

**PLAN FOR FUTURE DEVELOPMENT, CONSTRUCTION,
IMPROVEMENT AND UTILIZATION OF
THE PORT AUTHORITY OF STAFFORD COUNTY**

The Port Authority of Stafford County was created by the Kansas county governments of Stafford County, Kansas, pursuant to K.S.A. 12-3401, as amended. The Port Authority has hereby caused the following Proposed Plan of Development to be prepared pursuant to K.S.A. 12-3407:

1. Definitions. As used in this Proposed Plan of Development, the following terms shall have the meanings described:

(a) “PASC” refers to The Port Authority of Stafford County, a Port Authority created by Stafford County (“Stafford County, Kansas”) pursuant to K.S.A. 12-3402, as amended;

(b) The “Affected Area” refer to those areas within the jurisdiction of the PASC, which is Stafford County, Kansas.

2. Organization. The PASC is a Port Authority created by resolutions passed by Stafford County, Kansas, dated January 7, 2015, and January 27, 2021 pursuant to K.S.A. 12-3402, as amended, under the authority granted to Stafford County, Kansas by Kansas Senate Concurrent Resolution No. 1620 (2014 session laws). The PASC has the powers and jurisdiction enumerated in K.S.A. 12-3401, *et seq.* and amendments thereto, and in the exercise of the powers conferred upon it, the PASC is deemed, by statute, to be engaged in essential governmental functions of the State of Kansas.

3. Purpose and Objective.

(a) The PASC is a public body corporate and politic, organized to serve the general welfare, enhance and improve the economic prosperity of the Affected Area and the State of Kansas. The PASC's public purpose is to promote and stimulate the advancement, development and/or retention of ports, including railroad facilities, land transportation facilities, airport facilities, terminal facilities and/or industrial use facilities, within Stafford County, Kansas for the purpose of encouraging and assisting in the location of a new business and industry and the expansion, relocation or retention of existing business and industry to help maintain or increase levels of commerce, the movement of commodities, goods and products and employment opportunities, thus promoting the general welfare of the region and the residents of Stafford County, Kansas.

(b) The governing body of Stafford County, Kansas determined there was a need for a Port Authority, in part, to assist initially in location of facilities and development of necessary infrastructure for such a facility for the Affected Area.

(c) The PASC is undertaking the acquisition of real property and the construction and ownership of a road to rail transload facility in Stafford County, Kansas, in the location of the Northwest Quarter (NW/4) of Section Eight (8), Township Twenty-four (24) South, Range Thirteen (13) West of the 6th P.M. Preliminary drawings of the proposed facility is attached as Exhibit 'A' to this Plan.

4. Powers of the Port Authority.

To achieve the stated purpose and objective, the PASC, may purchase, acquire, construct, reconstruct, improve, equip, furnish, maintain, repair, enlarge, remodel, own, sell, lease, airport facilities, terminal facilities, land transportation facilities, railroad

facilities or industrial-use facilities within the area of its jurisdiction, consistent with the purpose of the PASC, as declared herein.

The PASC may also purchase, acquire, own, maintain, furnish, improve, repair, enlarge, remodel, construct, reconstruct, equip, hold, sell, lease, or operate real or personal property as may be reasonably necessary for or incidental to the operation or effective management of the port authority, or as may be reasonably necessary to permit the port authority to fulfill the purpose and objectives stated herein.

In the event the PASC deems it necessary to exercise the right of eminent domain, it may do so, pursuant to K.S.A. 12-3406, as amended. The PASC shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the County government(s) where the property is located.

If such property is located outside the boundaries of the PASC, the PASC shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the city if such property is located within the corporate limits of a city or from a board of county commissioners if such property is located within the unincorporated area of a county.

5. Methods of Financing. The PASC is authorized by statute to borrow money upon the credit of the income and revenues to be derived from the operation of transload facility, or other, facilities for the purpose of paying all or any part of the cost of acquiring land or interest therein, and the cost of constructing, acquiring, equipping and furnishing buildings, structures, sidings, railroad facilities, other facilities or any part thereof, including additions, improvements, relocations, renovations, extensions and modifications thereof.

The PASC is permitted to borrow money from either private financial institutions or any agency of the State of Kansas or of the United State Government of America, and to issue therefore such notes or other evidence of indebtedness as may be required and to mortgage, pledge, or otherwise encumber the assets of the authority as security therefore and to apply for, receive and participate in any grants from the State of Kansas or from the United States of America.

In addition, the PASC may issue negotiable bonds in such amounts as the board of directors of the port authority shall deem necessary for the purpose of acquiring land or interest therein. When issued, such bonds would be paid by the income and revenues to be derived from the operation of any facilities acquired by the port authority. The PASC may participate as the developer in a tax increment financing district for the purpose of using the future tax revenue and ad valorem property taxes generated by PASC projects identified herein to finance the purpose and objectives of the project.

The obligations incurred by the PASC, through the issuance of revenue bonds or though the borrowing of monies, are not general obligations of Stafford County, Kansas, unless such obligations are made general obligations by a majority vote of the electors of the County. Provided no such election is held, no taxes may be levied on the assessed taxable tangible property of Stafford County, Kansas. The revenue bonds, if issued, will be secured by the credit of the income and revenue to be derived from the operation of any facilities acquired by the PASC. Money borrowed by the PASC, if any, will be secured by a mortgage, pledge or other encumbrance of any property or facilities acquired by the PASC and will not be the responsibility of the taxpayers of Stafford County, Kansas.

The PASC may acquire any other funds that may be reasonably necessary for and incidental to the stated purpose and objectives of the PASC.

6. Notice and Hearing. The notice of this Proposed Plan shall fix the time and place for the hearing on all objections to the plan, which shall be not less than 30 nor more than 60 days after the last publication of such notice and after service of notice upon the owners of any uplands. Any interested person may file written objections to such plan, provided such objections are filed with the secretary of the board of directors at the office of the secretary not less than five days prior to the date fixed for the hearing.

7. Adoption of Plan. By resolution of the Board of Directors, this Plan of Development is adopted as the official Plan of Development of the PASC pursuant to K.S.A. 12-3407 on this ___th day of _____, 2021.

Chairman, Board of Directors
Port Authority of Stafford County

Attest:

Secretary, Board of Directors
Port Authority of Stafford County