

ORDINANCE NO. 607

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BASEHOR, KANSAS AND ORSCHELN FARM AND HOME (“DEVELOPER”) PROVIDING FOR CERTAIN INCENTIVES TO ENCOURAGE AND ASSIST IN DEVELOPER LOCATING AND OPERATING ITS RETAIL BUSINESS WITHIN THE CITY LIMITS

WHEREAS, the City of Basehor, Kansas (the “City”), desires to facilitate and encourage economic development within the City; and

WHEREAS, in furtherance of this public purpose the City recognizes the need to attract a tenant to occupy the vacant retail space located within the Wolf Creek Junction Development (the “Grocery Building”); and

WHEREAS, the Developer wishes to locate its business within the Grocery Building, provided that the City authorizes the use of certain incentives to increase the likelihood of the retail business’ success; and

WHEREAS, the City desires to provide such incentives in pursuit of achieving the public purpose of facilitation and encouraging economic development within the City in partnership with private enterprise, specifically the occupation of the Grocery Building with the Developer’s retail business, which retail business will invest private capital and create new jobs in the City’s economy, in exchange for the Developer’s commitment to locate and operate its retail business within the Grocery Building; and

WHEREAS, pursuant to the City’s home rule powers set out in the Kansas Constitution, Article 12, Section 5 (b), the City has the authority in pursuit of the above-described public purpose to grant such incentives and enter into an Economic Development Agreement with the Developer detailing the same.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS AS FOLLOWS:

Section 1: That the Governing Body hereby authorizes the Mayor to execute the Economic Development Agreement, attached hereto as Exhibit A.

Section 2: That this ordinance shall be construed as follows:

- A. **Liberal Construction.** The provisions of this ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

B. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed ordinance set out herein, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this or other ordinances.

Section 3: That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

PASSED by the City Council this 21st day of November, 2011.

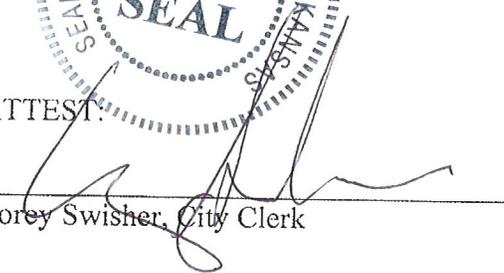
APPROVED by the Mayor this 21st day of November, 2011.





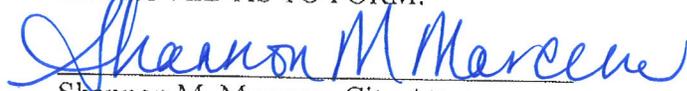
Terry Hill, Mayor

ATTEST:



Corey Swisher, City Clerk

APPROVED AS TO FORM:



Shannon M. Marcano, City Attorney