a point; thence North 74°48’57” East, a distance of 37.14 feet to a point 59.00 feet West of the centerline of Maurer Road, as shown on POINT WEST APARTMENTS, a recorded subdivision as filed in said Register of Deeds Office in Book 59, at Page 30; thence North 02°21’51” West on a line 59.00 feet West of and parallel with said centerline, a distance of 44.67 feet to a point; thence Northeasterly on a curve to the right, 59.00 feet Westerly of and parallel with said centerline, tangent to the last described course, having a radius of 909.00 feet, a delta angle of 10°48’53” and an arc length of 171.58 feet to a point; thence North 64°56’23” West, a distance of 11.47 feet to a point 70.00 feet West of said centerline; thence Northeasterly on a non-tangent curve to the right 70.00 feet West of

and parallel with said centerline, having an initial tangent bearing of North 08°39'17" East, a radius of 920.00 feet, a delta angle of 00°09'12" and an arc length of 2.46 feet to a point on the North line of said deed; thence North 87°38'09" East (North 87°38'22" East deed) on said North line, a distance of 16.31 feet to a point 54.00 feet West of said centerline; thence Southerly on a non-tangent curve to the left, 54.00 feet West of and parallel with said centerline, having an initial tangent bearing of South 09°00'30" West, a radius of 904.00 feet, a delta angle of 11°22'22" and an arc length of 179.44 feet to a point; thence South 02°21'51" East on a line 54.00 feet West of and parallel with said centerline, a distance of 48.66 feet to a point; thence South 74°48'57" West, a distance of 64.22 feet to a point 66.75 feet North of said South section line; thence South 87°38'09" West on a line 66.75 feet North of and parallel with said South line, a distance of 74.39 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 2,783 square feet or 0.064 acres more or less.

Permanent Utility Easement

All that part of a tract of land described in a Warranty Deed found in Book 3224, at Page 986 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at a 3/4 inch iron rebar marking the Southeast corner of said Southwest Quarter; thence South 87°38'09" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (South 87°38'22" West deed) on the South line of said Southwest Quarter, a distance of 726.01 feet to a point; thence North 02°21'51" West, a distance of 66.75 feet to a point on the Northeasterly right-of-way line of Interstate No. 435 as described in Book 1150, at Page 598, as filed in said Register of Deeds Office, and the **POINT OF BEGINNING**; thence North 73°18'23" West on said Northeasterly right-of-way line, a distance of 30.63 feet to a point 76.75 feet North of said South section line; thence North 87°38'09" East on a line 76.75 feet North of and parallel with said South section line, a distance of 124.75 feet to a point; thence North 74°48'57" East, a distance of 32.01 feet to a point 64.00 feet West of the centerline of Maurer Road as shown on POINT WEST APARTMENTS, a recorded subdivision as filed in said Register of Deeds Office, in Book 59, at Page 30; thence North 02°21'51" West on a line 64.00 feet West of and parallel with said centerline, a distance of 45.81 feet to a point; thence Northeasterly on a curve to the right, 64.00 feet West of and parallel with said centerline, tangent to the last described course, having a radius of 914.00 feet, a delta angle of 11°14'48" and an arc length of 179.41 feet to a point on the North line of said deed; thence North 87°38'09" East (North 87°38'22" East deed) on said North line, a distance of 10.20 feet to a point 54.00 feet West of said centerline; thence on a non-tangent curve to the left, on a line 54.00 feet West of and parallel with said centerline, having an initial tangent bearing of South 09°00'30" West, a radius of 904.00 feet, a delta

angle of 11°22'22" and an arc length of 179.44 feet to a point; thence South 02°21'51" East, on a line 54.00 feet West of and parallel with said centerline, a distance of 48.66 feet to a point; thence South 74°48'57" West, a distance of 64.22 feet to a point 66.75 feet North of said South section line; thence South 87°38'09" West on a line 66.75 feet North of and parallel with said South section line, a distance of 74.39 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 3,503 square feet or 0.080 acres more or less.

Public Right-of-Way Easement

All that part of a tract of land described in a Warranty Deed found in Book 3224, at Page 986 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at a 3/4" iron bar marking the Southeast corner of said Southwest Quarter; thence South 87°38'09" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (South 87°38'22" West deed) on the South line of said Southwest Quarter, a distance of 595.00 feet to a point; thence North 02°21'51" West (North 02°21'38" West deed), a distance of 55.00 feet to a point on the North line of 87th Street right-of-way as described by a document for Permanent Right-of-Way as found in Book 5025, at Page 311 and the **POINT OF BEGINNING**; thence South 87°38'09" West on said North line, a distance of 97.00 feet to a point on the Northeasterly right-of-way line of Interstate No. 435, as described in Book 1150, at Page 598; thence North 73°18'23" West on last said Northeasterly right-of-way line, a distance of 35.99 feet to a point 66.75 feet North of said South section line; thence North 87°38'09" East on a line 66.75 feet North of and parallel with said South section line, a distance of 74.39 feet to a point; thence North 74°48'57" East, a distance of 64.22 feet to a point 54.00 feet West of the centerline of Maurer Road, as shown on POINT WEST APARTMENTS, a recorded subdivision as filed in said Register of Deeds Office, in Book 59, at Page 30; thence North 02°21'51" West on a line 54.00 feet West of and parallel with said centerline, a distance of 48.66 feet to a point; thence Northeasterly on a curve to the right, 54.00 feet West of and parallel with said centerline, tangent to the last described course, having a radius of 904.00 feet, a delta angle of 11°22'22" and an arc length of 179.44 feet to a point on the North line of said deed; thence North 87°38'09" East (North 87°38'22" East deed) on said North line, a distance of 4.08 feet to a point 50.00 feet West of said centerline and on the existing West right-of-way line of said Maurer Road; thence on a non-tangent curve to the left, on said West right-of-way line, having an initial tangent bearing of South 09°03'35" West (South 09°03'56" West deed), a radius of 900.00 feet, a delta angle of 11°25'26" and an arc length of 179.45 feet to a point; thence South 02°21'51" East (South 02°21'38" East deed) on said West right-of-way line, a distance of 64.66 feet to a point on the North line of said 87th Street right-of-

way; thence South 42°38'09" West on said North line, a distance of 14.14 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed April 12, 2019 (KVE project C19S0183) and contains 2,823 square feet or 0.065 acres more or less.

TRACT 5 – POINT WEST APARTMENTS PROPERTY:

FEE OWNER: Point West Apartments, LLC

SITUS 8640 Schweiger Ct
ADDRESS: Lenexa, KS 66219

Parcel ID: IP61000001-0001

MAILING Point West Apartments, LLC
ADDRESS: 3330 Dundee Rd. Apt. S1
Northbrook, IL 60062

Temporary Construction Easement

All that part in Lot 1, Block 1, POINT WEST APARTMENTS, a recorded subdivision as filed in the Johnson County Register of Deeds Office, in Book 59, at Page 30, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at the Southeast corner of said Lot 1; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (North 02°18'22 West plat), a distance of 24.33 feet to the **POINT OF BEGINNING**; thence South 87°38'09" West on a line 24.33 feet North of and parallel with the South line of said Lot 1, a distance of 325.69 feet to a point; thence North 02°21'51" West, a distance of 15.67 feet to a point 40.00 feet North of said South line; thence South 88°56'55" East, a distance of 95.17 feet to a point 34.33 feet North of said South line; thence North 87°38'09" East on a line 34.33 feet North of and parallel with said South line, a distance of 230.70 feet to a point on the East line of Lot 1; thence South 02°18'35" East on said East line, a distance of 10.00 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 3,526 square feet or 0.081 acres more or less.

Permanent Utility Easement

All that part in Lot 1, Block 1, POINT WEST APARTMENTS, a recorded subdivision as filed in the Johnson County Register of Deeds Office, in Book 59, at Page 30, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at the Southeast corner of said Lot 1; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (North 02°18'22" West plat), a distance of 24.33 feet to the **POINT OF BEGINNING**; thence South 87°38'09" West on a line 24.33 feet North of the South line of said Lot 1, a distance of 325.69 feet to a point; thence North 02°21'51" West, a distance of 10.00 feet to a point 34.33 feet North of said South line; thence North 87°38'09" East on a line 34.33 feet North of and parallel with said South line, a distance of 325.69 feet to a point on the East line of Lot 1; thence South 02°18'35" East on said East line, a distance of 10.00 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 3,257 square feet or 0.075 acres more or less.

Public Right-of-Way Easement

All that part in Lot 1, Block 1, POINT WEST APARTMENTS, a recorded subdivision as filed in the Johnson County Register of Deeds Office, in Book 59, at Page 30, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

BEGINNING at the Southeast corner of said Lot 1; thence South 87°38'09" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (South 87°38'22" West plat) on the South line of said Lot 1, a distance of 79.71 feet to a point 280.33 feet East of the Southwest corner of said Lot 1, being the point of intersection of said South line and the North line of a Permanent Right-Of-Way Grant, as filed in said Register of Deeds Office, in Volume 2731, at Page 137; thence North 87°36'00" West on said North line, a distance of 144.48 feet to a point 12.00 feet North of said South line and 136.35 feet East of the West line of said Lot 1; thence South 87°38'09" West continuing on said North line, a distance of 136.35 feet to the Northwest corner of said Permanent Right-of-Way Grant, said point being on the East right-of-way line of Maurer Road, as shown on said plat; thence North 02°21'51" West on said East right-of-way line, a distance of 28.00 feet to a point 40.00 feet North of the South line of said Lot 1; thence North 87°38'09" East on a line 40.00 feet North of and parallel with said South line, a distance of 34.38 feet to a point; thence South 02°21'51" East, a distance of 15.67 feet to a point 24.33 feet North of said South line; thence North 87°38'09" East on a line 24.33 feet North of and parallel with said South line, a distance of 325.69 feet to a

point on the East line of said Lot 1; thence South 02°18'35" East (South 02°18'22" East plat) on said East line, a distance of 24.33 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 6,799 square feet or 0.156 acres more or less.

