

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF ABILENE, KANSAS
HELD ON NOVEMBER 25, 2019**

The governing body met in regular session at the usual meeting place in the City, at 4:00 p.m., the following members being present and participating, to-wit:

Mayor Timothy B. Shafer, Commissioner Chris Ostermann, Commissioner Dee Marshall, Commissioner Trevor Witt, Commissioner Angie Casteel

Absent: None.

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

There was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the creation of a community improvement district in the City and the undertaking and financing of a certain community improvement district project therein pursuant to the authority of K.S.A. 12-6a26 *et seq.*

There was presented a Resolution entitled:

A RESOLUTION CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF ABILENE, KANSAS, ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT, PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING, AND AUTHORIZING ACTIONS RELATED THERETO.

Commissioner Marshall moved that the Resolution be adopted. The motion was seconded by Commissioner Casteel. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Yea: 5
Nay: 0

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 112519-2 and was signed by the Mayor and attested by the Clerk.

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Abilene, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Perry H. Soukup, CMC
City Clerk

(Published in *The Abilene Reflector-Chronicle* on December 2, 2019 and December 9, 2019)

RESOLUTION NO. 112519-2

A RESOLUTION CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF ABILENE, KANSAS, ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT, PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING, AND AUTHORIZING ACTIONS RELATED THERETO.

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"), cities are authorized to create community improvement districts as a method of financing economic development related improvements in a defined area within the city; and

WHEREAS, the City of Abilene, Kansas (the "City") is a city within the meaning of the Act; and

WHEREAS, a petition (the "Petition") was filed with the City requesting that: (a) the community improvement district described therein (the "District") be created; (b) the City levy a community improvement district sales tax within the District in the amount of 2.0% (the "CID Sales Tax"); and (c) the costs of the proposed community improvement district project, interest on financing, associated costs of issuance and necessary reserves, if any, be financed by "Pay-as-you-go financing," as defined in the Act, and paid from the fund of the City identified in K.S.A. 12-6a34 through the imposition of the CID Sales Tax; and

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of (a) more than fifty-five (55%) of the land area within the District and (b) more than fifty-five (55%) by assessed value of the land area within the District; and

WHEREAS, pursuant to the Act, prior to considering the formation of the District and the imposition of the CID Sales Tax, the City Commission of the City (the "Governing Body") must conduct a public hearing, notice of which shall be given in accordance with the provisions of the Act; and

WHEREAS, the governing body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating a CID District and the undertaking and financing of the CID Project therein as set forth in the Petition pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

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

Section 1. Petition. The Governing Body hereby finds that the Petition is in compliance with the provisions of the Act.

Section 2. Public Hearing. A public hearing before the Governing Body regarding the creation of the District and the imposition of the CID Sales Tax, shall be held on January 13, 2020, at 4:00

p.m., or as soon thereafter as the Governing Body may hear such matter, at the Abilene Public Library, 209 NW 4th Street, Abilene, Kansas 67410.

Section 3. Description of the District and the CID Sales Tax. The Petition requests the creation of the District and the imposition of the CID Sales Tax based on the following:

(a) **Boundaries of Proposed Community Improvement District.** The District proposed to be established by the City contains within its boundaries the real property legally described in *Exhibit A* attached hereto and the boundaries of which are contained in a map of the District attached as *Exhibit B* attached hereto.

(b) **General Nature of the Proposed District Project.** The proposed project to be undertaken within the District (the "CID Project") is to promote the redevelopment and revitalization of the I-70 and Buckeye interchange node within the City, by providing community improvement district financing in accordance with this petition and the Act to finance the demolition, construction, maintenance, and procurement of certain improvements, costs, and services within the CID District, including, but not limited to: land acquisition, infrastructure related items, streets, sidewalks, parking lots and/or structures, buildings, facilities, tenant improvements, water management and drainage related items, utilities, landscaping, lighting, art, water features and other cultural amenities, ongoing maintenance of the CID District, marketing, advertisement and economic development, promotion of activities and special events, training, cleaning and maintenance, and administrative costs in establishing and maintaining the CID District and the CID Project, and any other items permitted to be financed within the CID District under the Act.

