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and on August 29, 2017)

RESOLUTION NO. 081417-1

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY (PROPERTY 6, LLC PROJECT, 24-7 TRAVEL STORE).

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.* ("the Act") the City of Abilene, Kansas (the "City") is authorized to create a community improvement district ("CID") within its jurisdiction to fund all or a portion of the cost of a "Project" as defined and authorized under the Act; and

WHEREAS, the Act further authorizes the City to impose a sales tax within the community improvement district on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers' sales tax act, and amendments thereto, in any increment permitted by the Act, and to pledge the revenue received from such tax to pay for the Project or reimburse the cost of the Project as "pay-as-you-go financing" (as defined in the Act); and

WHEREAS, Property 6, LLC, a Kansas limited liability company, has filed a petition (the "Petition") with the City on May 31, 2017, proposing (i) the creation of a community improvement district under the Act for assisting in financing the development of a new 24/7 Travel Center in the City (the "District"), (ii) the construction of the Project as more particularly described in the Petition and this Resolution, and (iii) the imposition of a community improvement district sales tax within the District in the amount of two percent (2.0%) to pay a portion of the costs of the Project; and

WHEREAS, the Petition is signed by the owners of record of 100% of the land area within the proposed District, and by owners collectively owning more 100% by assessed value of the land area within the proposed District (the "Developer"); and

WHEREAS, the Act provides that before creating any community improvement district, the governing body of the City shall by resolution direct and order and give notice of a public hearing on the advisability of creating a community improvement district, the construction of the proposed Project and the intent of the City to levy a community improvement district sales tax.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS, AS FOLLOWS:

SECTION 1. Public Hearing. Notice is given that a public hearing will be held before the City Commission on September 11, 2017, at 4:00 p.m., or as soon thereafter as the matter can be heard, in the City Commission meeting room located in City Library at 209 NW 4th Street,

Abilene, Kansas, to consider the advisability of: (i) the City's creation of the proposed Community Improvement District; (ii) the Project described in the Petition; and (iii) the imposition of a community improvement district sales tax in the District in an amount not to exceed two percent (2.0%),

SECTION 2. Project. The general description of the proposed Project to be constructed within the District is: the design, development and construction of a new 7,700 square foot 24-7 travel store, including traveler amenities, a new double wall fuel tank field, 12 or more gasoline fueling stations, diesel fueling stations, RV waste and water service, paved truck parking, and which may include (in Developer's discretion) an RV/camper overnight stay venue, and related improvements, all generally located at 2200 N. Buckeye Avenue, City of Abilene, Dickinson County, Kansas.

SECTION 3. Project Costs; Estimates. Costs to be partially financed from the proposed community improvement district sales tax include razing of an existing 3,300 square foot convenience store, construction of a new 7,700 square foot travel store, including necessary infrastructure, parking lots, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, certain soft costs, costs of private financing, and the City and Developer's administrative costs in establishing and maintaining the District, all as permitted by the Act. The total estimated and probable cost of the Project is \$5,000,000. Total reimbursement from the proposed community improvement district sales tax is estimated to be \$1,200,000 or approximately 24% of total project costs. The estimated reimbursement stated in the preceding sentence shall not be deemed a limitation on reimbursement and revenues of the community improvement district sales tax proposed by the Petition may be utilized for costs of the Project in accordance with the Petition, the Act, and a development agreement between the City and Developer governing the District.

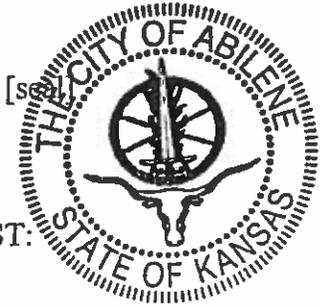
SECTION 4. Financing; District Only Sales Tax. The Project within the District is proposed to be financed in part, on a pay-as-you-go basis, from revenues received from the levy and collection of a two percent (2.0%) community improvement district sales tax on the sale of tangible personal property sold at retail or on rendering or furnishing of services taxable pursuant to the Kansas retailers' sales tax statutes, only within the proposed District. The entire Project will be financed from a combination of the community improvement district sales tax revenues, private equity and private debt.

SECTION 5. Description of District. The legal description of the CID District is attached to this Resolution as Exhibit A and a map of the proposed CID District is attached as Exhibit B.

SECTION 6. Effective Date; Publication and Mailed Notice. This resolution shall be effective upon and after its adoption by the governing body. The City Clerk is authorized and directed to give notice of the public hearing by publishing this resolution once a week for two consecutive weeks in the official City newspaper with the second publication occurring at least seven (7) days before the public hearing date. The City Clerk is also authorized and directed to mail a copy of this resolution to all property owners within the proposed CID District, by certified mail, at least ten (10) days before the public hearing.

ADOPTED AND APPROVED by vote of the governing body of the City of Abilene, Kansas on August 14, 2017.

CITY OF ABILENE, KANSAS



ATTEST:

By *Dee Marshall*
Dee Marshall, Mayor

By *Penny Soukup, CMC*
Penny Soukup, CMC, City Clerk