TRACT 6 – MERIDEL DEVELOPMENT PROPERTY:

FEE OWNER: Meridel Development LLC

SITUS 15906 W. 87th Street Parkway
ADDRESS: Lenexa, KS 66219

Parcel ID: IF241229-2002

MAILING Meridel Development LLC
ADDRESS: 17809 Penrose Ln
Lenexa, KS 66219

Temporary Construction Easement

All that part of a tract of land described in a Corporation Warranty Deed found in Book 201807, at Page 003608 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at a 3/4" iron rebar marking the Southeast corner of said Southwest Quarter; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) on the East line of said Quarter Section, a distance of 67.50 feet to the **POINT OF BEGINNING**; thence South 87°38'09" West on a line 67.50 feet North of and parallel with the South line of said Southwest Quarter, a distance of 85.29 feet to a point; thence South 88°35'17" West, a distance of 39.71 feet to a point on the West line of said deed; thence North 02°18'35" West on said West line, a distance of 10.00 feet to a point 78.16 feet North of said South line; thence North 88°35'11" East, a distance of 39.79 feet to a point 77.50 feet North of said South line; thence North 87°38'09" East on a line 77.50 feet North of and parallel with said South line, a distance of 85.22 feet to a point on said East line; thence South 02°18'35" East, on said East line, a distance of 10.00 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 1,250 square feet or 0.029 acres more or less.

Permanent Utility Easement

All that part of a tract of land described in a Corporation Warranty Deed found in Book 201807, at Page 003608 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 25th Day of November 2019 as follows:

Commencing at a 3/4" iron rebar marking the Southeast corner of said Southwest Quarter; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) on the East line of said Quarter Section, a distance of 67.50 feet to the **POINT OF BEGINNING**; thence South 87°38'09" West on a line 67.50 feet North of and parallel with the South line of said Southwest Quarter, a distance of 85.29 feet to a point; thence South 88°35'17" West, a distance of 39.71 feet to a point on the West line of said deed; thence North 02°18'35" West on said West line, a distance of 10.00 feet to a point; thence North 88°35'11" East, a distance of 39.79 feet to a point 77.50 feet North of said South line; thence North 87°38'09" East on a line 77.50 feet North of and parallel with said South line, a distance of 85.22 feet to a point on said East line; thence South 02°18'35" East, on said East line, a distance of 10.00 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 1,250 square feet or 0.029 acres more or less.

Public Right-of-Way Easement

All that part of a tract of land described in a Corporation Warranty Deed found in Book 201807, at Page 003608 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 25th Day of November 2019 as follows:

Commencing at a 3/4" iron rebar marking the Southeast corner of said Quarter Section; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) on the East line of said Southwest Quarter, a distance of 30.00 feet to a point on the North right-of-way line of 87th Street as described in a Right-Of-Way Easement, as filed in said Register of Deeds Office, in Book 95, at Page 622 and the POINT OF BEGINNING; thence South 87°38'09" West on said North line, a distance of 125.00 feet to a point on the West line of said deed; thence

North 02°18'35" West on the West line of said deed, a distance of 38.16 feet to a point 68.16 feet North of the South line of said Southwest Quarter; thence North 88°35'17" East, a distance of 39.71 feet to a point; thence North 87°38'09" East on a line 67.50 feet North of and parallel with the South line of said Southwest Quarter, a distance of 85.29 feet to a point on the East line of said Southwest Quarter; thence South 02°18'35" East on said East line, a distance of 37.50 feet to the Point of Beginning.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 4,701 square feet or 0.108 acres more or less.

TRACT 7 – COMMUNITY COVENANT CHURCH PROPERTY:

FEE OWNER: Community Evangelical Covenant Church, Inc., of Shawnee Mission
Kansas

SITUS 15700 W. 87th Street Parkway
ADDRESS: Lenexa, KS 66219

Parcel ID: IP11800000-0001

MAILING Community Evangelical Covenant Church
ADDRESS: 15700 W. 87th Street Parkway
Lenexa, KS 66219

Temporary Construction Easement

All that part in Lot 1, COMMUNITY COVENANT CHURCH, a recorded subdivision as filed in the Johnson County Register of Deeds Office, in Book 200404, at Page 007259, lying in the Southeast Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 25th Day of November 2019 as follows:

Commencing at the Southwest corner of said Lot 1; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (North 00°08'33" West plat) on the West line of said plat, a distance of 10.50 feet to the POINT OF BEGINNING; thence continuing North 02°18'35" West on said West line, a distance of 10.00 feet to a point 20.50 feet North of said Southwest corner; thence North 87°46'36" East, a distance of 0.88 feet to a point; thence South 88°24'25" East, a distance of 82.72 feet to a point; thence South 88°24'18" East, a distance of 225.50 feet to a point on said South line; thence South 87°46'51" West (South 89°26'46" West plat) on said South line, a distance of 150.33 feet to a point 158.06 feet East of said Southwest

corner; thence North 88°24'21" West, a distance of 157.88 feet to a point 10.50 feet North of said South line; thence South 87°46'31" West, a distance of 0.55 feet to the Point of Beginning.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 2,338 square feet or 0.054 acres more or less.

Permanent Utility Easement

All that part in Lot 1, COMMUNITY COVENANT CHURCH, a recorded subdivision as filed in the Johnson County Register of Deeds Office, in Book 200404, at Page 007259, lying in the Southeast Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at the Southwest corner of said Lot 1; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (North 00°08'33" West plat) on the West line of said plat, a distance of 15.00 feet to the POINT OF BEGINNING; thence continuing North 02°18'35" West (North 00°08'33" West plat) on said West line, a distance of 5.50 feet to a point 20.50 feet North of said Southwest corner; thence North 87°46'36" East on a line 20.50 feet North of and parallel with the South line of said Lot 1, a distance of 0.88 feet to a point; thence South 88°24'25" East, a distance of 82.72 feet to a point 15.00 feet North of said South line; thence South 87°46'51" West on a line 15.00 feet North of and parallel with said South line, a distance of 83.41 feet to the Point of Beginning.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 232 square feet or 0.005 acres more or less.

Public Right-of-Way Easement

All that part in Lot 1, COMMUNITY COVENANT CHURCH, a recorded subdivision as filed in the Johnson County Register of Deeds Office, in Book 200404, at Page 007259, lying in the Southeast Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

BEGINNING at the Southwest corner of said Lot 1; thence North 02°18'35" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (North 00°08'33" West plat) on the West line of said Lot 1, a distance of 10.50 feet to a point; thence North 87°46'31" East on a line 10.50 feet North of and parallel with the South line of said Lot 1, a distance of 0.55 feet to a point; thence South 88°24'21" East, a distance of 157.88 feet to a point on said South line; thence South 87°46'51" West

(South 89°56'46" West plat) on said South line, a distance of 158.06 feet to the Point of Beginning.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 833 square feet or 0.019 acres more or less.

TRACT 17 – HB BUILDING, LLC PROPERTY:

FEE OWNER: HB Building, LLC

SITUS 8540 Maurer Rd
ADDRESS: Lenexa, KS 66219

Parcel ID: IF241229-2013

MAILING HB Building LLC
ADDRESS: Attn: Copaken & Brooks
1100 Walnut St. Apt. 2000
Kansas City, MO 64106

Temporary Construction Easement

All that part of a tract of land described in a Kansas General Warranty Deed found in Book 6636, at Page 902 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 29, Township 12 South, Range 24 East, of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of November 2019 as follows:

Commencing at the Southeast corner of said Quarter Section; thence South 87°38'09" West (this and all of the following bearings are based on the Kansas State Plane System 1983, North Zone) (South 87°38'22" West deed) on the South line of said Quarter Section, a distance of 585.00 feet to a point; thence North 02°21'51" West (North 02°21'38" West deed), a distance of 129.66 feet to a point 50.00 feet West of the centerline of Maurer Road, as shown on POINT WEST APARTMENTS, a recorded subdivision as filed in said Register of Deeds Office in Book 59, at Page 30; thence Northeasterly on a curve to the right, tangent to the last described course, 50.00 feet West of and parallel with said centerline, having a radius of 900.00 feet, a delta angle of 11°25'26" and an arc length of 179.45 feet (179.48 deed) to the Southeast corner of said deed and the **POINT OF BEGINNING**; thence South 87°38'09" West (South 87°38'22" West deed) on the South line of said deed, a distance of 20.40 feet to a point 70.00 feet West of said centerline as

measured normal thereto; thence Northeasterly on a non-tangent curve to the right, 70.00 feet West of and parallel with said centerline, having an initial tangent bearing of North 08°48'29" East, a radius of 920.00 feet, a delta angle of 01°56'35" and an arc length of 31.20 feet to a point; thence South 79°14'56" East, a distance of 20.00 feet to a point on the West right-of-way line of Maurer Road, being 50.00 feet West of said centerline; thence Southwesterly on said West right-of-way line, on a non-tangent curve to the left, having an initial tangent bearing of South 10°45'04" West, a radius of 900.00 feet, a delta angle of 01°41'29" and an arc length of 26.57 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed October 30, 2019 (KVE project C19S0183) and contains 578 square feet or 0.013 acres more or less.

SECTION TWO: It is further authorized and provided that, as soon as practicable after the passage of this ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-501, *et seq.*, the Eminent Domain Procedure Act, to condemn all lands and interests therein hereinbefore described.

SECTION THREE: This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this 2nd day of June, 2020.

