

CONSERVATION AREA ANALYSIS

for

Proposed 5050 Rainbow Tax Increment Financing District City of Westwood, Kansas

September 14, 2023

Study Area

The Study Area is composed of six (6) tax parcels located on approximately 7.8 acres located at the southwest corner of W. 50th Street and Rainbow Boulevard in the City of Westwood, Kansas. A legal description of the Study Area is attached as **Exhibit A** and a map of the Study Area is attached as **Exhibit B**.

The tax parcels within the Study Area consist of the following:

Johnson County Parcel ID	Land Area (acres)	Owner	Property Description/Use
RF251203-3060	0.42	City of Westwood	Public park
RP27000000 0008	4.49	Unified School District No. 512	School district purposes
RP27000000 0008D	1.03	City of Westwood	Vacant / greenspace
RP30000001 0012A	0.48	Unified School District No. 512	School district purposes
RP30000001 0012B	0.83	City of Westwood	Vacant / greenspace
RP63000001 0001	0.53	City of Westwood	Public park

Statutory Requirements

In order for TIF financing to be available for a project, the project must be in an “eligible area.” K.S.A. 12-1770a(g) defines “eligible area” as follows:

...a blighted area, conservation area, enterprise zone, intermodal transportation area, major tourism area or a major commercial entertainment and tourism area, bioscience development area or a building or buildings which are 65 years of age or older and any contiguous vacant or condemned lots.

This study considers whether the area in question meets the statutory definition of a “conservation area.” K.S.A. 12-1770a(d) defines “conservation area” as follows:

(d) ...any improved area comprising 15% or less of the land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:

- (1) dilapidation, obsolescence or deterioration of the structures;
- (2) illegal use of individual structures;

- (3) the presence of structures below minimum code standards;
- (4) building abandonment;
- (5) excessive vacancies;
- (6) overcrowding of structures and community facilities; or
- (7) inadequate utilities and infrastructure.

As explained more fully below, the Study Area meets the requirements for designation as a conservation area set forth in K.S.A. 12-1770a(d), as it constitutes less than 15% of the area of the City of Westwood and at least 50% of the structures in the area are at least 35 years old. The Study Area also meets three (3) of the seven factors set forth in K.S.A. 12-1770a(d) for a conservation area designation, including:

- (1) dilapidation, obsolescence or deterioration of the structures;
- (2) the presence of structures below minimum code standards; and
- (3) building abandonment.

K.S.A. 12-1770a(d) requires that at least two of the criteria be satisfied, and the Study Area has satisfied three (3) such criteria.

Land Area

The first requirement for conservation area designation under K.S.A. 12-1770a(d) is that the property in the proposed Redevelopment District must be less than 15% of the land area within the City of Westwood.

The total land area within the Study Area is approximately 7.8 acres. The total land area within the City limits is approximately 262 acres. Therefore, the Study Area constitutes 3.0% of the total land area of the City of Westwood which is less than 15% of the area of the City of Westwood.

Structures

The second requirement for conservation area designation under K.S.A. 12-1770a(d) is that 50% or more of the structures in the area have an age of 35 years or more.

The following structure is the sole structure located within the Study Area:

Johnson County Parcel ID	Address	Structure	Year Built	Source
RP27000000 0008	2511 W. 50 th St.	Elementary school	1968	Johnson County, Kansas Automated Information Mapping System (AIMS)

The Johnson County Appraiser Records relied upon to establish the age of the building are attached as **Exhibit C**.

As displayed in the table above, the only structure within the Study Area is at least 35 years old. Therefore, the Study Area meets the requirement that 50% or more of the structures have an age of 35 years or more.

Additional Factors

The third requirement for conservation area designation under K.S.A. 12-1770a(d), is that the area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the factors set forth in such subparagraph.

The Study Area may become blighted as a result of the presence of the following conditions, as further described below:

Dilapidation, obsolescence or deterioration of the structures

- With respect to the sole structure in the proposed conservation area, the roof warranty expired in 2019 and needs replacement.
- The HVAC system needs to be replaced. As recently as August 21-22, 2023, school was cancelled for students because the HVAC stopped functioning and emergency repairs were needed before students and staff could reenter the building. The estimated replacement cost of this item alone, as provided by Shawnee Mission School District, is \$1.7M.



Damaged condenser coil fins.

- Several of the exterior doors are leaking and allowing water into their rooms.
- The building lacks electrical outlets sufficient to meet modern building needs.

