

## **City of Eudora Modified Public Meeting Procedure**

The City of Eudora will hold a special City Commission meeting on Monday, September 21, 2020 beginning at 6:00 pm. Due to the concerns of spread of COVID-19, the City Commission meeting will be held at City Hall but some city commissioners may participate remotely. To meet the spirit and intent of the Kansas Open Meetings Act (KOMA), anyone can listen to the meeting live via a conference call. This access can be gained as follows:

Dial-in number (US): (701) 802-5407

Access code: 7548666#

Members of the City Commission, presenters, or staff will identify themselves when speaking so that everyone will know who is speaking at the time.

**EUDORA CITY COMMISSION  
SPECIAL MEETING AGENDA  
September 21, 2020  
Eudora City Office  
4 East 7<sup>th</sup> Street Eudora, Kansas  
6:00 P.M.**

**Mayor: Tim Reazin**

**Vice Mayor: Ruth Hughs**

**City Commissioners: Jolene Born, Roberta Lehmann & Tim Bruce**

- I. CALL TO ORDER      Roll Call      Pledge of Allegiance**
- II. CHANGES OR ADDITIONS TO AGENDA – Approve agenda**
- III. CONSENT ITEMS**
  - A. None**
- IV. BUSINESS ITEMS**
  - A. Consider a Second Amendment to the Real Estate Purchase Agreement with Casey’s General Stores, Inc.**
  - B. Consider Resolution 2020-09: A resolution in support of the City’s application to the Moderate-Income-Housing (MIH) Grant Program**
- V. EXECUTIVE SESSION**
  - A. None**
- VI. Adjournment**

*As a courtesy, please silence all cell phones while the City Commission meeting is in session.*



## Agenda Statement

**Date:** Monday, September 21<sup>st</sup>, 2020  
**To:** Mayor and City Commissioners  
**From:** Barack Matite, City Manager  
**Re:** Request from Casey's General Stores Inc.

### **Background**

Staff received a requested from Casey's General Stores, Inc for an extension of the due diligence period, which was set to expire on Monday, September 21 per the current signed Purchase Agreement. Casey's is requesting a one-week extension. The requested time will allow Casey's sufficient time to issue the City the Notice to Close upon receiving the required City plan approval. If approved, the due diligence period will expire on Monday, September 28.

Attached to this agenda statement is the second amendment to the Purchase Agreement to be considered and approved.

### **Staff comments**

Staff recommends the City Commission approve the request for extension and authorize the Mayor to sign the Second Amendment to the Purchase Agreement.

**Budget Impact - N/A**

**City Manager Approval - N/A**

### **Recommended Commission Action:**

*Suggested Motion:* I move the City Commission approve the Second Amendment to the Purchase Agreement with Casey's General Stores Inc. and authorize Mayor Reazin to execute the Agreement.

**EXHIBIT "4"**

**SECOND AMENDMENT TO PURCHASE AGREEMENT**

THIS SECOND AMENDMENT ("Amendment") to Purchase Agreement is made and entered into as of this 18th day of September, 2020, by and between **Casey's Retail Company**, an Iowa corporation, having its principal place of business at One S.E. Convenience Boulevard, Ankeny, Iowa ("Buyer"), and the **City of Eudora, Kansas**, a municipality of the State of Kansas in Douglas County ("Seller") (each of Buyer and Seller may be referred to herein individually as a "Party" and collectively as the "Parties").

*WITNESSETH:*

WHEREAS, the Parties have entered into a Purchase Agreement, dated September 25, 2019, and a First Amendment to Purchase Agreement, dated June 9, 2020 (collectively, the "Purchase Agreement"), for the sale of real property situated in Eudora, Douglas County, Kansas, and legally described as follows:

See the attached Exhibit "A";

(the "Real Estate"); and

WHEREAS, it is the intention of the parties to include this Amendment as Exhibit "4" to the Purchase Agreement; and

WHEREAS, terms used herein by not defined herein shall have such meanings as set forth in the Purchase Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and the mutual benefits to be derived therefrom, the undersigned parties agree and state as follows:

1. The Due Diligence Period, as defined in Paragraph 11, is extended and shall now expire at 11:59 p.m. on September 28, 2020.
2. Except as hereinabove specifically amended, all terms, conditions, and provisions of the Purchase Agreement for sale of the Real Estate between the Parties are hereby ratified, confirmed, and approved as to the agreement of the parties, to continue in full force and effect according to the terms thereof.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Purchase Agreement as of the date and year first written above.

