

(Published in the *Abilene Reflector-Chronicle* on January 20, 2020)

ORDINANCE NO. 19-3384

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF ABILENE, KANSAS; AUTHORIZING CERTAIN PROJECTS THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH 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 PROJECTS.

WHEREAS, the governing body of the City of Abilene, Kansas (the "City"), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the "Act") and adopted Resolution No. 112519-2 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district (the "District"), the general nature of proposed improvement project within the District (the "Project"), the estimated costs of the Project, the proposed method of financing the Project, the proposed amount a sales tax within the District, the proposed method of assessment, if any, and a map and legal description of the proposed District; and

WHEREAS, Resolution No. 112519-2 was published twice in the *Abilene Reflector-Chronicle*, the official City newspaper, on December 2, 2019 and December 9, 2019; and

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

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

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, 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 District. The legal description of the District is as follows:

A tract of land located in the City of Abilene, Dickinson County, Kansas described as follows:

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.

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

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

The governing body hereby authorizes the Project within the District, as more fully described below:

The total current *estimated* cost of the Project is approximately \$8,000,000, plus the costs of debt financing and costs associated with the pad site adjacent to North Buckeye Avenue.

SECTION 3. Method of Financing.

(a) The cost of the proposed Project is proposed to 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. 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 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.

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

SECTION 4. Levy of Sales Tax. In order to provide funds to finance the costs of the Project, the levy, in accordance with the provisions of the Act, of a community improvement district sales tax within the District, in an amount of 2% on the selling of tangible personal property at retail or rendering or furnishing services within the District (the "Sales Tax"), is authorized and directed. Upon notice from the owner or operator, the City will notify the Kansas Department of Revenue to begin the collection of the Sales Tax which shall expire 22 years from the date its collection begins. 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.

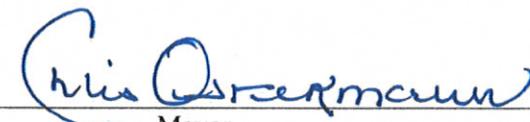
SECTION 5. Development Agreement and Related Documents. The form of the Development Agreement dated as of January 13, 2020 between the City and Narayan, Inc. is approved. The Mayor or member of the City's governing body authorized by law to exercise the powers and duties of the Mayor in the Mayor's absence is further authorized and directed to execute and deliver the Development Agreement on behalf of the City in substantially the form presented for review prior to passage of this Ordinance, with such corrections or amendments as the Mayor or other person lawfully acting in the absence of the Mayor may approve, which approval shall be evidenced by his or her signature. The authorized signatory may sign and deliver all other documents, certificates or instruments as may be necessary or desirable to carry out the purposes and intent of this Ordinance and the Development Agreement. The City Clerk or the Deputy City Clerk of the City is hereby authorized and directed to attest the execution of the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the City's corporate seal.

SECTION 6. 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.

PASSED by the governing body of the City of Abilene, Kansas, on January 13, 2020, and **SIGNED** by the Mayor.

(Seal)
THE CITY OF ABILENE
ATTEST
STATE OF KANSAS

City Clerk


Mayor

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT

