

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 15th day of March, 2022, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 16th day of March, 2022.



Brenda K. Wolf

Brenda K. Wolf, CMC, City Clerk

CORRECTED ORDINANCE NO. 7568

AN ORDINANCE AMENDING ORDINANCE NO. 6512 OF THE CITY OF MANHATTAN, KANSAS, THAT ESTABLISHED THE MANHATTAN DOWNTOWN REDEVELOPMENT DISTRICT, TO INCLUDE ADDITIONAL PROPERTY IN SUCH DISTRICT FOR STAR BOND ACT PURPOSES ONLY; AND PROVIDING FOR A SUBSTANTIAL CHANGE TO THE DISTRICT PLAN ASSOCIATED WITH SUCH DISTRICT.

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

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Prior Act”), the City Commission of the City (the “City Commission”), has heretofore adopted Resolution No. 090605-A, which made a finding that the City is considering the establishment of a redevelopment district pursuant to the Prior Act and the Master Plan, set forth the boundaries of the proposed redevelopment district, provided a summary of the proposed redevelopment district plan, called a public hearing concerning the establishment of a redevelopment district for October 11, 2005 and provided for notice of such public hearing as provided in the Prior Act; and

WHEREAS, a public hearing was held on October 11, 2005, after due published, delivered and mailed notice in accordance with the provisions of the Prior Act; and

WHEREAS, upon and considering the information and public comments received at such public hearing, the City Commission on October 11, 2005 approved, on first reading, an ordinance making certain findings necessary to create the redevelopment district discussed at such public hearing; and

WHEREAS, the City Commission on November 15, 2005, adopted Ordinance No. 6512, which made a finding that due notice of the public hearing conducted on October 11, 2005 was made in accordance with the provisions of the Prior Act, that the boundaries of the proposed redevelopment district described in Resolution No. 090605-A is located within an enterprise zone and therefore within an eligible area under the Prior Act, that the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City and created a redevelopment district within the City, known as the Manhattan Downtown Redevelopment District, the boundaries of which were defined in said Ordinance (the “District”); and

WHEREAS, the City, in consultation with the City's Planning Commission, prepared an initial South Project Area Redevelopment Project Plan and Special Bond Project Plan dated January 30, 2007 (the “Redevelopment Plan”); and

WHEREAS, on February 5, 2007 the Planning Commission of the City made a finding that the Redevelopment Plan is consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, on March 15, 2007, the City Commission adopted Ordinance No. 6612, which made certain findings required by the Prior Act and adopted the Redevelopment Plan; and

WHEREAS, on November 27, 2006, the Kansas Secretary of Commerce (the “Secretary”): (a) determined that the District constitutes a major commercial entertainment and tourism area and is therefore an “eligible area” under the Prior Act and (b) approved and designated the Downtown Redevelopment Project described in the Redevelopment Plan as a “special bond project” within the meaning of the Prior Act and on December 28, 2006 approved the issuance of up to \$50,000,000 in STAR bonds; and

WHEREAS, pursuant to K.S.A. 12-17,160 *et seq.*, as amended, which amended and supplemented a portion of the Prior Act (the “STAR Bond Act”), the City Commission desires to expand the boundaries of the District for STAR Bond Act purposes to include certain property located north of, and contiguous to, the existing District boundaries, as described on *Exhibit A* hereto (the “Additional Property”) in order to provide a site for construction of additional public infrastructure and development of a museum facility and related attractions in the proposed expanded boundary area, and the Additional Property is within the limits of the City but is not part of any other STAR bond project district; and

WHEREAS, pursuant to the STAR Bond Act, the Secretary has consented to amending the boundaries of the District for STAR Bond purposes to include the Additional Property; and

WHEREAS, the City Commission, by Resolution No. 011822-A, adopted January 18, 2022, set a public hearing to consider amending the boundaries of the District to include the Additional Property and to make a substantial change to the district plan; and

WHEREAS, Resolution No. 011822-A was published on February 19, 2022, a copy thereof was mailed on January 24, 2022, to the entities and persons required by the STAR Bond Act, and notice was provided on the City’s website; and

WHEREAS, on March 1, 2022, after complying with procedural requirements of the STAR Bond Act, a public hearing was opened, public comment was received by the City Commission and the public hearing was closed; and

WHEREAS, the City Commission is authorized by the STAR Bond Act to pass an ordinance amending Ordinance No. 6512 to expand the boundaries of the District to add the Additional Property and to make a substantial change to the district plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MANHATTAN, KANSAS:

Section 1. Ordinance Amendments. (a) *District Plan Change.* **Section 3** of Ordinance No. 6512 is hereby amended to read as follows:

Section 3. Redevelopment District Plan. The preliminary plan for the proposed District, as amended, is set forth on *Exhibit C* attached hereto (the “District Plan”) and is hereby approved. In addition, the District Plan provides for the construction of public infrastructure improvements appurtenant to the foregoing building and facility improvements.