**SELLER:**

**CITY OF EUDORA, KANSAS**

By: \_\_\_\_\_  
Tim Reazin, Mayor

By: \_\_\_\_\_  
Barack Matite, City Manager

**BUYER:**

**CASEY'S RETAIL COMPANY**

By: \_\_\_\_\_  
John C. Soupene, President

## EXHIBIT 'A'

Lots 1 to 20, both inclusive, in Block 161; Lots 3 to 20, inclusive in Block 162; Lots 1 to 20, inclusive, in Block 163; Lots 1 to 20 inclusive, in Block 188; Lots 1 to 20 inclusive in Block 189; Lots 1 to 20 inclusive, in Block 190; the same being all of Blocks 163, 188, 189 and 190, in the City of Eudora, Douglas County, Kansas; also that part of vacated Block 197, formerly in the City of Eudora, Douglas County, Kansas, lying West of public road.

LESS that part deeded to the City of Eudora, Kansas, in Book 251 at Page 94, for street purposes, described as follows: Beginning at the Northwest corner of Block 163, Eudora, Douglas County, Kansas; thence East 490 feet more or less to the Northeast corner of Block 188, Eudora, Kansas; thence North 30 feet; thence West 490 feet more or less to a point 30 feet North of the Northwest corner of Block 163, Eudora, Kansas; thence South 30 feet to the point of beginning.

AND LESS that part deeded to the City of Eudora, Kansas, in Book 1094, Page 2101, as corrected by Quit Claim Deed recorded in Book 1118, Page 24, as further corrected by Quit Claim Deed recorded in Book 1118, Page 970, described as follows: A tract of land in the City of Eudora described as follows: Beginning on the East line of Elm Street and the South line of Sixteenth Street, also being the Northwest corner of Block 161 in the City of Eudora; thence S 01 degree 44 minutes 01 second E 541.74 feet along the East side of Elm Street to the centerline of Seventeenth Street; thence N 88 degrees 12 minutes 46 seconds E 650.03 feet along the centerline of said Seventeenth Street to the Westerly right-of-way line of Church Street; thence N 31 degrees 49 minutes 43 seconds W 168.86 feet along said Westerly right-of-way line; thence continuing along said Westerly right-of-way line on a curve to the right with a radius of 550.84 feet, an arc length of 147.21 feet, a chord bearing of N 24 degrees 10 minutes 21 seconds W and a chord length of 146.77 feet; thence N 89 degrees 08 minutes 56 seconds W along the North side of an existing fence 124.73 feet; thence continuing along the North side of said fence N 89 degrees 17 minutes 58 seconds W, 95.80 feet; thence continuing along the North side of said fence N 88 degrees 11 minutes 21 seconds W 115.25 feet; thence Northeasterly of said fence N 41 degrees 35 minutes 55 seconds W 135.52 feet; thence N 01 degree 43 minutes 55 seconds W 146.06 feet; thence S 88 degrees 12 minutes 46 seconds W 87.00 feet to the point of beginning, in the City of Eudora, Douglas County, Kansas.

Surveyed as:

A part of lots 1 through 7, inclusive and Lots 14 through 20, inclusive, Block 188, a part of vacated Locust Street and a part of the vacated alley adjacent to said lots, all in the City of Eudora, Douglas County, Kansas, all being more particularly described as follows: BEGINNING at the Northeast corner of said Lot 20; thence S01°41'51"E, 310.00 feet along the East line of said Lots 14 through 20; thence S88°18'09"W , 225.00 feet; thence N01°41'51"W , 109.58 feet; thence N08°51'33"E, 136.46 feet; thence N01°41'51"W , 65.92 feet to a point on the North line of said Lot 1; thence N88°12'08"E, 200.00 feet to the POINT OF BEGINNING. Containing 1.52 acres more or less.





## Agenda Statement

**Date:** September 21, 2020  
**To:** Mayor and City Commission  
**From:** Barack Matite, City Manager  
Jeffery Rhodes, Management Analyst  
**Re:** Resolution 2020-09 in Support of the City's Application to the Moderate-Income Housing (MIH) Grant Program

### Background

Earlier this summer, staff was made aware of an opportunity to partner with Douglas County, the Lawrence Habitat for Humanity office, Lawrence's Tenants to Homeowners, Inc, and Baldwin City to apply for Moderate Income Housing funds made available through the Kansas Housing Resources Corporation (KHRC), a public corporation that administers federal and state housing programs on behalf of the State of Kansas. Staff shared details of this opportunity with the City Commission as a work session at the September 14, 2020 meeting.

