

**ORDINANCE NO. 22-3424**

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

**WHEREAS**, the governing body of the City of Abilene, Kansas (the “City”), has heretofore received a Petition filed by Deanna M. Munson, Trustee of the Deanna M. Munson Trust dated April 10, 1998 (“Developer”) pursuant to K.S.A. 12-6a26, *et seq.* (the “Act”) and adopted Resolution No. 121222-1 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 of 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. 121222-1 was published twice in the *Abilene Reflector-Chronicle*, the official City newspaper, on December 13, 2022 and December 20, 2022; and

**WHEREAS**, the governing body has heretofore conducted a public hearing on the advisability of creating the District, following proper notice; 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, describe 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, which shall be designated the Legacy Kansas Community Improvement District. The legal description of the District is as follows:

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

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

---

**SECTION 2. Description of Community Improvement District Project.**

The general description of the Project within the District is: the acquisition, renovation, and repair of the restaurant building located at 105 E. Lafayette Ave., Abilene, Kansas in the District. The Developer has requested 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; the City’s administrative costs in establishing and maintaining the District; and other items or uses associated with the Project as authorized by the Act.

**SECTION 3. Authorization of Community Improvement District Project; Estimated Costs.**

The governing body hereby authorizes the Project within the District. The estimated total cost of the Project is \$1,800,000.00.

**SECTION 4. 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. That portion of the Project to be funded through the District shall not exceed \$525,000.00, plus the City’s administrative fee.

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

**SECTION 5. 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. The imposition of the Sales Tax shall begin at such time as is specified in the Development Agreement and as soon as the levy of the Sales Tax is approved by the Kansas Department of Revenue, and shall expire 22 years from the date its collection begins, unless the Sales Tax is terminated prior to such date in accordance with the terms of the Development Agreement. The City Clerk, upon adoption of this Ordinance and request by the Developer, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189. The City shall be entitled to receive an administrative fee equal to 2% of all Sales Tax revenue generated in the District to reimburse the City for its administrative costs.

**SECTION 6. Development Agreement and Related Documents.** The form of the Development Agreement dated as of December 27, 2022, between the City and the Developer 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.

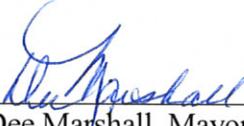
**SECTION 7. Effective Date; Recording Ordinance.** This Ordinance shall be in full force and effect from and after its adoption by the governing body of the City and publication, one time, of the following summary of the Ordinance, in the official City Newspaper:

Ordinance No. 22-3424 Summary

On December 27, 2022, the City Commission passed Ordinance No. 22-3424. The Ordinance establishes the Legacy Kansas Community Improvement District in the City of Abilene, Kansas; authorizes the project and 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; and approves a development agreement between the City and the developer pertaining to the project. A complete copy of the Ordinance can be found at [www.abilenecityhall.com](http://www.abilenecityhall.com) or in the office of the City Clerk, 419 N. Broadway Street, Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

The City Clerk is directed to record this Ordinance in the office of the Dickinson County Register of Deeds, as required by the Act.

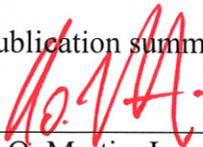
APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 27<sup>th</sup> day of December, 2022.

  
Dee Marshall, Mayor



Attest:  
  
Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 27<sup>th</sup> day of December, 2022.

  
Aaron O. Martin, Legal Counsel

*SCHEDULE I*

**MAP OF COMMUNITY IMPROVEMENT DISTRICT**