SIGNED by the Mayor this 2nd day of June, 2020.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 6

SUBJECT: Parks & Recreation program updates

CONTACT: Logan Wagler, Deputy Parks & Recreation Director

DATE: June 2, 2020

PROJECT BACKGROUND/DESCRIPTION:

Staff will present the Governing Body with updates on reopening Parks & Recreation facilities, as well as the status of upcoming events and programs.

ATTACHMENTS

1. Presentation



Parks and Recreation Staff Report: Phased Reopening Plan and Update

Main Components of Plan

1. Plan
 - Includes Overview version
2. Guidelines
3. Communications
4. Physical Alterations
5. Signage
6. Employee Training
7. Cleaning and Inventory Analysis

WE ARE HERE

AMENITY	PHASE 1	PHASE 2	PHASE 3	PHASED OUT
Art Gallery (City Hall)	Closed	Open with restrictions	Open with restrictions	Open
Athletic Fields	Closed	Open with restrictions	Open with restrictions	Open
Community Center (Old Town)	Closed	Open 6/1 with restrictions	Open with restrictions	Open
Community Gardens	Open with restrictions	Open with restrictions	Open with restrictions	Open
Farmers Market	Open with restrictions	Open with restrictions	Open with restrictions	Open
Festivals and Events	Canceled	Canceled	See detailed plan*	Open
Group X Fitness Classes (Rec Center)	Canceled	Open with restrictions	Open with restrictions	Open
Indoor Activities/Classes	Canceled	Open with restrictions	Open with restrictions	Open
Indoor Pool (Rec Center)	Closed	Closed	Open with restrictions	Open
Legler Barn Museum	Closed	Open with restrictions	Open with restrictions	Open
Offices	Open with restrictions	Open with restrictions	Open with restrictions	Open
Outdoor Activities/Leagues	Canceled	Open with restrictions	Open with restrictions	Open
Outdoor Park Restrooms	Open	Open	Open	Open
Outdoor Sport Courts / Skate Park	Open with restrictions	Open with restrictions	Open	Open
Outdoor Stage (civic campus)	Closed	Open with restrictions	Open with restrictions	Open
Outdoor Swimming Pools (Indian Trails Aquatics Center only)	Closed	Closed	Open with restrictions	Open
Park Shelters	Closed	Open with restrictions	Open with restrictions	Open
Parks, Trails, Boat Ramp	Open	Open	Open	Open
Playgrounds	Closed	Closed	Open with restrictions	Open
Rec Center	Closed	Open 6/1 with restrictions	Open with restrictions	Open
Rental Spaces (Community Center, Rec Center, Thompson Barn)	Closed	Open with restrictions	Open with restrictions	Open
Senior Center (Old Town)	Closed	Closed	Closed	Open
Summer Camps (Rec Center)	Open with restrictions	Open with restrictions	Open with restrictions	Open
Swim Lessons	Canceled	Open with restrictions	Open with restrictions	Open

Programming (Dance, Karate, Art & Enrichment)	PHASE 1	PHASE 2	PHASE 3	PHASE OUT
Participants & Groups	Canceled	<ul style="list-style-type: none"> No more than 15 participants. Parents of the participants will be required to stay socially distant from one another. 	<ul style="list-style-type: none"> No more than 45 participants. Parents of the participants will be required to stay socially distant from one another. 	No restrictions
Sanitation & Cleaning	Canceled	<ul style="list-style-type: none"> Enhanced cleaning schedule including frequent checks of facility based on usage. Follow CDC guidelines for cleaning. 	<ul style="list-style-type: none"> Enhanced cleaning schedule including frequent checks of facility based on usage. Follow CDC guidelines for cleaning. 	No restrictions
Scheduling	Canceled	<ul style="list-style-type: none"> There will be a built in 15 minute buffer for groups to leave/arrive without direct contact. 	<ul style="list-style-type: none"> There will be a built in 15 minute buffer for groups to leave/arrive without direct contact. 	No restrictions
Hygiene	Canceled	<ul style="list-style-type: none"> Reinforce frequent and proper handwashing for participants and encourage use of masks and gloves. All common-used equipment will get sanitized before and after use. 	<ul style="list-style-type: none"> Reinforce frequent and proper handwashing for participants and encourage use of masks and gloves. All common-used equipment will get sanitized before and after use. 	No restrictions
Sports Equipment	Canceled	<ul style="list-style-type: none"> Equipment will be sanitized at the beginning and end of each class. For each program/class, each participant will be assigned their own equipment. 	<ul style="list-style-type: none"> The use of shared equipment will be avoided if possible. Proper sanitation between users will be required. 	No restrictions
Minimizing Physical Contact	Canceled	<ul style="list-style-type: none"> Social distancing will be required during all classes. All pre-post class greetings will be non-physical. 	<ul style="list-style-type: none"> Social distancing will be required during all classes. All pre-post class greetings will be non-physical. 	No restrictions
Signage	Canceled	<ul style="list-style-type: none"> Signage will be displayed encouraging hand washing/healthy practices and describing what rule adjustments have been made. Staff will be empowered to enforce. One-way signage and/or tape should be used to limit patrons and players interactions. 	<ul style="list-style-type: none"> Signage will be displayed encouraging hand washing/healthy practices and describing what rule adjustments have been made. Staff will be empowered to enforce. One-way signage and/or tape should be used to limit patrons and players interactions. 	No restrictions
Spectators	Canceled	<ul style="list-style-type: none"> Required to social distance during each program. Chairs will be placed 6' apart. Parents of program participants can wait outside or in other areas, or drop off and pick up if allowed per class rules. 	<ul style="list-style-type: none"> Required to social distance during each program. Chairs will be placed 6' apart. 	No restrictions
Contact Tracing	Canceled	<ul style="list-style-type: none"> Roster forms will be sent to all participants and must be filled out listing all parents and family members attending with child. Must be turned in upon arrival or prior to 	<ul style="list-style-type: none"> Roster forms will be sent to all participants and must be filled out listing all parents and family members attending with child. Must be turned in upon arrival or prior to 	No restrictions

Communications

Key Components

- *Opening/ Operating Hours*
- *Check-in Procedures*
- *Modified Rules*
- *Capacities*
- *Patron Expectations*
 - *Exposure Control Plan*
- *Cleaning Measures*
- *FAQ's*

Physical Alternations

*Includes relocation of equipment, removal of seating, use of stickers / markers / arrows, physical barriers, entry and exit controls.



Signage



ACTIVE USE AREA:

Wellness Pool

CAPACITY:

6

477.7529 (PLAY)

LENEXA.COM/CORONAVIRUS

LENEXA
REC/CENTER

Stop!

Do you have ANY of the following symptoms?

FEVER? COUGH? SHORT OF BREATH?

Have you been exposed to anyone who is ill with COVID-19 symptoms?

IF YES, PLEASE DO NOT ENTER THE REC CENTER!

IF NOT, PLEASE ADHERE TO THE FOLLOWING GUIDELINES:

Stay at least 6 feet from other people

Wash or sanitize hands frequently

Face Masks Recommended

913-477-PLAY (7529)

LENEXA.COM/CORONAVIRUS

LENEXA
REC/CENTER

ALERT

SOCIAL DISTANCING

Track Guidelines

1. Single file use only
2. Outside lane for running
3. Inside lane for walking



913.477-PLAY (7529)

LENEXA.COM/CORONAVIRUS

LENEXA
REC/CENTER

Lenexa
KANSAS

Employee Training

Training staff to help ensure staff and patron safety.

Covered areas such as:

- *PPE availability and expectations*
- *Cleaning responsibilities*
- *Controlling work area*
- *Safe work guide (for all Lenexa employees)*
- *Employee Screening Process*
- *Specific guidelines for their area(s) of responsibility*

Cleaning and Inventory Analysis

- Analysis on cleaning capacity versus new expectations.
- Analysis on inventory of cleaning supplies, chemicals, etc.

Timelines and Reports

- Facilities, services, and programs shut down on 3/15
- Stay-at-home Order
- Phase I & 1.5
- Currently in Phase II
- Opened facilities and in-person programming on 6/1
- Phase III possibly starts on 6/8

Parks, Trails and Outdoor Spaces

When most things were shut down, our parks, trails, and outdoor spaces stayed open.

- Continue to see record use of parks, trails, and outdoor spaces.
- Playgrounds remain closed until Phase III.
- Restrooms are open.

Virtual Recreation

Engagement:

- Fitness (PT and Classes)
 - Facebook Live free classes – 16,676 views
 - Trainer tutorials & fitness videos on website – over 6,000 views
 - Zoom Classes and small group training – 100 participants
 - Virtual Personal training – 107 sessions
- Programming
 - Dance (104 participants weekly)
 - Karate (35 participants weekly)
 - Start Smart (20 participants weekly)
 - Homeschool PE (10 participants weekly)
 - Art (26 participants weekly)

Farmers Market

- First two Saturdays averaged 350 in attendance
 - Vendors have had better sales numbers so far compared to 2019 (with 25% less attendance)
 - Crowds are smaller, but people are buying
- Started Tuesday markets last week.
- Vendors and customers are grateful to be open and appreciative of City's efforts.
- Customers are being respectful of guidelines, social distancing and most wearing masks.
- Many have commented on feeling safe at the market.

