

(Published in *Russell County News* on January 17, 2019.)

ORDINANCE NO. 1915

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF RUSSELL, KANSAS; AUTHORIZING CERTAIN IMPROVEMENT PROJECTS THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH IMPROVEMENT PROJECTS; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX; AND APPROVING THE METHOD OF FINANCING THE IMPROVEMENT PROJECTS.

WHEREAS, the governing body of the City of Russell, Kansas (the "City"), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the "Act") and adopted Resolution No. 40-18 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district (the "Community Improvement District"), the general nature of proposed improvement projects within the Community Improvement District (the "Projects"), the estimated costs of the Projects, the proposed method of financing the Projects, the proposed amount a sales tax within the Community Improvement District, the proposed method of assessment, if any, and a map and legal description of the proposed Community Improvement District; and

WHEREAS, Resolution No. 40-18 was published twice in the *Russell County News*, the official City newspaper, on November 29 and December 6, 2018; and

WHEREAS, the governing body has heretofore on this date conducted a public hearing on advisability of creating the Community Improvement District; and

WHEREAS, the governing body hereby finds and determines it to be advisable to adopt this Ordinance to create the Community Improvement District, authorize the Projects therein, approve the estimated costs of such improvement Projects, contain the legal description and map of the boundaries of the Community Improvement District, levy a community improvement district sales tax and approve the method of financing the improvement Projects, all in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS:

SECTION 1. Creation of Community Improvement District; Legal Description and Map.

The governing body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the Community Improvement District. The legal description of the Community Improvement District is as follows:

PARCEL A: All of Lot 11 and the North 66.50' of Lot 10, further described as: Beginning at a point on the West lot line of Lot 10, 133.50' North of the Southwest corner of a 1/2" rebar, the True Point of Beginning; thence East a distance of 268.16' to a 1/2" rebar; thence Northwesterly along the East lot line, the arc of a curve having a degree of curve of 2°36' and a radius of 2203.64' a distance of 67.82' to the Northeast corner of Lot 10, a 1/2" rebar; thence West on the

North lot line a distance of 252.85' to the Northwest corner, a 1/2" rebar; thence South on the West lot line a distance of 66.50', the Point of Beginning;

AND

The South 99.85' of Lot 12, further described as: Beginning at a point on the West lot line of Lot 12, 90.00' South of the Northwest corner a 1/2" rebar, the True Point of Beginning; thence South on the West lot line a distance of 99.85' to the Southwest corner, a 1/2" rebar; thence Northeasterly on the South lot line a distance of 199.65' to the Southeast corner, a 1/2" rebar; thence Northwesterly along the East lot line, the arc of a curve having a degree of curve of 2°36' and a radius of 2,203.64', a distance of 32.51' and continuing 67.45' on tangent to the curve to a 1/2" rebar; thence Southwesterly a distance of 200.00' to the Point of Beginning,

All in Block 3, Witt-Carter Addition to the City of Russell, Russell County, Kansas.

and

PARCEL B: The South 133.50' of Lot 10, Block 3, Witt-Carter Addition to the City of Russell, Russell County, Kansas, further described as:

Beginning at the Southwest corner of Lot 10, the True Point of Beginning; thence East on the South lot line a distance of two hundred ninety-two and sixty one hundredths feet (292.60') to the Southeast lot corner; thence Northwesterly along the East lot line, the arc of a curve having a degree of curve of 2°36' and a radius of two thousand two hundred three and sixty-four one hundredths feet (2203.64'), a distance of one hundred thirty-six and fifteen one hundredths feet (136.15') to a 1/2" rebar; thence West a distance of two hundred sixty-eight and sixteen one hundredths feet (268.16') to a 1/2" rebar; thence South on the West lot line a distance of one hundred thirty-three and fifty one hundredths feet (133.50') to the Point of Beginning.

A map of the property contained in the Community Improvement District is set forth on *Schedule I* attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Community Improvement District Projects; Estimated Costs.

The governing body hereby authorizes the improvement Projects within the Community Improvement District, as more fully described below:

(1) Redevelop Parcel A as a hotel, suites, meeting space and related amenities consisting of approximately 55,000 square feet, in addition to parking, streets, utilities, and related infrastructure; and (2) make Parcel B a "pad site" ready for commercial/retail along Fossil Street, including site grading, utilities and related infrastructure.

The general nature of the Project to be constructed within the District includes but is not limited to: land acquisition; water lines, storm water and sanitary sewer extensions and other infrastructure related items; site design; studies; sidewalks; parking lots; buildings, structures and other facilities; utilities; landscaping; lighting; signage; marketing, advertising and promotion; cleaning, maintenance, and upkeep of the property; art, sculptures and other cultural amenities; security personnel and facilities; water management and drainage related items; professional services; eligible financing costs; additional soft costs of the Project; and the City's administrative and permit costs and fees in establishing, permitting and maintaining the District.

The estimated costs of the Project are \$7,900,000.

SECTION 3. Method of Financing.

(a) The costs of the proposed Projects are proposed to be financed by "Pay-as-you-go financing," as defined in K.S.A. 12-6a27, and paid from the fund of the City identified in K.S.A. 12-6a34. It is estimated that the City will pay \$638,000 to the petitioner/property owner, or its successor(s) or a related business entity, which amount shall not be limited in amount by this Ordinance authorizing the Projects.

(b) There will be **no** special assessments levied on property within the boundaries of the Community Improvement District.

SECTION 4. Levy of Sales Tax. In order to provide funds to finance the costs of the Projects, the levy, in accordance the provisions of the Act, of a community improvement district sales tax within the Community Improvement District, in an amount of 1% on the selling of tangible personal property at retail or rendering or furnishing services within the Community Improvement District (the "Sales Tax"), is authorized and directed. The collection of the Sales Tax shall commence on July 1, 2019, or as soon as possible thereafter, and shall expire 22 years from such commencement date. The Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.* The City Clerk, upon adoption of this Ordinance, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in the official City newspaper.

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PASSED by the governing body of the City of Russell, Kansas, on December 18, 2018. The Mayor not having approved the ordinance on or before the next regular meeting, took effect without the Mayor's signature as of January 15, 2019.



City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1915 of the City of Russell, Kansas adopted by the governing body on December 18, 2018, as the same appears of record in my office, and that it was published in *Russell County News* on January 17, 2019

DATED: January 17, 2019.

City Clerk

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT

