

(Published in *The Colby Free Press* on Sept. 18, 2008)

**RESOLUTION NO. 2008-8**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS DETERMINING THAT THE CITY OF COLBY, KANSAS IS CONSIDERING ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE COUNTY, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (BOSELMAN'S TRUCK STOP PROJECT).**

**WHEREAS**, the City of Colby, Kansas (the "City") desires to promote, stimulate and develop the general and economic welfare of the City, Thomas County, Kansas (the "County") and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City and the County, thereby promoting the general welfare of the citizens of the State, the County and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770, *et seq.*, as amended (the "Act"), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues; and

**WHEREAS**, prior to the creation of any redevelopment district the governing body of the City must adopt a resolution stating that the City is considering the establishing of a redevelopment district, which resolution shall: (1) Give notice that a public hearing will be held to consider the establishment of a redevelopment district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than 30 nor more than 70 days following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district, (3) describe a proposed redevelopment district plan, (4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated, and (5) state that the governing body will consider findings necessary for the establishment of a redevelopment district; and

**WHEREAS**, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail return, receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed redevelopment project area, and to each owner and occupant of land within the proposed redevelopment district not more than 10 days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing, which publication shall

include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the redevelopment project area; and

**WHEREAS**, upon the conclusion of such public hearing, the governing body may pass an ordinance which shall: (1) make findings that the property within the proposed redevelopment district is an "eligible area" as defined in the Act, (2) contain the redevelopment district plan as approved, (3) contain the legal description of the redevelopment district, and (4) may establish the redevelopment district, provided that the boundaries of the redevelopment district shall not include any area not designated in the notice of public hearing on the creation of the redevelopment district; and

**WHEREAS**, no privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of the Act if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district that the proposed redevelopment district will have an adverse effect on such county or school district; and

**WHEREAS**, the City may establish a district inclusive of land outside the boundaries of the City or wholly outside the boundaries of the City upon written consent of the Board of County Commissioners of Thomas County (the "Board"), provided the prior to providing written consent, the Board shall be subject to the same procedure for public notice and hearing as is required of a city for the establishment of a redevelopment district; and

**WHEREAS**, upon the creation of a redevelopment district pursuant to the Act, the City may propose to undertake one or more redevelopment projects and shall prepare a redevelopment project plan, which may be implemented in separate development stages, in consultation with the City's planning commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS:**

**Section 1. Findings.** The City is considering the establishment of a redevelopment district located wholly outside the City limits within Thomas County, Kansas, subject to the written consent of the Board after notice and hearing, all pursuant to the Act.

**Section 2. Proposed Redevelopment District.** The proposed redevelopment district (the "Redevelopment District") is an approximately 31-acre parcel located along westbound I-70 in Thomas County, Kansas, more particularly described on *Exhibit A* attached hereto and incorporated herein by reference. A map depicting the boundaries of the proposed Redevelopment District is attached hereto as *Exhibit B*, which is incorporated herein by reference.

**Section 3. Proposed Redevelopment District Plan.** The buildings and facilities to be constructed or improved in the Redevelopment District may be described in a general manner as follows:

The proposed development will be a retail center on approximately 24 acres of land located adjacent to Exit #54 of westbound I-70 in Thomas County, Kansas. The retail center will include a truck stop with restaurant, an approximately 50-room motel, and two commercial out lots. In addition, there shall be constructed public infrastructure improvements, including street improvements.

**Section 4. Public Hearing.** Notice is hereby given that a public hearing will be held by the Board to consider the establishment of the Redevelopment District on September 30, 2008, at the

Commission meeting room, located at the County Courthouse, 300 N. Court, Colby, Kansas, 67701, the public hearing to commence at 9:00 a.m. or as soon thereafter as the Board can hear the matter. At the public hearing, the Board will receive public comment on the creation of the proposed Redevelopment District, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the Redevelopment District pursuant to the Act.

**Section 5. Notice of Public Hearing.** The County Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, within 10 days of this date to:

- (i) the governing body of the City of Colby, Kansas;
- (ii) the Board of Education of U.S.D. No. 315;
- (iii) each owner and occupant of land within the proposed Redevelopment District.

(b) This resolution, specifically including *Exhibits A and B* attached hereto, shall be published once in the official newspaper of the County not less than one week nor more than two weeks preceding the date of the public hearing.

**Section 6. Public Records.** Copies of a description and map of the proposed Redevelopment District and the proposed Redevelopment District Plan for the proposed Redevelopment District are public records and are available for public inspection during regular office hours in the office of the County Clerk, County Courthouse, 300 N. Court, Colby, Kansas, 67701.