Rec Center

- As of 6/1 open to members only (no day passes).
- Limited capacities per active use area. Pool unavailable.
- Normal hours except for mid-day (1:30-3:00pm) break for deep cleaning.
- Membership options available through 6/19.
 - Green: Ready to come back
 - Yellow: Not quite sure yet, would like to freeze membership
 - Red: Would like to cancel membership
- Membership numbers update
- General attendance and feedback on opening day

Other Facilities (Community Center, Thompson Barn, Legler Barn, Senior Center)

- Rentals Update
 - Small groups and sports still doing good.
 - Losing out on some large gatherings due to mass gathering restrictions.
- Programs Update
 - Dance program moving to the Community Center
 - All program class sizes limited to 15 or less
 - Specialty Camps moving to the Senior Center for the summer

Festivals / Events

- Plan has no festivals or large scale events until Phase 4.
 - Intend to operate small controllable events and explore other options whenever possible.
-
- Freedom Run
 - Virtual 5K & 10K
 - Community Days “Porch” Parade
 - Theme: No Place Like Home



Indian Trails Pool

- Limited to 300 attendees at a time (100 sf / person)
- Summer Pass holders and residents only
- Stopped non-resident summer pass sales on 5/15
- Controlled entry and exit points
- No deck chairs provided, bring your own
- Controlled lines for diving board, climbing wall, & slides
- Ramped up cleaning
- Assigned staff rotation for social distancing regulation
- Limited concessions

Indian Trails Pool

6:00am - 8:00am

– KC Blazers Rental

8:00 - 8:30am

– Cleaning and group buffer

8:30am - 10:50am

– Swim Lessons & Lazars Swim Club

10:50am - 11:00am

– Cleaning and group buffer

11:00am - 11:45am

– Day camps

11:45am - 12:00pm

– Cleaning and group buffer

12:00pm - 4:00pm

– Open Swim

4:00pm – 4:30pm

– Cleaning and group buffer

4:30pm – 8:30pm

– Open Swim

Questions?



**MINUTES OF THE
MAY 19, 2020
LENEXA CITY COUNCIL MEETING
ZOOM ONLINE MEETING – 7 PM**

CALL TO ORDER

Mayor Boehm called the meeting to order at 7 PM.

ROLL CALL

Councilmembers Karlin, Eiterich, Nicks, Nolte, Roh, Hunt, Sayers, and Stuke were in attendance with Mayor Boehm presiding.

Staff in attendance included Beccy Yocham, City Manager; Todd Pelham, Deputy City Manager; Mike Nolan, Assistant to the City Manager; Jennifer Martin, City Clerk; Sean McLaughlin, City Attorney; and other City staff.

CITY CLERK STATEMENT

To reduce the spread of COVID-19 and consistent with County and State Orders limiting gatherings of individuals to 10 persons or less, the meetings of the Lenexa City Council will be conducted remotely using Zoom, an online meeting tool. The Mayor, City Councilmembers, and City staff will all participate in the meeting remotely. Members of the public may attend meetings virtually using the link and/or phone dial-in information provided in the Meetings Calendar section of the City's website as well as on the specific meeting agenda itself.

During this time of health emergency, the City Council will be prudent with the meeting time and consideration of agenda items. Public comment during the meeting will be limited to public hearing items only. As always, public comment on any agenda items can be submitted in advance. Public comments will be taken up to 5 PM on Monday before the City Council meeting and will be distributed to all members of the Governing Body before the meeting. If a member of the public wishes to submit advance comment for an item, please email cityclerk@lenexa.com and reference the meeting date and agenda item on which you wish to comment. Please also include your name and address for the public record.

While the public is encouraged to submit comments in advance, meetings that include public hearings will include opportunities for public comment using the Zoom application. The directions for how to participate in a public hearing will be posted on the City's website. Please be prepared to give your first name, last name, and address for the public record. Proper meeting decorum is expected of all in attendance at the meeting

and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs, which prevents the uninterrupted conduct of business.

APPROVE MINUTES

Councilmember Stuke made a motion to approve the May 5, 2020 City Council meeting draft minutes and Councilmember Karlin seconded the motion. Motion passed unanimously by roll call vote.

MODIFICATION OF AGENDA

None.

PROCLAMATIONS

Emergency Medical Services Week May 17-23

PRESENTATIONS

Doug Robinson, Chief Financial Officer, introduced Chester Moyer with Rubin Brown, LLC, who would be presenting the fiscal year 2019 external audit report. Mr. Robinson stated that this audit was done remotely for the first time ever due to the COVID-19 pandemic. He thanked the Rubin Brown staff, Lenexa Finance department staff, Briana Burrichter, Assistant Chief Financial Officer, and Jill Grube, retiring Assistant Chief Financial Officer for their efforts on this audit. Mr. Robinson announced that this is Ms. Grube's final week with the City after 30 years of service.

Mr. Robinson stated that the full audit report is 185 pages long, which has been posted on the City's website. He stated that this presentation's focus is on the General Fund and that the City had a surplus for the 11th consecutive year. He added that the fund balance increased 47%, from \$36 million to \$39 million, of budgeted 2020 revenues, which exceeds the City's policy of maintaining a fund balance of 30-35%.

Mr. Moyer stated that he appreciated the coordination of efforts and staff's flexibility during this unusual time. He stated that his team was able to complete the audit on time even under the circumstances.

Mr. Moyer presented the required auditor's communications. He then reviewed the audit's findings. He stated that the unassigned fund balance, spendable resources that are not restricted, committed, or assigned, increased by \$3.391 million to \$39.2 million. He added that Lenexa's 2019 total net position exceeded \$593 million, which increased from \$570 million in 2018.

CONSENT AGENDA

1. Bid award to Total Electric for the 79th Street and Renner Boulevard traffic signal and intersection improvements project
Total Electric bid \$403,408.05 to install a new traffic signal at 79th Street and Renner Boulevard and construct a new southbound right-turn lane. The project also includes the installation of new street lighting along Renner Boulevard from 79th Street to 80th Terrace.
2. Bid award to Gunter Construction Company for the construction of a multi-purpose trail on Lackman Road from Sar-Ko-Par Trails Park to 95th Street and on 95th Street from Lackman Road to Loiret Boulevard
Gunter Construction Company bid \$2,112,257 to construct the multi-use trail on Lackman Road from Sar-Ko-Par Trails Park to 95th Street and 95th Street from Lackman Road to Loiret Boulevard.
3. Acceptance of drainage and sidewalk easements as shown on the final plat for Lenexa Logistics Centre East, Second Plat
This final plat is for Lenexa Logistics Center East, Second Plat, a multi-building logistics and distribution center located at the northeast corner of 116th Street and Renner Boulevard. A sidewalk easement and a drainage easement are being dedicated to the City as part of the final plat. PT20-11F
4. Acceptance of landscaping and utility easements as shown on the final plat for Trinity Landing (Arise Homes Lenexa)
This final plat is for Trinity Landing, previously approved as Arise Homes Lenexa. This is a 3-lot final plat at the northwest corner of 83rd Street and Gleason Road. This is a replat of Gleason Ridge Lot 1, which was recorded in December 1987. Utility and landscaping easements are being dedicated to the City as part of the final plat. PT20-13F
5. Acceptance of public right-of-way, utility, and drainage easements as shown on the final plat for Jayhawk Ridge, 1st Plat
This final plat is for the Jayhawk Ridge Planned Unit Development, a commercial development located at the southeast corner of Prairie Star Parkway and Ridgeview Road. Public right-of-way, utility, and drainage easements are being dedicated to the City as part of the final plat. PT2-08F

6. Acceptance of public right-of-way, sidewalk, utility, and drainage easements as shown on the final plat for College Park Family Care Prairie Star, First Plat
This final plat is for College Park Family Care Prairie Star, First Plat. Public right-of-way, sidewalk, utility, and drainage easements are being dedicated to the City as part of the final plat. PT20-10F
7. Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County to include 5.641 acres of property located in the vicinity of the intersection West 83rd Street and Gleason Road
The enlargement of Johnson County Wastewater service area boundaries in Lenexa is necessary to accommodate the construction of a development on 5.6 acres of property located in the vicinity of the intersection of West 83rd Street and Gleason Road.
8. Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County to include an approximately 14-acre area located in the northeast corner of K-10 and Ridgeview Road
The enlargement of Johnson County Wastewater service area boundaries in Lenexa is necessary to accommodate the construction of a development on the approximately 14- acre area located in the northeast corner of K-10 and Ridgeview Road.
9. Resolution authorizing the Mayor to forward the City's 2021-2025 application for the County Assisted Road System program to the Board of Johnson County Commissioners
Annually, the City applies for funding assistance from the County Assisted Road System (CARS) program. Staff is requesting approval to submit the 2021-2025 application to Johnson County. The CARS program provides funding to local communities to assist with collector and arterial street improvements.
10. Resolution authorizing the termination of certain financing documents related to the payment and redemption of multi-family revenue bonds (Heather Glen Apartments at 12901 Lord Nelson Drive)
The City issued \$10 million in Multifamily Housing Revenue Bonds ("Bonds") in February 2007 to HG Apartments, LLC ("Owner") for refinancing of the apartment complex at 12901 Lord Nelson Drive. The Owner intends to refinance, pay, and redeem the Bonds on or about June 1, 2020.
11. Resolution authorizing the termination of a lease and payment in lieu of taxes agreement as a result of an industrial revenue bond redemption (GR Lenexa Project

at 10831 Renner Boulevard)

The City issued \$6.75 million in its industrial revenue bonds ("Bonds") in December 2013 to GR Lenexa, LLC for construction of its facility at 10831 Renner Boulevard. The Bonds and associated payment in lieu of taxes (PILOT) agreement were assigned to and assumed by JES Lenexa Renner, LLC, 3D Lenexa Renner, LLC and K3D Lenexa Renner, LLC as tenants in common (collectively, the "Tenant") in August 2015. The Bonds mature on June 1, 2020 and the Tenant has indicated its intent to redeem the Bonds and requests termination of the lease, the PILOT, and the reconveyance of the property back to them.

END OF CONSENT AGENDA

Councilmember Nolte recused himself from item 5 due to a potential conflict of interest.

Councilmember Stuke made a motion to approve items 1-4 & 6-11 on the Consent Agenda and Councilmember Eiterich seconded the motion. Motion passed unanimously by roll call vote.

Councilmember Karlin made a motion to approve item 5 on the Consent Agenda and Councilmember Sayers seconded the motion. Motion passed 7-0-1 by roll call vote with Councilmember Nolte abstaining.

