

**RESOLUTION NO. 121222-1**

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF ABILENE, KANSAS TO BE KNOWN AS THE LEGACY KANSAS COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT.**

**WHEREAS**, K.S.A. 12-6a26 *et seq.* (the "Act") authorizes the governing body of any city to create community improvement districts to finance projects within such defined area of the city and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects; and

**WHEREAS**, a petition dated November 28, 2022 (the "Petition") was filed with the City Clerk proposing the creation of the Legacy Kansas Community Improvement District ("CID") under the Act and the imposition of a community improvement district sales tax in order to pay the costs of the Projects (defined herein); and

**WHEREAS**, the Petition was signed by the required number of owners of record, as required by the Act; and

**WHEREAS**, the City of Abilene, Kansas (the "City") intends to create the CID and to levy a community improvement district sales tax in an amount equal to two percent (2.0%) as requested in the Petition (the "CID Sales Tax"); 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 the CID, approving the Projects described herein and levying the CID Sales Tax, 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.

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

**SECTION 1. Petition.** The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

**SECTION 2. Public Hearing.** It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects, and whether to impose a CID Sales Tax in an amount equal to 2.0% and such other matters related thereto, such public hearing to be held on **December 27, 2022 at 4:00 p.m.**, or as soon thereafter as the matter can be heard, in the City Commission meeting room located in the Abilene Public Library, at 209 NW 4<sup>th</sup> Street, Abilene, Kansas, under the authority of the Act.

**SECTION 3. Proposed CID Projects.** The general nature of the proposed projects described in the Petition to be constructed within the CID (the “Projects”) includes but is not limited to the acquisition, renovation, and repair of the restaurant building located at 105 E. Lafayette Ave., Abilene, Kansas, including 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; the City’s administrative costs in establishing and maintaining the CID; and other items collectively permitted to be financed within the CID under the Act and the City’s CID Policy.

**SECTION 4. Estimated Cost.** The total estimated cost of the proposed Projects is \$1,800,000.00, of which \$525,000.00 plus the City’s administrative costs are to be funded by the CID Sales Tax (“Reimbursable Project Costs”).

**SECTION 5. Method of Financing, Community Improvement District Sales Tax and Special Assessments.** The Project will be privately financed through a combination of private equity and private debt. The Reimbursable Project Costs will be financed on a pay as you go basis, i.e., the Reimbursable Project Costs will be paid for by the petitioner without the issuance of notes or bonds, and the petitioner will be reimbursed for the Reimbursable Project Costs as moneys are deposited in the CID fund through the imposition of the CID Sales Tax. No special assessments will be imposed within the CID in conjunction with the Projects.

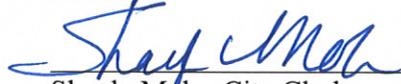
**SECTION 6. Map and Legal Description of Proposed CID.** The legal description of the property to be contained in the proposed CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto, and incorporated by reference herein.

**SECTION 7. Notice of Hearing.** The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official City newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

**SECTION 8. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

Passed and approved by the Governing Body of the City of Abilene, Kansas, on this 12<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
Dee Marshall, Mayor

ATTEST:  
  
\_\_\_\_\_  
Shayla Mohr, City Clerk



---

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPOSED  
LEGACY KANSAS CID**

Lots 3 and 5, Block 1, Martin Addition, a Replat of Lots 1 and 2, Block 1, Fitzsimons Addition to the City of Abilene, Dickinson County, Kansas

**EXHIBIT B**  
**MAP OF PROPOSED LEGACY KANSAS CID**

