

RESOLUTION NO. 091321-1

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING THE AMERICAN ADDITION COMMUNITY IMPROVEMENT DISTRICT IN THE CITY.

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, Guffey Properties, LLC, a Kansas limited liability company, has filed a petition (the “Petition”) with the City on September 13, 2021, proposing (i) the creation of a community improvement district under the Act for assisting in financing the development of a new 10,500 square foot retail facility and related improvements 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 October 11, 2021, 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 construction of a new 10,500 square foot retail facility and access roads, surface parking, sidewalks, landscaping, site development, surface remediation and reclamation and associated infrastructure in the District. The Petitioner is requesting that revenues generated from a community improvement district sales tax be used to pay for or reimburse some or all of the Project costs. The general components of the Project include but are not limited to such items as site preparation and development; construction of buildings and tenant finish improvements, including FF&E; construction of infrastructure and surface parking; ongoing operation and maintenance costs and any other items or uses associated with the CID Project as authorized by the Act.

SECTION 3. Project Costs; Estimates. The estimated total cost of the proposed Project is approximately \$1,600,000.00. Developer is requesting reimbursement of eligible Project costs in the aggregate maximum amount of \$525,000.00.

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 and a map of the proposed District is attached as **Exhibit A**.

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 District, by certified mail, at least ten (10) days before the public hearing.

Passed and approved by the Governing Body of the City of Abilene, Kansas, on this 13th day of September 2021.


Brandon Rein, Mayor

ATTEST:

Shayla L Mohr, City Clerk



EXHIBIT A

Lot 1, AMERICAN ADDITION, a subdivision in the City of Abilene, Dickinson County,
Kansas

(Insert map of proposed Community Improvement District)