BOARD RECOMMENDATIONS

12. Preliminary plan for QuikTrip, a convenience store and gas station located at 11200 W. 87th Street Parkway

This application considers the development of a QuikTrip located at 11200 W. 87th Street Parkway. QuikTrip is under contract to purchase the existing Perkins restaurant at the northeast corner of 87th Street Parkway and Nieman Road. PL20-05P

Magi Tilton, Planning and Development Administrator, stated that this preliminary plan application is for a QuikTrip to be located on the northeast corner of 87th Street Parkway and Nieman Road.

Ms. Tilton presented an aerial photograph showing the location of the QuikTrip on the proposed site, surrounded by KDOT right-of-way (ROW) on the north, east, and west sides. She stated that the current zoning is CP-3, Planned Commercial Zoning, which allows gasoline sales.

Ms. Tilton explained that QuikTrip proposes to construct a new, approximately 5,000 square foot, building facing Nieman Road. Sixteen fueling stations on two fueling

islands would be split by an entrance driveway. She added that the plan provides more parking than is required by the Unified Development Code (UDC).

Ms. Tilton stated that QuikTrip has requested building setback deviations of 33-feet on the east and 23-feet on the west property lines; the CP-3 zoning district requires a 50-foot setback. Deviation has also been requested for the perimeter planting areas along the property lines for the parking areas and drive aisles; QuikTrip would install more landscaping than required and the plan exceeds the open space requirements for CP-3.

Ms. Tilton stated that staff believes this property is unique due to being surrounded by KDOT ROW on three sides, which makes it appear to have more open. She added that the new building would be smaller than the existing building on the lot and the applicant has provided a plan that is reasonable for the size and shape of the lot.

Ms. Tilton presented renderings of the proposed metal fence with brick columns and landscaping on the property.

Ms. Tilton stated that the Planning Commission approved the proposed preliminary plan with the requested deviations at its May 4th meeting. The Commission asked about the paved area to the west of this property, which is KDOT ROW and not part of this project. Commissioners expressed their appreciation for walkways from the public sidewalks into this development.

Eric Eckhart, representative for QuikTrip, was in attendance.

Mr. Eckhart stated that this project is similar to the QuikTrip project recently approved for 95th Street and Lenexa Drive with the exception of the split canopy.

Councilmember Stuke stated that she is excited to see this project here and is in favor of it. She asked if KDOT would block off the paved area to the west.

Mr. Eckhart stated he does not know what KDOT intends to do with the paved area to the west. He added KDOT has no intention to sell or allow QuikTrip to use that area.

Councilmember Hunt stated that he is also excited to see this project and he feels QuikTrip provides a great product.

Councilmember Roh stated that he had a conversation in the fall of 2019 with the real estate broker about this property. He stated that he is looking forward to seeing this project on this challenging property.

Councilmember Eiterich stated that she is also excited. She added that not many things could go in this unique part of the city. Due to the surroundings, she said she is not concerned about the deviations.

Councilmember Karlin stated that QuikTrip is a great use here and asked if traffic on Nieman Road could become a problem.

Tim Green, Deputy Community Development Director, stated that Steve Schooley, Traffic Engineer, has analyzed the intersection and existing signal there. He stated

staff has no concerns with the traffic.

Councilmember Nicks said that QuikTrip and staff have done a nice job with this project.

Mayor Boehm said that the project looks great. He added that deviations here are huge compared to normal, but they help fit this project into a unique location. He stated that this project and the approved deviations are not setting a precedent for other projects in other locations.

Councilmember Roh made a motion to approve item 12 and Councilmember Nicks seconded the motion. Motion passed unanimously by roll call vote.

13. Consideration of a rezoning and companion preliminary plan for Silverleaf located at the northeast corner of 95th Street and Monticello Road

- a. Ordinance rezoning property at the northeast corner of 95th Street and Monticello Road in the R-1, Residential Single-Family zoning district to RP-1, Planned Residential Single-Family (Low Density), and RP-2, Planned Residential (Intermediate Density) zoning districts.

- b. Preliminary plan for Silverleaf subdivision, a 46-lot development consisting of single-family and two-family villas.

This development application will rezone the property at the northeast corner of 95th Street and Monticello Road from R-1, Residential Single-Family to RP-1, Planned Residential Single-Family district, and RP-2, Residential Planned (Intermediate Density) District. The companion preliminary plan would allow for the construction of a 46-lot development consisting of single-family and two-family villas. RZ20-03; PL20-04P.

Ms. Tilton stated that this property is currently zoned R-1, Residential Single Family, and is located at the northeast corner of Monticello Road and 95th Street. She explained that the property is bounded by Blackhoof Park to the north; vacant land zoned RP-1 to the west; Brampton West subdivision zoned R-1 to the south; and vacant land zoned RP-4 to the east, which was approved as a concept plan for an independent and assisted living facility as part of the Timber Rock development.

Ms. Tilton presented a map showing the area to be rezoned to RP-1, Planned Residential Single-Family, and another area to be rezoned to RP-2, Residential Planned (Intermediate Density), which would be developed with two-family attached units. The preliminary layout showed a total of 43-single family lots and 27 two-family lots.

Ms. Tilton stated that there would be access into the development from

Monticello Road as well as from 95th Street. Streets within the development would be public and areas shown on the plat as tracts would be owned and maintained by the homeowners' association (HOA).

Ms. Tilton stated that the applicant has requested a few deviations. For the single-family lots, the applicant requests to reduce front-yard setbacks on all of the lots from the required 30-feet to 20-feet. The applicant would also like to reduce the minimum lot width on all of the single-family lots from the required 70-feet to 60-feet. On five of the single-family lots, the applicant requests to allow a reduced lot size by a deviation of no more than 300 square feet from the required 8,000 square foot minimum lot size. For the two-family lots, the applicant requests to reduce front-yard setbacks from the required 25-feet to 20-feet.

David Rinne, applicant representative, was in attendance.

Ms. Tilton stated that the Planning Commission recommended approval of both the rezoning and the preliminary plan with the deviations as requested at its May 4th meeting. No one spoke at the public hearing held during the Planning Commission meeting, which was a Zoom online meeting.

David Rinne, Schlagel & Associates and Prime Development Land Company representative, stated this would be a maintenance-provided community with 43-detached and 54 paired villas for sale. The HOA services include landscape maintenance, snow removal, and exterior painting, as well as maintenance of the common areas.

Mr. Rinne presented a landscape plan reflecting a substantial amount of green space. He stated that native area is being preserved; BMPs and walking trails would also be provided. Landscaping and berms would screen residents from 95th Street as well as Monticello Road. The deviations requested allow these unique areas to be created. The angling of the two-unit buildings would provide better views and more lawn area.

Mr. Rinne showed elevations of the paired villas. The units have 2,300-2,500 square feet of living area. There are three different architectural styles and floor plans to provide more variety. The price points for the paired villas per side would be in the low- to mid-\$400,000 range and the detached villas would be in the upper-\$400,000 range.

Councilmember Julie Sayers said she appreciates the use of the native plants, BMPs, walking trails, and it looks like great project.

Councilmember Nicks said it looks like a very nice project. During Vision 2040, people asked for different housing options and this provides some of that, although that price point may not be considered affordable. He added that it reminds him of Cottonwood Canyon.

Councilmember Nolte said the saw tooth design on the two-family units works

well. The deviation requests concerned him initially, but the presentation helped him understand the project better and the maintenance offered makes the project an A+.

Councilmember Stuke said she likes diverse, unique design and product. She also said the open design is impressive. The presentation really helped explain the project.

Councilmember Eiterich said she loves that these are maintenance provided and that there is shared green space. She is concerned that the driveways appear to be shared and asked about this and the on-street parking.

Mr. Rinne stated that the front and side entries provide more distance than it appears and this has been done in four other communities without issues. He added that the development would have public streets and on-street parking should not be an issue. He stated that there are two-car garages with room for two more cars in each driveway without blocking the neighbor's unit. These units are primarily three bedrooms and will have basements.

Councilmember Karlin stated he thinks this is nice development and is in agreement with the aforementioned comments and the Golden criteria. He asked about the island area in the northwest corner.

Mr. Green stated the city is getting more of these islands and they will be City ROW that is developed and maintained by the developer. He added that without the island it leaves a large area of asphalt.

Councilmember Nicks asked if all the islands would be maintained even if not noted as tracts on the plat.

Mr. Green confirmed that the islands would be maintained by the HOA.

Mr. Rinne said he would will make sure the tracts are noted correctly on the final plat.

Mayor Boehm shared his support of this project. He asked if these lots would be laid out the same as a similar Olathe project where the garage doors face in-coming traffic, but not out-going traffic.

Mr. Rinne stated the intent is to minimize garage door visibility, not to accentuate it. He added that these are conceptual layouts, but he would work with the developer to see what can be done to add variety.

Mayor Boehm stated this is similar to Westchester in Lenexa as well. He stated that he feels there would be more than adequate parking on site, as evidenced by the Olathe development. He added that the large green spaces are an added amenity in the maintenance-provided development. He said he thinks this is a great project and thanked Frank Dean and Clay Blair for continuing to invest in Lenexa.

Councilmember Sayers made a motion to approve item 13a, the ordinance

rezoning the property, and Councilmember Eiterich seconded the motion. Motion passed unanimously by roll call vote.

Councilmember Nicks made a motion to approve item 13b, the preliminary plan for Silverleaf, and Councilmember Hunt seconded the motion. Motion passed unanimously by roll call vote.

14. Ordinance approving amendments to multiple sections of Article 4-1-B of the Unified Development Code related to permitting the use of indoor entertainment in the CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), and HBD (Historical Business District) zoning districts and supplemental regulations
City staff have received inquiries regarding allowing indoor entertainment uses such as event space in the Historical Business District (HBD) zoning district. The Unified Development Code (UDC) does not address event space specifically; the closest use in the UDC is indoor entertainment. The proposed amendment modifies the UDC to permit the use of indoor entertainment in CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Community Commercial), and HBD (Historical Business District) zoning districts and includes additional supplemental regulations.