The presence of structures below minimum code standards

- Classroom doors are used for building egress and swing the wrong way for code compliance.



Classroom door recess



No egress at end of corridors

- Classroom door recess does not meet ADA clearance for a pull side approach.
- Corridors appear to be a return air path for the rooftop HVAC units. Exit corridors are not allowed to be used as return air path per International Mechanical Code.
- Observations regarding code deficiencies include the following items of note:
 - 2018 IBC requires a full FEMA storm shelter which would require backup generator power, ventilation and restrooms.
 - 2018 IBC added requirements for carbon monoxide detection in select classrooms served by fuel fired equipment.
- Building is not equipped with fire sprinkler system.
- An emergency boiler shutdown is required to be added to existing boiler systems.
- Exterior illumination appears insufficient. There is no dedicated parking lot lighting. Wall mounted light fixtures were aged and lenses are significantly yellowed.



Exterior lighting in need of update & additional fixtures.



Additional exterior lighting recommended for security.

- Incoming electrical service should be revised to enclose service feeders where bus duct is installed. Bus duct service feeders extended through gym storage room on first floor to feed main service disconnect on ground level. Bus duct enclosure may not be finger safe and was not separated from storage space by other means.
- A complete replacement of all fire alarm devices and control panels is required to support a mass notification system. Additional smoke detection may be required.

Any repurposing of the building which involves any sort of substantial renovation, which is highly likely for any use other than use as school (which seems highly unlikely) would require bringing the building into compliance with existing code requirements and would further require retrofitting the building to comply with ADA standards. Commencement of any construction activities at the former Westwood View School would trigger compliance obligations with the Americans with Disabilities Act 2010 accessibility standards which would likely require significant expenditure

and modification of the School Building. In addition to these legal requirements necessitating significant expenditure, the building conditions which led to the decision by the SMSD to vacate the school and sell the site would need to be addressed to make it viable for prolonged occupancy, likely at substantial expense for any end user.

Building abandonment

The Shawnee Mission School District constructed a new building for Westwood View Elementary School on an adjacent property parcel, at 4935 Belinder Ave., in 2022. Following the demolition and reconstruction of Rushton Elementary School on its site in Mission, students of Rushton Elementary – who are temporarily located at the former Westwood View Elementary at 2511 W. 50th St. – will relocate to the new school building. The rebuilt Rushton Elementary School is scheduled to be completed in time for the students to begin classes in the new building in Mission in August 2024. Following the Shawnee Mission School District’s move of the Rushton students to their new building, the District has publicly stated its intention to decommission the building at 2511 W. 50th St. as a school and has no purpose for the building or property thereafter. As there are very limited options for reuse of a former elementary school building and playground, the likelihood of repurposing the building and site as it currently exists is remote.

As such, this building and its associated structures are being abandoned by the property owner, Shawnee Mission School District, as it has no use for the building beyond July 2024 and neither the City nor the private market have any use for the building beyond its use as a public elementary school.

Conclusion

The Study Area meets the first and second requirements for designation as a conservation area under K.S.A. 12-1770a(d), as it constitutes less than 15% of the area of the City of Westwood and at least 50% of the structures in the area are at least 35 years old.

The Study Area also meets three (3) of the seven factors set forth in K.S.A. 12-1770a(d) for a conservation area designation, including:

- (1) dilapidation, obsolescence or deterioration of the structures;
- (2) the presence of structures below minimum code standards; and
- (3) building abandonment.

K.S.A. 12-1770a(d) requires that at least two of the criteria be satisfied, and the Study Area has satisfied three (3) of such criteria.

In conclusion, the Study Area satisfies the requirements for designation as a conservation area under the requirements of K.S.A. 12-1770a(d).