(c) **Estimated Costs of the Proposed Project.** The estimated design, acquisition, construction and inspection costs of the proposed CID Project are \$8,000,000, plus interest accrued on borrowed funds during construction and costs associated with development of the pad site adjacent to North Buckeye Avenue.

(d) **Proposed Method of Financing the Proposed CID Project; CID Sales Tax** A community improvement district sales tax as provided in K.S.A. 12-6a31 (the "Sales Tax") in the amount of 2% is proposed in the District for the purpose of financing the costs of the CID Project. It is proposed that the Sales Tax will expire 22 years from the date its collection begins. The estimated amount of revenue to be collected from the imposition of the Sales Tax during the proposed term of the District is \$72,700 annually or \$1,600,000 total produced by the existing and planned hotels within the CID District if the Sales Tax is imposed for the maximum 22-year term. Additional Sales Tax may be produced by any sales tax producing use developed upon the pad site within the District. The City will retain an on-going administrative service fee from the proceeds of the Sales Tax, in an amount equal to 5% of the CID Sales Tax produced, as the administrator of the District. No assessments for the CID Project will be levied on property within the proposed District.

Section 4. Notice of Public Hearing. Notice of such public hearing shall be given by publication of this Resolution once a week for two consecutive weeks in the official City newspaper, the last publication being not less than seven (7) days prior to the public hearing. In addition, the Clerk shall cause a copy of this Resolution to be sent by certified mail to all owners of property within the proposed District, such mailing to occur not less than ten (10) days prior to the public hearing.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the City Commission of the City of Abilene, Kansas, on November 25, 2019.



Penny G. Soukup, CMC
City Clerk

[Handwritten Signature]
Mayor

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City of Abilene, Kansas, adopted by the governing body on November 25, 2019, as the same appears of record in my office.

DATED: November 25, 2019.

Penny G. Soukup, CMC
City Clerk

EXHIBIT A
Legal Description of the District

The following described real estate:

PARCEL A:

LOT TWO (2) AND LOT FOUR (4), BLOCK ONE (1), FINAL PLAT OF MARTIN ADDITION, A REPLAT OF LOTS ONE (1) AND TWO (2), BLOCK ONE (1), FITZSIMONS ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS.

PARCEL B:

A PARCEL OF LAND LOCATED IN LOT 2, BLOCK 2, FITZSIMONS ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE ON AN ASSUMED BEARING OF S 89 DEGREES 51'12" W ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 227.85 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE S 00 DEGREES 08'48" E A DISTANCE OF 403.72 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE S 89 DEGREES 24'55" W ALONG SAID SOUTH LINE A DISTANCE OF 287.18 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N 00 DEGREES 07'23" W ALONG THE WEST LINE OF SAID LOT 2 A DISTANCE OF 449.12 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE NORTH LINE OF SAID LOT 2 ON A CURVE TO THE RIGHT WITH A RADIUS OF 270.00 FEET, A CHORD LENGTH OF 24.90 FEET, A CHORD BEARING OF S 69 DEGREES 37'48" E AND AN ARC LENGTH OF 24.91 FEET; THENCE S 67 DEGREES 33'07" E ALONG SAID NORTH LINE A DISTANCE OF 24.40 FEET; THENCE ALONG SAID NORTH LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 330.00 FEET, A CHORD LENGTH OF 128.68 FEET, A CHORD BEARING OF S 78 DEGREES 53'44" E AND AN ARC LENGTH OF 129.51 FEET; THENCE N 89 DEGREES 51'12" E ALONG SAID NORTH LINE A DISTANCE OF 114.93 FEET TO THE POINT OF BEGINNING.