Ms. Tilton introduced Christa McGaha, Planner, who authored these amendments and would be presenting this item.

Ms. McGaha stated that the Community Development department has received inquiries about potential event space in the Historical Business District (HBD), which is not addressed in the Unified Development Code (UDC); indoor entertainment is the closest use to event space in the UDC. She added that staff believes event space is similar to banquet facility and fits within the definition of indoor entertainment.

Ms. McGaha stated that indoor entertainment uses are not currently allowed in the HBD or CP-1, Planned Neighborhood Commercial, zoning districts and is only allowed with a Special Use permit in the CP-2, Planned Community Commercial zoning district. She stated staff believes this use would likely have no greater impact than drinking establishments or restaurants, which are allowed in these districts.

Ms. McGaha explained that allowing indoor entertainment in the HBD could assist in the revitalization of the Old Town neighborhood, which would tie in with the 2016 neighborhood action plan for the district. She presented the UDC use regulation schedule and said that additional updates have been made to various related code sections as part of this review process.

Ms. McGaha stated that both staff and the Planning Commission recommend approval of the proposed amendments. The Planning Commission considered this item at its May 4th meeting.

Councilmember Hunt stated he is in support of these amendments. He remarked that it sounds like staff is being proactive and responsive to the inquiries.

Councilmember Stuke stated that these amendments could bring some opportunities

to enhance Old Town and she is glad to see that the Planning Commission has recommended approval.

Councilmember Nicks asked if these amendments are adding indoor entertainment to the CP-1 district.

Ms. McGaha confirmed the amendments are adding it to the CP-1 and HBD zoning districts.

Councilmember Karlin stated these amendments make sense to him and adding indoor entertainment to the HBD is part of the vision. He asked if there could be problems having indoor entertainment in CP-1 and asked if staff had considered situations that could be problematic in the future.

Ms. McGaha stated that staff considered this and has addressed these in the amendments to the supplemental regulations.

Councilmember Sayers stated that making these modifications is consistent with citizen feedback from Vision 2040. These amendments would support redevelopment in Old Town and she is in support.

Councilmember Roh made a motion to approve item 14 and Councilmember Hunt seconded the motion. Motion passed unanimously by roll call vote.

NEW BUSINESS

15. Consideration of relinquishing Community Development Block Grant (CDBG) entitlement status and joining the Johnson County, Kansas CDBG and HOME Investment Partnerships (HOME) programs
 - a. Letter to the U.S. Department of Housing and Urban Development (HUD) relinquishing the City's status as an entitlement community, declining the City's FY 2020 allocation of Community Development Block Grant (CDBG) funds, and declaring the City's intent to join Johnson County in their urban county program beginning with federal FY 2021
 - b. A cooperation agreement with Johnson County, KS to participate in the urban county's CDBG and HOME Investment Partnerships (HOME) programs for federal FY 2021
 - c. A Memorandum of Understanding that establishes the method for determining the amount of the annual funding (sub-grants) to the City from the County's annual CDBG and HOME grants for federal FY 2021

- d. A resolution granting the City Manager authority to execute documents related to relinquishing its entitlement status and participating in the urban county CDBG programs of Johnson County.

To gain benefits for the community, as well as efficiency and effectiveness in administration and reporting, staff recommends the City relinquish its CDBG entitlement status and rejoin Johnson County's CDBG and HOME Program consortia. Staff recommends entering into a Memorandum of Understanding with the County, which sets out the terms, including funding allocation and procedures.

Scott McCullough, Community Development Director, presented the history of the City's participation in both the Johnson County CDBG and Home programs and the Housing and Urban Development (HUD) CDBG program.

Mr. McCullough explained the pros and cons of the City continuing in the HUD CDBG program, which began in 2016. He outlined the process and reasoning for relinquishing the City's entitlement status with the HUD CDBG program and rejoining the Johnson County urban county CDBG and HOME programs.

Mr. McCullough stated that rejoining the urban county program includes the City entering into a Memorandum of Understanding with Johnson County, which would detail the allocations and funding for participation in the programs and ensures that the City receives allocated fund amounts for CDBG, as well as HOME.

Mr. McCullough stated that staff believes the benefits of relinquishing HUD CDBG entitlement status and rejoining the Johnson County programs outweighs the costs of continuing with it. He added that the City does not have the staff resources to manage the HUD CDBG program and has had significant challenges since becoming an entitlement city.

Mayor Boehm stated that the City has done many good things through the HUD CDBG. He asked if there is an option to become an entitlement community again in the future, if the City still qualifies.

Beccy Yocham, City Manager, affirmatively responded, but stated that this time with the urban county programs, the City would receive guaranteed minimum allocations, which it did not before. She said she feels the negotiations in the agreements are positive.

Councilmember Eiterich asked if the City would lose one year of funding with this change.

Mr. McCullough confirmed that the City is currently in the HUD CDBG 2019 program year, which ends September 2020, and is spending down those funds. The urban county programs operate on a different calendar year. He stated

that staff has explored other avenues, but no solution avoids that loss.

Councilmember Hunt thanked staff for explaining the challenges the program has had and said he is in favor of the recommendation.

Councilmember Karlin made a motion to approve item 15a, the letter to HUD, and Councilmember Roh seconded the motion. Motion passed unanimously by roll call vote.

Councilmember Nicks made a motion to approve item 15b, the cooperation agreement, and Councilmember Hunt seconded the motion. Motion passed unanimously by roll call vote.

Councilmember Roh made a motion to approve item 15c, the Memorandum of Understanding, and Councilmember Sayers seconded the motion. Motion passed unanimously by roll call vote.

Councilmember Eiterich made a motion to approve item 15d, the resolution, and Councilmember Stuke seconded the motion. Motion passed unanimously by roll call vote.

COUNCILMEMBER REPORTS

Councilmember Eiterich stated it was great to see everyone at the Ridgeview Road ribbon cutting and she is glad it is open.

STAFF REPORTS

Beccy Yocham, City Manager, stated that tonight is the last ZOOM City Council meeting and that the next meeting would be live in the Community Forum on June 2. She stated that accommodations would be made for the City Council and audience to provide social distancing seating. She stated that Governor Kelly announced a modified Phase 2 reopening plan that would begin Friday, May 22; the main change would be a gathering limit of 15, and no pool openings. Ms. Yocham stated that Parks & Recreation staff released reopening plans last Friday, which are on the City's website. She added that with Governor Kelly's modified Phase 2, there could be a few modifications to the Parks & Recreation plan as well; staff are analyzing the opening of the Rec Center and indoor pool. Ms. Yocham stated that the decision has been made to cancel Lenexa's July 4th parade and Freedom Run due to anticipated gathering size limits, stating it would be too difficult to do these activities socially distanced. She stated that staff are developing virtual options, which would be presented to the Governing Body at the June 2nd City Council meeting.

Councilmember Hunt stated he appreciates that staff is looking for ways to engage the community when activities are canceled and he hopes it is not a burden to do so.

ADJOURN

Councilmember Eiterich made a motion to adjourn the meeting and Councilmember Hunt seconded the motion. Motion passed unanimously by voice vote.

The meeting adjourned at 9 PM.

Proclamation

WHEREAS, every day more than 100 Americans are killed by gun violence and on average there are more than 13,000 gun homicides every year; and

WHEREAS, Kansas has 386 gun deaths every year, with a rate of 13.3 deaths per 100,000 people. Kansas has the 22nd highest rate of gun deaths in the US; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, the pandemic facing America has drastically impacted communities and individuals sheltering in place which may result in situations where access to firearms results in increased risk in domestic violence gun deaths, suicide by gun, and unintentional shootings;

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in the presidential inaugural parade and was tragically shot and killed just weeks later; and

WHEREAS, to help honor Hadiya and the more than 100 Americans whose lives are cut short every day and the countless survivors who are injured by shootings every day, a national coalition has designated June 5, 2020 as the 6th National Gun Violence Awareness Day; and

WHEREAS, Hadiya's friends started Wear Orange Day to commemorate her life; they chose this color because hunters wear orange to announce themselves to other hunters and orange is a color that symbolizes the value of human life; and

WHEREAS, by wearing orange Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, I, Michael A. Boehm, Mayor of the City of Lenexa, Kansas do hereby proclaim the 5th day of June, 2020 in the City of Lenexa to be

NATIONAL GUN VIOLENCE AWARENESS & WEAR ORANGE DAY

and encourage all residents to support efforts to prevent the tragic effects of gun violence and to honor and value all human lives.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of June, 2020.



Michael A. Boehm
Mayor of Lenexa, Kansas

**PETITION FOR COMMUNITY IMPROVEMENT DISTRICT (CID)
JAYHAWK RIDGE**

Prairie Star Parkway and Ridgeview Road, Lenexa, Kansas

To: The City of Lenexa, Kansas (the "City")

Jayhawk Ridge, LLC, a Kansas limited liability company (the "**Petitioner**") is the owner of record of certain real property legally described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Petitioner Property**"). Petitioner desires the City establish a Community Improvement District ("**CID**") over the Petitioner Property, generally described in **Section 1.a.** herein and authorize the proposed CID project described herein.

The Petitioner owns in fee simple more than 55% of the land area within the proposed CID and more than 55% of the land measured by assessed value of the land area within the proposed CID. As such, Petitioner hereby requests that the City establish a CID over the Petitioner Property and authorize the proposed CID project described in **Section 2** herein (hereinafter defined as the "**Project**") in the manner provided by K.S.A. 12-6a26 *et seq.* (the "**CID Act**") for the purpose of financing, in part, the CID Reimbursable Costs (hereinafter defined) associated with the Project.