(b) *District Description and Map.* **Exhibit A** to Ordinance No. 6512, containing a legal description of the District, is hereby amended to read as set forth on *Exhibit A* attached hereto. **Exhibit B** to Ordinance No. 6512, containing a map of the District, is hereby amended to read as set forth on *Exhibit B* attached hereto.

(c) *STAR Bond Act Purposes Only.* The amendments provided for in this **Section 1** are for STAR Bond Act purposes only and are not applicable for activities or financing pursuant to the Prior Act for property tax increment purposes.

Section 2. Ratification. The rest and remainder of Ordinance No. 6512 is hereby ratified and confirmed.

Section 3. Recording. A certified copy of this Ordinance shall be recorded with the Riley County, Kansas, Register of Deeds.

Section 4. Conforming Amendments. The legal description of the District contained as exhibits to various documents related to the District are hereby modified to conform to the amendment authorized in **Section 1** hereof

Section 5. Notification. The City Clerk shall cause to be transmitted copies of this Ordinance to the Riley County Board of County Commissioners, Clerk, Treasurer and Appraiser, to the Board of Education of Unified School District Nos. 383, and to the Secretary.

Section 6. Further Action. The Mayor, City Manager and other officials and employees of the City, including Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication of a summary thereof one time in the official City newspaper.

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PASSED by not less than a majority of the City Commission of the City of Manhattan, Kansas, on March 15, 2022



Linda Morse
Linda Morse, Mayor

ATTEST:

Brenda K. Wolf
Brenda K. Wolf, City Clerk

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 7568 (the "Ordinance") of the City of Manhattan, Kansas (the "City"); that said Ordinance was passed by the City Commission on March 15, 2022, that the record of the final vote on its passage is found on page ____ of journal ____; that a summary thereof was published in the official newspaper of the City on March 19, 2022; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: March 19, 2022.



Brenda K. Wolf

Brenda K. Wolf, City Clerk

EXHIBIT A
REDEVELOPMENT DISTRICT DESCRIPTION

DESCRIPTION OF EXISTING DISTRICT BOUNDARIES

Property description for STAR district:

Manhattan Marketplace; Lots 1 and 2, City of Manhattan, Riley County, Kansas; and, Manhattan Marketplace Unit II; Lots 1, 2, City of Manhattan, Riley County, Kansas; and, Manhattan Marketplace Unit III, Lot 1, City of Manhattan, Riley County, Kansas; and, Manhattan Marketplace Shops Unit 1; Lots 2, 3, and 4, City of Manhattan, Riley County, Kansas; and, Manhattan Marketplace Shops Unit 2; Lots 1, 2, City of Manhattan, Riley County, Kansas; and, Strasser Landing; Lots 1, 2, 3 and 4, City of Manhattan, Riley County, Kansas; and, Lot 1, 3 and 7 and 10 of the Downtown Entertainment District Subdivision, City of Manhattan, Riley County, Kansas; and, Lots 1 and 2 of the Downtown Entertainment District Unit Two Subdivision, City of Manhattan, Riley County, Kansas; and, Lots 1, 2, 3, 4, 5, 6, and 7 of the Downtown Entertainment District, Unit 3, subdivision of the City of Manhattan, Riley County, Kansas; and, Lots 1 and 2 of Hilton Garden Inn, Downtown Entertainment District, subdivision of the City of Manhattan, Riley County, Kansas.

Together with the rights of way on both 3rd and 4th Streets extending from Fort Riley Boulevard to Bluemont Avenue, in the City of Manhattan, Riley County, Kansas;

Together with all the publicly dedicated right of way, including streets and alley ways, within the area bounded by Bluemont Avenue on the north, Tuttle Creek Boulevard on the east, Leavenworth Street on the south, and 4th Street on the west, in the City of Manhattan, Riley County, Kansas.

Together with all the publicly dedicated right of way, including streets and alley ways, within the area bounded by Pierre Street on the north, 4th Street on the west, Fort Riley Boulevard on the south and east in the City of Manhattan, Riley County, Kansas.

Together with any vacated streets, vacated alleys, vacated market squares and abandoned railroad right of way accruing to the subject lots.