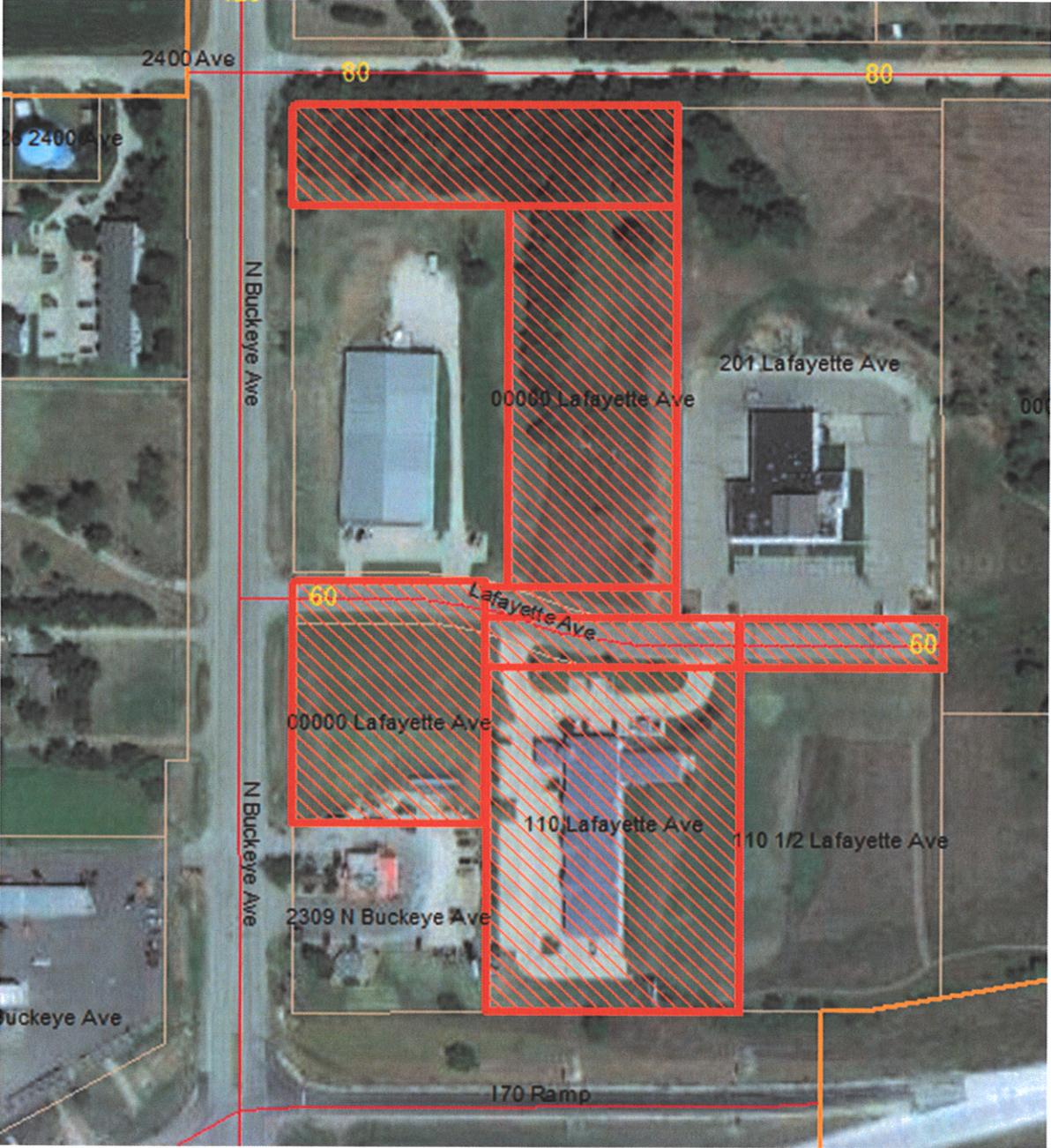
PARCEL C:

LOT 1, BLOCK 2, FITZSIMONS ADDITION TO THE CITY OF ABILENE, DICKINSON COUNTY, KANSAS.

AND ADJACENT PUBLIC RIGHT-OF-WAY.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

EXHIBIT B
Map of the District



[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]