These funds are only eligible for cities or counties with populations less than 60,000. Douglas County, the City of Eudora, and the other partner agencies plan to submit a grant application for the maximum award, \$400,000. Douglas County is eligible to submit a grant application as a county because the State permits the County to exempt Lawrence from its population count when applying for programming and funding outside of the City of Lawrence.

Funds from the Moderate Income Housing program can be used to improve infrastructure necessary to support housing; or actual housing development, including acquisition of real property, new construction, modular or manufactured housing and/or rehabilitation of existing housing. As part of the funding application, a resolution approved by the Governing Body is required to showcase the community's support for the project(s). Resolution 2020-09 is attached to this memo for Commission consideration.

### Douglas County MIH Grant Application

The application that is being submitted requests funds for Lawrence Habitat for Humanity to build three (3) new homes within the City of Eudora. Habitat already owns the lots on which the homes will be built. The homes will be constructed by Habitat for Humanity, their contractors and volunteers. Upon completion and sale, the homes will enter into a Community Housing Land Trust (CHLT).

Additionally, the grant calls for two additional homes to be purchased through a down payment assistance program managed by the non-profit Tenants to Homeowners (TTH) out of Lawrence.

As part of the overall grant application, Eudora is requesting \$200,000 to build the three homes and offer down payment assistance on the other two homes. Baldwin City is also requesting \$200,000 to provide down payment assistance for five homes within their jurisdiction. Douglas County is also

offering \$20,000 of matching funds to support the grant application. In total, Douglas County, the City of Eudora and Baldwin City will create 10 new moderate-income housing units in Douglas County.

As part of the City's match for this grant application, and to show the community's support for the projects, staff is requested the City Commission to consider waiving certain building permit fees and associated costs related to building new homes in Eudora at the last Commission meeting. Resolution 2020-09 formalizing this request is attached for your consideration and approval.

**Staff Recommendation**

Staff recommends approving Resolution 2020-09 showcasing the Commission's support of this application and projects and to proceed with the grant application, including the recommended fee waivers.

**Recommended Action**

*Suggested Motion:* I move the City Commission approve Resolution 2020-09, formalizing approval for the City's participation in Douglas County's application for the 2020 Moderate-Income Housing grant program and waiving certain building permit fees as outlined by staff.

**RESOLUTION 2020-09**

**A RESOLUTION OF THE CITY OF EUDORA, KANSAS, ESTABLISHING SUPPORT FOR A GRANT APPLICATION TO DEVELOP MODERATE-INCOME HOUSING IN THE COMMUNITY**

**WHEREAS**, the Governing Body of the City of Eudora recognizes that the need for moderate income housing in the community is great and the city is committed to a successful project to meet this need; and

**WHEREAS**, the City of Eudora is resolved to partner with Douglas County, and submit an application for funding through the State’s Moderate-Income Housing Programs’ Application due September 28, 2020; and

**WHEREAS**, this application will request funding to build three (3) moderate income housing units in the City of Eudora and offer down payment assistance to two (2) additional families; and

**WHEREAS**, the new homes will be sold to and down payment assistance offered to families that earn between 60-80% of area median income using an existing Community Housing Land Trust; and

**WHEREAS**, the City of Eudora has sufficient infrastructure to support this housing development, and moderate-income housing is needed to help ease Eudora’s limited housing supply; and

**WHEREAS**, the Governing Body agrees to waive certain building permit fees, except the Sewer Connection Fee and Park Impact Fees, associated with the housing projects.

**NOW THEREFORE, BE IT RESOLVED**, that the Governing Body supports and approves of said MIH grant application and proposed projects.

This resolution shall become effective upon its adoption by the City Commission.

**PASSED AND APPROVED** this 21<sup>st</sup> day of September 2020, by the Governing Body of the City of Eudora, Kansas.

**APPROVED:**

\_\_\_\_\_  
Tim Reazin, Mayor

**ATTEST:**

\_\_\_\_\_  
Pam Schmeck, City Clerk