

(Ordinance Summary published in The Abilene Reflector-Chronicle on July 11, 2018 and the full text of the Ordinance made available at www.abilenecityhall.com for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 3355

AN ORDINANCE CREATING THE ROSEROCK HOLDINGS, LLC COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF ABILENE, KANSAS AND AUTHORIZING THE LEVY OF A COMMUNITY IMPROVEMENT DISTRICT RETAILERS' SALES TAX TO BE COLLECTED WITHIN THE DISTRICT (LOVE'S TRAVEL STOPS PROJECT)

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"), the City of Abilene, Kansas (the "City") is authorized to create community improvement districts in the City for economic development purposes and for any other purpose for which public money may be expended; and

WHEREAS, on March 16, 2018 a petition (the "Petition") was filed with the City Clerk by Roserock Holdings, LLC (the "Petitioner"), together with its affiliate, Love's Travel Stops & Country Stores, Inc, the intended tenant, developer and operator of the subject property ("Developer"), requesting (i) the creation of a community improvement district under the Act to be known as Roserock Holdings LLC Community Improvement District - Love's Travel Stops Project (the "CID"), (ii) the construction of the Project as described in the Petition and authorized by the Act, and (iii) the imposition of a community improvement district sales tax within the CID in the amount of two percent (2.0%) to pay or reimburse a portion of the costs of the Project (the "CID Sales Tax"); and

WHEREAS, the Petition is signed by the owners of record of 100% of the land area within the proposed CID, and by owners collectively owning 100% by assessed value of the land area within the proposed CID; and

WHEREAS, pursuant to the Act and Resolution No. 051418-1 and after providing notice of hearing as required by the Act, a public hearing on the creation of the CID and the imposition of the CID Sales Tax was opened on June 11, 2018 and all interested parties were given an opportunity to be heard; and

WHEREAS, the governing body of the City finds and determines it is in the best interest of the City and in furtherance of the purposes of the Act to create the CID and authorize levy of the CID Sales Tax.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION 1. Creation of District. The CID is created within the City and shall be designated the Roserock Holdings, LLC (Love's Travel Stops Project) Community Improvement District. The legal description of the CID is attached as **Exhibit A** and the boundaries of the District are depicted on the map attached as **Exhibit B**.

SECTION 2. Project and Project Costs. The Project is authorized and described as follows: the design, development and construction of a new Love's Travel Stop facility and related improvements, all generally located at or near Exit No. 272 on Interstate Highway 70, City of Abilene, Dickinson County, Kansas. The governing body approves the total estimated cost of the Project of \$10,000,000 and the total estimated cost of the Project to be financed or reimbursed by the CID Sales Tax of \$10,000,000. The estimated amount expected to be reimbursed from the CID Sales Tax revenue stated in the preceding sentence shall be neither a guarantee of nor a limitation on reimbursement and revenues of the CID Tax may be utilized for costs of the Project if authorized by the Act and any development agreement governing the District.

SECTION 3. Method of Finance. The portion of Project cost to be financed or reimbursed from revenues of the CID Sales Tax ("Eligible CID Costs") will be funded on a pay-as-you-go basis, as defined in the Act. No special assessments will be levied under the Act and no bonds of the City will be issued.

SECTION 4. Levy of Sales Tax. Pursuant to the Act, a two percent (2.0%) retailers' sales tax shall be levied within the CID on the selling of tangible personal property at retail or rendering or furnishing of services taxable under provisions of the Kansas retailers' sales tax act, as amended. The imposition of the CID Sales Tax shall begin upon the Petitioner's request as provided in the Development Agreement and as soon as the levy of the tax is approved by the Kansas Department of Revenue (KDOR), or any other effective date the City may approve by ordinance if a change in the effective date of the CID Sales Tax is requested by the Petitioner and such date is approved by KDOR. The CID Sales Tax shall be administered, collected by KDOR, subject to the provisions of the Act, K.S.A. 12-187 *et seq.* and KDOR's rules and regulations.

Section 5. Development Agreement; Pre-condition to Publication and Effectiveness of Ordinance. As a pre-condition to the City Clerk's publication of this ordinance, the City, the Petitioner, and the Developer shall enter into a development agreement in substantially the form submitted to the governing body with this Ordinance, setting forth the terms and conditions of the Developer's construction and completion of the CID Project, as well as the reimbursement procedures for CID Eligible Project Costs.