**Section 7. Further Action.** The County Administrator, County Clerk, County Counselor and other officials and employees of the County, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

**Section 8. Effective Date.** This resolution shall be effective upon its adoption by the Board of County Commissioners, Thomas County, Kansas.

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ADOPTED by the Board of County Commissioners of Thomas County, Kansas on July 31, 2008.



Ken Christensen  
Chairman

Paul [Signature]  
Commissioner

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Commissioner

Attest:

Shelly A. Harms  
County Clerk

**EXHIBIT A****LEGAL DESCRIPTION OF PROPOSED DISTRICT**

A tract composed of a portion of the Northwest Quarter (NW¼) of Section Seventeen (17) and a portion of the Southwest Quarter (SW¼) of Section Eight (8), Township Eight (8) South, Range Thirty-three (33) West of the 6<sup>th</sup> Principal Meridian, City of Colby, Thomas County, Kansas.

Commencing at the Northwest Corner (NW/c) of the Northwest Quarter (NW¼) of said Section Seventeen (17), thence Easterly along the north line of said Northwest Quarter (NW¼) on an assumed bearing of North 90 Degrees 00 Minutes 00 Seconds East (N90°00'00"E) 92.44 feet to the point of beginning; thence North 47 Degrees 04 Minutes 04 Seconds West (N47°04'04"W) 125.29 feet to a point on the West line of said Southwest Quarter (SW¼); thence North 00 Degrees 28 Minutes 45 Seconds East (N00°28'45"E) 517.06 feet along the West line of said Southwest Quarter (SW¼) to a point; thence South 89 Degrees 31 Minutes 15 Seconds East (S89°31'15"E) 185.00 feet to a point on the North right-of-way of East Willow Street; thence South 43 Degrees 53 Minutes 21 Seconds East (S43°53'21"E) 177.90 feet along the North right-of-way of East Willow Street to a point; thence South 27 Degrees 12 Minutes 37 Seconds East (S27°12'37"E) 214.34 feet along the North right-of-way of East Willow Street to a point; thence on a curve to the left having a radius of 427.46 feet, delta angle of 62 Degrees 48 Minutes 44 Seconds (62°48'44"), chord length of 445.50 feet, chord bearing of South 58 Degrees 36 Minutes 59 Seconds East (S58°36'59"E), and an arc length of 468.62 feet along the North right-of-way of East Willow Street to a point; thence North 90 Degrees 00 Minutes 00 Seconds East (N90°00'00"E) 970.98 feet along the North right-of-way of East Willow Street to a point; thence South 00 Degrees 00 Minutes 00 Seconds East (S00°00'00"E) 100.00 feet to a point on the South right-of-way of East Willow Street; thence North 90 Degrees 00 Minutes 00 Seconds West (N90°00'00"W) 100.00 feet along the South right-of-way of East Willow Street to a point on the East right-of-way of Stephens Drive; thence South 00 Degrees 53 Minutes 39 Seconds West (S00°53'39"W) 603.04 feet along the East right-of-way of Stephens Drive to a point; thence South 47 Degrees 02 Minutes 36 Seconds East (S47°02'36"E) 341.04 feet along the East right-of-way of Stephens Drive to a point; thence South 35 Degrees 38 Minutes 11 Seconds West (S35°38'11"W) 382.16 feet to a point on the North Right-of-Way Line of Interstate 70; thence along a non-tangent curve to the left having a radius of 5929.65 feet, delta angle of 11 Degrees 16 Minutes 27 Seconds (11°16'27"), chord length of 1164.89 feet, chord bearing of North 57 Degrees 14 Minutes 43 Seconds West (N57°14'43"W), and an arc length of 1166.77 feet along the North Right-of-Way line of Interstate 70 to a point; thence North 47 Degrees 04 Minutes 04 Seconds West (N47°04'04"W) 786.49 feet along the North Right-of-Way line of Interstate 70 to a point; thence North 47 Degrees 04 Minutes 04 Seconds West (N47°04'04"W) 44.05 feet to the point of beginning.

This tract contains 31.35 acres more or less



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**RECORDED 9/12/2008 at 9:38 AM**

RECORDING FEE: \$ No Fee  
 Thomas County, KANSAS  
 LORA L. VOLK, DEPUTY  
 MAYBELLE MOORE, REGISTER OF DEEDS

196-03

*Maybelle Moore*

EXHIBIT B

MAP OF PROPOSED REDEVELOPMENT DISTRICT