The Petition states as follows:

1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID

- a The area proposed to be included in the community improvement district (the "**District**") includes the approximately 24.78 acres legally described on **Exhibit A** (the "**CID Property**").
- b A general map depiction of the proposed District is attached hereto as **Exhibit B** and incorporated herein by reference.
- c The name of the proposed District is the "Jayhawk Ridge Community Improvement District."

2. GENERAL NATURE OF THE PROJECT

The general nature of the CID Project consists of the construction of a mixed-use development that is anticipated to include a five-story mixed-use building with approximately 15,000 sq. ft. of retail and 150 residential unit; a three-story, approximately 100,000 sq. ft. climate controlled self-storage facility; approximately 36,000 sq. ft of retail uses in approximately six buildings; and access roads, surface parking, sidewalks, landscaping, site development, surface remediation and reclamation and associated infrastructure on the Petitioner Property. The Petitioner is requesting that revenues generated from a CID Sales Tax be used to pay for or reimburse some or all of the Project costs. The general components of the Project include but are not limited to such items as site preparation and development, construction of buildings and tenant finish

improvements, including FF&E, construction of infrastructure and surface parking; ongoing operation and maintenance costs and any other items or uses associated with the CID Project as authorized by the Act. The CID Eligible Costs are described on **Exhibit C** attached hereto and incorporated herein by reference. The Project improvements proposed to be financed, in part, with CID financing consist of any and all improvements associated with the Project, the costs of which are eligible for reimbursement under the CID Act subject to any limitations set forth in the CID Act or in the City's CID Policy and CID Procedures adopted August 3, 2010, as may be amended, and codified in Article GB05-1 and AD05-1, respectively (collectively, the "**City CID Policy**") (the "**CID Reimbursable Costs**"). The CID Reimbursable Costs are generally described on **Exhibit C**, attached hereto and incorporated herein by reference.

3. ESTIMATED COST OF THE PROJECT

The estimated total cost of the proposed Project is approximately \$100 million.

4. PROPOSED METHOD OF FINANCING

The Project is proposed to be financed initially through a combination of private equity, private debt and Pay-as-you-go financing, as defined in the CID Act. Petitioner will be reimbursed for CID Reimbursable Costs from a CID sales tax generated solely from the Project constructed on the CID Property and such reimbursement shall be made in accordance with the provisions set forth in an approved CID Development Agreement (the "**Development Agreement**") to be entered into between the City and Petitioner. Petitioner reserves the right to request the City to issue special obligation bonds, in accordance with the CID Act and the City's CID Policy, at a future date in order to fund the CID Reimbursable Costs of the Project that have not been reimbursed previously, but understands that the City is not obligated to issue such bonds.

In addition, on or about April 7, 2020, the City adopted Ordinance No. 5776 approving and adopting Redevelopment (TIF) Project Plan 5 (the "Project Plan") covering the substantially same area as the CID Property. Pursuant to that Disposition and Development Agreement dated as of April 7, 2020 (the "TIF Agreement"), the incremental ad valorem property taxes generated from the Project Plan area will be used to fund eligible costs associated with the Project. The TIF Agreement specifically contemplates that Petitioner intends to make application to the City for the establishment of a District under the CID Act. The Petitioner cannot be reimbursed twice for the same cost in the District and the Project Plan area.

5. PROPOSED AMOUNT AND METHOD OF ASSESSMENT

No special assessments shall be levied for the District.

6. PROPOSED AMOUNT OF CID SALES TAX

The proposed amount of the community improvement district sales tax to be levied over the District (the "**CID Sales Tax**") is:

One percent (1.0%)

The CID Sales Tax shall be levied for 22 years from the date the State Director of Taxation begins collecting the CID Sales Tax, or such lesser number of years as may be required to produce the revenues sufficient for the payment of the maximum CID Reimbursable Costs identified in ***Exhibit C***. Petitioner requests the City notify the Kansas Department of Revenue to commence collection of the CID Sales Tax on January 1, 2022 or as soon thereafter as possible.

7. NOTICE TO SIGNERS

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS AFTER THE GOVERNING BODY BEGINS CONSIDERATION OF THIS PETITION, OR, LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF, WHICHEVER OCCURS FIRST.

8. ACKNOWLEDGEMENTS

- a Petitioner has received, read and understand the City's CID Policy and agree to comply therewith.
- b Approval of the proposed Project or this Petition does not eliminate compliance with all applicable zoning, planning, permit and other laws relating to development of the Petitioner Property within the District.
- c The estimated amount of eligible CID Project costs are anticipated to far exceed the aggregate maximum amount of CID Reimbursable Costs set forth in ***Exhibit C***; but based upon the anticipated amount of allowable CID Revenues to be generated over the CID Term, Petitioner is only requesting reimbursement of CID Reimbursable Costs in the aggregate maximum amount of \$5 million over the CID Term.
- d The City is relying on the estimated cost of the CID Reimbursable Costs set forth in this petition without independent investigation as to the accuracy of such estimate.
- e Reimbursement from the CID Sales Tax is subject to the terms of a Development Agreement to be entered into between the City and Petitioner or any other entity allowed by the Development Agreement and approved by the City for reimbursement.
- f Petitioner acknowledges that it is requesting a public incentive and certifies that it has no financial interest in any real estate in Lenexa, Kansas with delinquent special assessments or ad valorem taxes.

[Remainder of Page Intentionally Left Blank. Signature Pages to follow]

Jayhawk Ridge, LLC

By: MS

Name: Michael A. Christre

Title: Managing Member

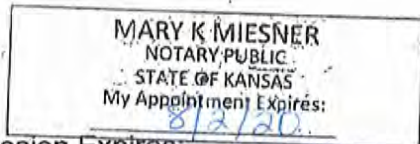
VERIFICATION

STATE OF Kansas)
COUNTY OF Johnson)ss.

The foregoing Petition was acknowledged before me this 14 day of May, 2020, by Michael A. Christre on behalf of Jayhawk Ridge, LLC a Kansas limited liability company, and acknowledges he has authority to execute the Petition and said instrument is executed as the free act and deed of said corporation.

Subscribed and sworn to before me this 14 day of May, 2020.

(Seal)



My Commission Expires: _____

Mary Miesner

Notary Public in and for said
County and State

For Office Use Only

This Petition was filed in the office of the Lenexa City Clerk this 15th day of May, 2020



By: Jennifer Martin
Lenexa City Clerk

EXHIBIT A

Legal Description of District

Part of the NW¼ of Section 6, T13S, R24E of the Sixth Principal Meridian, in the City of Lenexa, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of the NW¼ of Section 6, T13S, R24E of the Sixth Principal Meridian, in the City of Lenexa, Johnson County, Kansas; thence S 01°58'19" E, along the West line of said NW¼ a distance of 695.28 feet to the TRUE POINT OF BEGINNING; thence N 53°20'51" E a distance of 218.43 feet to a point on the Easterly right-of-way line of Ridgeview Road as now established; thence N 01°50'40" W, along the Easterly right-of-way line of said Ridgeview Road, a distance of 307.72 feet; thence N 35°15'40" E a distance of 35.78 feet; thence N 85°02'21" E a distance of 128.84 feet; thence N 88°02'32" E a distance of 155.49 feet; thence N 87°46'02" E a distance of 625.40 feet; thence S 01°39'00" E a distance of 356.99 feet; thence Southwesterly, on a curve to the right having a radius of 625.00 feet, for a distance of 301.57 feet; thence Southwesterly, on a curve to the left having an initial tangent bearing of S 25°59'44" W and a radius of 575.00 feet, for a distance of 277.61 feet; thence S 01°40'00" E a distance of 181.46 feet; thence S 87°20'17" W a distance of 458.52 feet; thence S 42°13'21" E a distance of 30.67 feet to a point on the Easterly right-of-way line of said Ridgeview Road; thence S 71°23'50" W, along the Easterly right-of-way line of said Ridgeview Road, a distance of 44.74 feet; thence Northwesterly, continuing along the Easterly right-of-way line of said Ridgeview Road, on a curve to the right having a radius of 54.00 feet, for a distance of 81.26 feet; thence Northwesterly, continuing along the Easterly right-of-way line of said Ridgeview Road, on a curve to the left having an initial tangent bearing of N 22°23'10" W and a radius of 1,310.00 feet, for a distance of 28.35 feet; thence S 66°22'26" W a distance of 124.00 feet to a point on the Westerly right-of-way line of said Ridgeview Road; thence Southeasterly, along the Westerly right-of-way line of said Ridgeview Road, on a curve to the right having an initial tangent bearing of S 23°37'34" E and a radius of 1,186.00 feet, for a distance of 34.65 feet; thence Southwesterly, continuing along the Westerly right-of-way line of said Ridgeview Road, on a curve to the right having an initial tangent bearing of S 21°57'08" E and a radius of 34.00 feet, for a distance of 62.30 feet; thence Northwesterly, continuing along the Westerly right-of-way line of said Ridgeview Road, on a curve to the right having an initial tangent bearing of S 83°02'14" W and a radius of 195.00 feet, for a distance of 157.44 feet; thence N 22°14'16" W a distance of 384.29 feet to a point on the West line of said NW¼; thence N 01°58'19" W, along the West line of said NW¼, a distance of 44.61 feet; thence N 67°46'15" E a distance of 33.95 feet; thence N 22°13'44" W a distance of 26.28 feet; thence S 67°46'15" W a distance of 24.25 feet to a point on the West line of said NW¼; thence N 01°58'19" W, along the West line of said NW¼, a distance of 249.80 feet to the TRUE POINT OF BEGINNING, containing 24.77593 acres, more or less.