Section 6. Effective Date; Filing and Recording Ordinance. This Ordinance shall be in full force and effect from and after passage by the governing body and publication, one time, of the following summary of the Ordinance, in the official City newspaper:

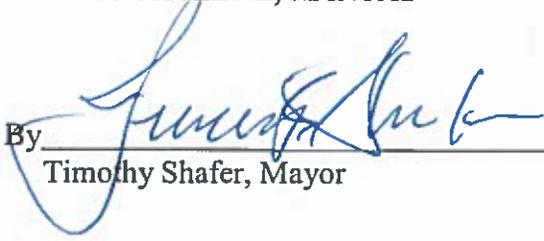
On June 11, 2018, the City Commission passed Ordinance No. 3355. The Ordinance establishes the Roserock Holdings, LLC (Love's Travel Stops Project) Community Improvement District in the City of Abilene, Kansas, and authorizes the imposition of a two percent (2.0%) community improvement district sales tax to be collected within such district and reimbursement of certain project costs from such sales tax revenue. A complete copy of the Ordinance can be found at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street, free of charge. This summary is certified by the City's attorney.

When this Ordinance becomes effective, the City Clerk shall provide a certified copy of the complete ordinance to the KDOR – Director of Taxation as necessary to begin levy of the CID

ADOPTED AND APPROVED by vote of the governing body of the City of Abilene, Kansas on June 11, 2018.



CITY OF ABILENE, KANSAS

By 
Timothy Shafer, Mayor

ATTEST:

By 
Penny Soukup, City Clerk

THE PUBLICATION SUMMARY SET FORTH ABOVE IS
CERTIFIED THIS 11TH DAY OF JUNE, 2018:


Aaron Martin, City Attorney

EXHIBIT A

Legal Description of District

DESCRIPTION:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 2 EAST, OF THE 6TH P.M., IN DICKINSON COUNTY, KANSAS, BEING MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW 1/4; THENCE NORTH 0°11'12" WEST, ALONG THE WEST LINE OF SAID SW 1/4 FOR 1101.66 FEET; THENCE SOUTH 89°30'12" EAST FOR 134.34 FEET TO A POINT ON THE EAST RIGHT OF WAY OF FAIR ROAD AND TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF CAMEL BOULEVARD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°30'12" EAST FOR 114.44 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF CAMEL BOULEVARD; THENCE NORTH 0°55'32" EAST FOR 36.53 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF CAMEL BOULEVARD; THENCE NORTH 23°14'32" EAST FOR 652.31 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF CAMEL BOULEVARD; THENCE NORTH 43°45'54" EAST FOR 328.90 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF CAMEL BOULEVARD; THENCE NORTH 54°59'46" EAST FOR 239.83 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF CAMEL BOULEVARD; THENCE NORTH 66°57'17" EAST FOR 128.35 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF CAMEL BOULEVARD; THENCE SOUTH 0°15'05" EAST FOR 1278.21 FEET; THENCE SOUTH 89°19'11" WEST FOR 974.07 FEET TO A POINT ON SAID EAST LINE OF RIGHT OF WAY OF FAIR ROAD; THENCE NORTH 1°31'48" EAST ALONG SAID EAST RIGHT OF WAY LINE FOR 214.87 FEET; THENCE NORTH 73°00'06" EAST, ALONG SAID EAST RIGHT OF WAY LINE FOR 50.36 FEET TO THE POINT OF BEGINNING. CONTAINING 18.00 ACRES MORE OR LESS.

EXCERPT OF MINUTES

The governing body of the City of Abilene, Kansas, met in regular session at the usual meeting place in the City on June 11, 2018, at 4:00 p.m., with Mayor Timothy Shafer presiding, and the following members of the governing body present:

Commissioners Dee Marshall, Chris Ostermann and Terry Chaput

The following members were absent: Commissioner Sharon Petersen

The Mayor opened a public hearing on creation of the proposed Roserock Holdings, LLC (Love's Travel Stops Project) Community Improvement District and the levy of a sales tax within the proposed district pursuant to public notice given as authorized by Resolution No. 051418-1. All those persons present to speak to the issue were heard. The Mayor closed the public hearing.

An Ordinance was presented to the governing body an Ordinance entitled:

AN ORDINANCE CREATING THE ROSEROCK HOLDINGS, LLC
COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF ABILENE,
KANSAS AND AUTHORIZING THE LEVY OF A COMMUNITY
IMPROVEMENT DISTRICT RETAILERS' SALES TAX TO BE COLLECTED
WITHIN THE DISTRICT (LOVE'S TRAVEL STOPS PROJECT)

The Ordinance was considered and discussed; and on motion of Marshall, seconded by Chaput, the Ordinance passed by the following vote of the governing body:

Yes: 4

No: 0

The Ordinance was assigned No. 3355.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the June 11, 2018 meeting of the governing body of the City of Abilene, Kansas.




Penny Soukup, City Clerk