The area described above was previously described in Ordinance No. 6512, as follows:

Lots 48, 48A, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 60A, 61, 62, 63, 64, 64A, 65, 66, 67, 68, 69, 69A, 70, 71, 72, 72A, 73, 74, 75, 76, 76A, 77, 78, 78A, 78B, 79, 80, 80A, 81, 82, 82A, 83, 84, 85, 86, 87, all in Ward 2, in the City of Manhattan, Riley County, Kansas;

That part of Lot 1, Gateway Subdivision No. 1 which was formerly known as Lots 93, 94 and 95, Ward 2, in the City of Manhattan, Riley County, Kansas;

Lot 164, Ward 1, in the City of Manhattan, Riley County, Kansas, less that tract of land conveyed to The Secretary of Transportation of the State of Kansas, as described in Book 658, Page 265, in the office of the Register of Deeds of Riley County, Kansas; and

Lots 55, 56, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 281, 282, 283, 284,

285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, all in Ward 1, in the City of Manhattan, Riley County, Kansas;

Together with the rights of way on both 3rd and 4th Streets extending from Fort Riley Boulevard to Bluemont Avenue, in the City of Manhattan, Riley County, Kansas;

Together with all the publicly dedicated right of way, including streets and alley ways, within the area bounded by Bluemont Avenue on the north, Tuttle Creek Boulevard on the east, Leavenworth Street on the south, and 4th Street on the west, in the City of Manhattan, Riley County, Kansas.

Together with all the publicly dedicated right of way, including streets and alley ways, within the area bounded by Pierre Street on the north, 4th Street on the west, Fort Riley Boulevard on the south and east in the City of Manhattan, Riley County, Kansas.

Together with any vacated streets, vacated alleys, vacated market squares and abandoned railroad right of way accruing to the subject lots.

DESCRIPTION OF ADDITIONAL PROPERTY PROPOSED TO BE ADDED TO THE DISTRICT BOUNDARIES FOR STAR BOND ACT PURPOSES ONLY

Property description for property to be added to the existing STAR district:

Tracts Located in the Southeast Quarter of Section 18, Township 10 South, Range 8 East, Riley County, Kansas, subject to public roads, easements and other conditions, if any, now being of record. being more particularly described as follows:

Lots 333-336, Ward 1, LESS Parts taken for roadway purposes and Lots 340-344, Ward 1 and the North half of the vacated alley adjacent to Lot 340 and Part of Lot E, Manhattan Town Center 5, Described as Follow:

Beginning at the Northeast corner of Lot 340, Ward 1, Thence S00°03'57"W, along the East line of said Lot 340 and the West line of Lot E, Manhattan Town Center 5, a distance of 165.20 feet; Thence S89°51'00"W, along the West line of said Lot E, a distance of 50.00 feet; Thence S00°02'14"E, along the West line of said Lot E, a distance of 139.86 feet; Thence N89°44'48"E, along the North ROW line of Pierre Street, a distance of 200.57 feet; thence N00°15'12"W, a distance of 7.34 feet; Thence N08°00'54"E, a distance of 5.74 feet; Thence N00°14'01"W, a distance of 272.36 feet; Thence N08°10'53"W, a distance of 11.32 feet; Thence N55°57'22"W, a distance of 14.66 feet; Thence S89°47'43"W, along the South ROW line of Houston Street, a distance of 136.37 feet to the point of beginning; Containing an area of 52,885.46 square feet.

Together with all City right-of-way adjacent to the above-described property and any vacated streets, vacated alleys, vacated market squares and abandoned railroad right of way accruing to the subject lots.

EXHIBIT B
MAPS OF REDEVELOPMENT DISTRICT
EXISTING REDEVELOPMENT DISTRICT

Tax Increment Finance District



The boundaries of the existing TIF and STAR Bond District are shaded in green.