EXHIBIT A

LEGAL DESCRIPTION OF STUDY AREA

A tract of land being all of Lots 12, 13 and 14, Block 1, KLASSEN PLACE, a subdivision recorded in Bk. 12, Pg. 50; all of Lots 1 through 14, Block 1, SWATZELL ADDITION, a subdivision recorded in Bk. 7, Pg. 35; part of Lots 8 and 9, HOLMESLAND, a subdivision recorded in Bk. 3, Pg. 11; and part of the Northeast Quarter of Section 3, Township 12 South, Range 25 East of the 6th Principal Meridian, in the City of Westwood, Johnson County, Kansas, being more particularly described by Timothy Blair Wiswell, LS 1136, of George Butler Associates Inc., CLS 8, on July 13, 2023, as follows:

Commencing at the Southeast Corner of said Northeast Quarter; thence South $87^{\circ}43'46''$ West, on the South line of said Northeast Quarter, a distance of 43.00 feet, to a point on the West Right-of-Way line of Highway 169, also known as Rainbow Boulevard, as now established per Condemnation No. 14610, recorded in Bk. 26, Pg. 79, said point also being the Point of Beginning; thence South $02^{\circ}10'40''$ East, departing said South line, on said West Right-of-Way line, a distance of 305.31 feet, to the Southeast corner of said Lot 14, KLASSEN PLACE; thence South $87^{\circ}47'33''$ West, departing said West Right-of-Way line, on the Northerly Right-of-Way line of W. 51st Street, as now established per said KLASSEN PLACE, a distance of 100.09 feet (100.0 feet per plat), to a point of curvature, said point also being the Southwest corner of said Lot 14; thence Southwesterly, continuing on said Northerly Right-of-Way line, and on a curve to the left, having a radius of 380.20 feet, a central angle of $34^{\circ}57'49''$, and an arc length of 232.01 feet, to the most Southerly corner of said Lot 12, KLASSEN PLACE; thence North $38^{\circ}33'02''$ West, continuing on said Northerly Right-of-Way line, a distance of 74.96 feet (74.30 feet per plat), to a point on the West line of said Lot 12; thence South $02^{\circ}12'27''$ East, continuing on said Northerly Right-of-Way line, a distance of 16.79; thence South $87^{\circ}43'46''$ West, continuing on said Northerly Right-of-Way line and the extension thereof being the North line of said Lot 11, KLASSEN PLACE, a distance of 258.03 feet (258.10 feet per plat), to the Northwest corner of said Lot 11, also being the Southwest corner of said Lot 8, HOLMESLAND; thence North $02^{\circ}10'40''$ West, departing said North line of Lot 11, on the West line of said Lot 8, a distance of 164.70 feet, to the Southeast corner of the North Half of said Lot 9, HOLMESLAND; thence South $87^{\circ}43'46''$ West, departing said West line of Lot 8, on the South line of the North Half of said Lot 9, a distance of 113.15 feet (112.3 feet per deed), to the Southeast corner of Lot 6, LOCKWOOD COURT, a subdivision recorded in Bk. 8, Page 40; thence North $02^{\circ}16'38''$ West, departing said South line, on the East line of Lots 6 and 5, LOCKWOOD COURT, a distance of 165.25 feet, to the Northeast corner of said Lot 5, also being the Southeast corner of said Lot 14, Block 1, SWATZELL ADDITION; thence South $87^{\circ}43'46''$ West, departing the East line of said Lots 6 and 5, on said South line of said Lot 14, a distance of 50.00 feet, to the Southwest corner of said Lot 14; thence North $02^{\circ}16'38''$ West, departing said South line, on the West line of said Lot 14, a distance of 132.07 feet (132.00 feet per plat), to the Northwest corner of said Lot 14; thence North $87^{\circ}43'22''$ East, departing said West line, on the Southerly Right-of-Way line of W. 50th Street, as now established per said SWATZELL ADDITION, a distance of 480.00 feet, to a point on a non-tangent curve; thence Northeasterly, continuing on said Southerly Right-of-Way line, and on a curve to the left, having an initial tangent bearing of North $89^{\circ}04'45''$ East, a radius of 420.00 feet, a central angle of $14^{\circ}45'21''$, and an arc length of 108.17 feet; thence North $73^{\circ}06'49''$ East, continuing on said Southerly Right-of-Way line, a distance of 203.11 feet, to a point on the West Right-of-Way line of said Highway 169; thence South $02^{\circ}17'01''$ East, departing said Southerly Right-of-Way line, on said West Right-of-Way line, a distance of 194.71 feet, to the Point of Beginning.

And also,

The South 20.0 feet of West 50th Street right-of-Way, the West 43.0 feet of Rainbow Blvd Right-of-Way and the North 25.0 feet of West 51st Street Right-of-Way, lying adjacent to the above-described Tract Description, containing an aggregate 379,731.67 square feet, or 8.7174 acres, more or less.

EXHIBIT C

JOHNSON COUNTY APPRAISER RECORDS