EXHIBIT B



EXHIBIT C

CID ELIGIBLE COSTS

Description of Cost Item	Estimated Cost
Land Acquisition	\$4,400,000
Vertical building, structure and facility improvements, including costs associated with meeting certain standards/quality for the CID Project	\$0
Site work, including but not limited to grading, storm and sanitary sewers, drainage systems, utilities and similar site preparation improvements	\$3,500,000
Landscaping and irrigation	\$100,000
Streetscape, including lighting, street furniture, trash receptacles, walls, and other associated costs	\$750,000
Streets, sidewalks and associated costs and the costs of financing the same.	\$600,000
Sculptures, fountains and other cultural amenities	\$75,000
Constructing and operating parking lots and parking structures	\$5,000,000
Engineering and other professional consultant fees, excluding attorney's fees	\$1,000,000
Signage	\$50,000
Tenant Improvement Costs, including FF&E	\$0
Security personnel, equipment and facilities within the CID	\$0
Public transportation shelters, facilities and informational kiosks	\$0
Providing or contracting for the cleaning, maintenance and other services to public or private property within the CID	\$0
Marketing, sales and promotion of tourism and other special events within the CID including but not limited to advertising, decoration of public places, promotion of the events and furnishing music in any public place	\$0
Marketing and supporting business activity, development and recruitment of developers and businesses	\$0
Ongoing ordinary and necessary maintenance and operational costs as authorized by the CID Act	\$0
Estimated Amount of CID Eligible Costs	\$15,475,000+/-
MAXIMUM AGGREGATE CID REIMBURSABLE COSTS	\$5,000,000^{1,2}

¹ The City has only authorized a maximum aggregate reimbursement to the Petitioner of \$5,000,000; therefore, the maximum aggregate reimbursement of CID Reimbursable Costs is less than the subtotal of the estimated costs. The Petitioner will be responsible for all expenses of Petitioner, including costs associated with constructing the Project as well as the CID Reimbursable Costs even if they exceed the CID Revenue generated from the District.

² Although the total CID Reimbursable Costs are anticipated to exceed the Aggregate Maximum Amount of CID Reimbursable Costs, in no event will Petitioner be reimbursed for costs incurred in excess of the Aggregate Maximum Amount.

TERMINATION OF AGREEMENT

This Termination of Lease and PILOT Agreement (the "Agreement") is entered into this 2nd day of June, 2020 by and between the City of Lenexa, Kansas ("City") and Lenexa 33, LLC ("Lenexa 33", also referred to as "Tenant").

WHEREAS, the City issued its Industrial Revenue Bonds, 2009 Series, on behalf of Lenexa 33 in the aggregate original principal amount of \$5,188,161 (the "Bonds") in connection with the acquisition and equipping of the real property located at 11601 W. 81st Street, Lenexa, Kansas (the "Project"); and

WHEREAS, the Bonds were issued pursuant to Ordinance No. 5097 passed and approved by the Lenexa Governing Body on June 2, 2009 and pursuant to which Wells Fargo Bank, N.A. was appointed the Trustee (the "Trustee"); and

WHEREAS, in connection with the issuance of the Bonds, the City also entered into a Trust Indenture dated as of June 19, 2009; and

WHEREAS, in connection with the issuance of the Bonds, the City as Issuer and Landlord, entered into a lease with the Tenant dated as of June 19, 2009 (the "Lease Agreement") and a Memorandum of Lease is recorded with the Johnson County Records & Tax Administration (RTA) at Book 2000906, Page 009276, creating a leasehold estate in certain real estate and improvements thereon; and

WHEREAS, the City entered into a Payment in Lieu of Tax Agreement with Tenant dated as of June 2, 2009 and amended on July 22, 2009 (the "PILOT Agreement"); and

WHEREAS, the tax abatement on the Property terminated after tax year 2019. Tenant notified the City, as Issuer and Landlord, that it desired to exercise its option to

the purchase the Project pursuant to Article 17 of the Lease Agreement and to redeem all of the outstanding Bonds on or about May 28, 2020; and

WHEREAS, on _____, Tenant paid the City's fee required under the Lease Agreement to exercise the option to purchase; and

WHEREAS, on _____, Tenant redeemed the Bonds and the Trustee provided the City written certification that Tenant paid all sums due and owing under the Bonds; and

WHEREAS, the City desires to convey to Tenant title to the Project and to the personal property acquired with the Bond proceeds and to terminate the Lease Agreement and the PILOT Agreement and to Discharge the Memorandum of Lease.

NOW, THEREFORE, the parties understand and agree:

1. The City represents that the Mayor is authorized to execute this Agreement.
2. Upon execution of this Agreement, the City Clerk is directed to file this Agreement with the Johnson County RTA and the Lease Agreement and PILOT Agreement shall terminate and the Memorandum of Lease shall be discharged and each of the aforementioned agreements/documents shall be of no further force and effect along with Bond Ordinance No. 5097.
3. The real property affected by this Termination of Agreements is commonly referred to as 11601 W. 81st Street and is legally described as:

Lot 33, Pine Ridge West Business Park – Sixth Plat, a subdivision in the City of Lenexa, Johnson County, Kansas (the "Property")

IN WITNESS WHEREOF, the parties hereto have caused this Termination of Agreement to be duly executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers on the date first above written.

[Rest of Page Intentionally Left Blank. Signature Pages Follow.]

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney

ACKNOWLEDGMENT

STATE OF KANSAS]
] ss.
COUNTY OF JOHNSON]

BE IT REMEMBERED that on this ____ day of June, 2020, before me, a notary public in and for said county and state, appeared **MICHAEL A. BOEHM, MAYOR**, who acknowledged that he signed the foregoing instrument on behalf of the **CITY OF LENEXA, KANSAS**, and further acknowledged the same as his voluntary act and deed on behalf of the **CITY OF LENEXA, KANSAS**, for the uses and purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal on the day and year aforesaid.

Notary Public

My Commission Expires: _____

LENEXA 33, LLC

Signature

Printed Name

Title:

ACKNOWLEDGMENT

STATE OF _____]
COUNTY OF _____] ss.

BE IT REMEMBERED that on this _____ day of _____, 2020, before me, a notary public in and for said county and state, appeared _____, who acknowledged that he/she signed the foregoing instrument on behalf of **LENEXA 33, LLC** and further acknowledged the same as his/her voluntary act and deed for the uses and purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal on the day and year aforesaid.

Notary Public

My Commission Expires: _____

(Space above this line for Recorder's use only)

1. Title of Document: Special Warranty Deed
2. Date of Document: June 2, 2020
3. Grantor: **CITY OF LENEXA, KANSAS**
City Hall
17101 W. 87th Street Parkway
Lenexa, KS 66219
4. Grantee: **LENEXA 33, LLC**
c/o _____

5. Legal Description: Lot 33, Pine Ridge West Business Park – Sixth Plat, a subdivision in the City of Lenexa, Johnson County, Kansas.
6. Reference Book and Page(s): Book 2000906, Page 009276

This deed is not subject to the Kansas Real Estate Validation Questionnaire pursuant to Exemption K.S.A. 79-1437e(a)(2).

KANSAS SPECIAL WARRANTY DEED

On this 2nd day of June 2020, **CITY OF LENEXA, KANSAS**, a Kansas municipal corporation of Johnson County, Kansas, in the State of Kansas (hereinafter "GRANTOR"), bargains, sells, conveys and grants unto Lenexa 33, LLC, a Kansas limited liability company whose address is _____ (hereinafter "GRANTEE"), its successors and assigns, all of Grantor's interest in the following described real estate (the "Property") located in Johnson County, Kansas:

TO WIT:

11601 W. 81st Street, Lenexa, Kansas

Also known as:

Lot 33, Pine Ridge West Business Park – Sixth Plat, a subdivision in the City of Lenexa, Johnson County, Kansas.

For the sum of Ten Dollars [\$10.00] and other good and valuable consideration to Grantor duly paid, the receipt of which is hereby acknowledged;

SUBJECT TO:

- (a) Permitted Encumbrances, defined as the Lease between the City and Lenexa 33, LLC dated as of June 19, 2009 (the "Lease"), easements and rights of way of record at the time of conveyance of the Project to Grantor, and any other exceptions not affecting marketability or the usefulness of the Facility or Project to Grantee;
- (b) those liens and encumbrances whatsoever to which title was subject at the time of conveyance of title to the Grantor and to which title was subject to on the date of conveyance to the Issuer of the Project, or to which title became subject with the Grantee's written consent, or which resulted from any failure of Grantee to perform any of its covenants or obligations under the Lease;
- (c) taxes and assessments, general and special, if any; which have been assessed but not yet paid; and
- (d) the rights, title and interest of any party having condemned or who is attempting to condemn title to, or the use for a limited period of, all or any part of the Project.

TO HAVE AND TO HOLD THE SAME, together with all and singular tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. And Grantor, for Grantor and Grantor's successors and assigns, hereby covenants that Grantor is lawfully seized of Grantor's interest in the Property and has good right to convey Grantor's interest in the Property and guarantees the quiet possession of the Property against the claims of those claiming any right, interest or title through Grantor,

except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantor, except as may be described above, and Grantor will warrant and forever defend the Property and said interest into Grantee, its successors and assigns, against all lawful claims of those claiming any right, interest or title through Grantor, except as may be described above; but Grantor does not warrant title against those claiming a right, interest or title that arose prior to, or separate from, Grantor's interest in the Property.

CITY OF LENEXA, KANSAS, Grantor

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this ____ day of June 2020, before me, a notary public in and for said county and state, appeared **MICHAEL A. BOEHM, MAYOR**, who acknowledged that he signed the foregoing instrument on behalf of the **CITY OF LENEXA, KANSAS**, and further acknowledged the same as his voluntary act and deed on behalf of the **CITY OF LENEXA, KANSAS**, for the uses and purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal on the day and year aforesaid.

Notary Public

My Commission Expires: _____