**PROPOSED ADDITIONAL PROPERTY TO BE ADDED TO THE REDEVELOPMENT DISTRICT
FOR STAR BOND ACT PURPOSES**

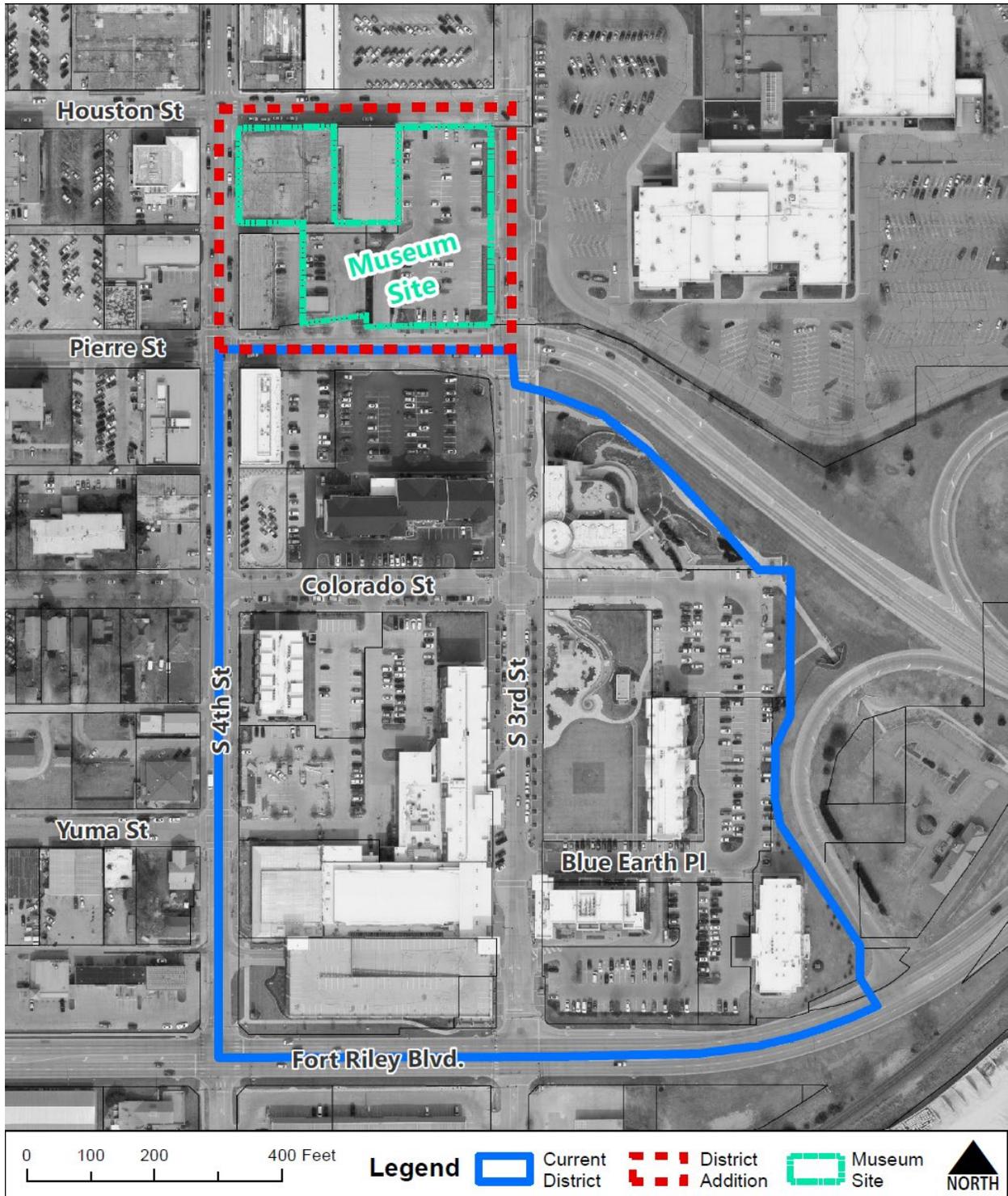


EXHIBIT C
REDEVELOPMENT DISTRICT PLAN WITH PROPOSED MODIFICATION

EXISTING DISTRICT PLAN

North Project Area. The North Project Area, located south of Bluemont, east of 4th Street, west of Tuttle Creek Boulevard, and north of Leavenworth Street, consists of a mixed-use development with residential, retail, office and restaurant space with parking. As highlighted on the Conceptual Master Plan, the north area includes a residential mix of 255,000 square feet in an assortment of town homes, condominiums, and apartments. The commercial space of approximately 240,000 square feet will consist of retail stores and restaurants. The commercial space may also include up to 15,000 square feet of office space.

Central Project Area. The Central Project Area, generally consists the rights-of-way of 3rd and 4th Street between Leavenworth Street on the north, and Pierre Street on the south. This area will consist of improving the existing streets, streetscape and landscaping.

South Project Area. The South Project Area, located south of Pierre Street, east of 4th Street, west and north of Fort Riley Boulevard, also highlighted in the Conceptual Master Plan, consists of a mixed-use development with residential, retail, office, restaurant, hotel, conference center, parking garage and civic space. The south area is comprised of approximately 50,000 square feet of retail space including several restaurants, limited office space, a hotel with 110 rooms, a 30,000 square foot conference center, parking garage consisting of 300 parking spaces, and a 30,000 square foot Prairie Discovery and Visitor's Center.

PROPOSED MODIFICATION TO THE DISTRICT PLAN

Art Museum Area. The Art Museum Area is located north of and adjacent to the existing South Project Area and generally consists of the contiguous block of property bounded by 3rd Street, Pierre Street, 4th Street, and Houston Street, together with all City right-of-way adjacent thereto and any vacated streets, vacated alleys, vacated market squares and abandoned railroad right of way accruing to the subject lots. This area will consist of an approximately 50,000 square foot state of the art museum facility featuring immersive exhibits and interactive displays, streets, parking lots, and related public infrastructure.