

(Published in *The Leavenworth Times* on September 26, 2017)

**ORDINANCE NO. 989**

**AN ORDINANCE AUTHORIZING THE CREATION OF THE 555 N. MAIN STREET COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF LANSING, KANSAS; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT; AND PROVIDING FOR THE METHOD OF FINANCING THE SAME AND APPROVING A DEVELOPMENT AGREEMENT.**

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

**WHEREAS**, a petition (the “Petition”) was filed with the City Clerk on August 10, 2017, proposing the creation of the 555 N. Main Street Community Improvement District (the “District”) under the Act and the imposition of a community improvement district sales tax (the “CID Sales Tax”) in order to pay the costs of projects as described in the Petition (the “Projects”); and

**WHEREAS**, the Petition was signed by Linda L. Ladd Revocable Trust (the “Property Owner”) the owner of record of all of the real property within the proposed District; and

**WHEREAS**, the City Council (the “Governing Body”) of the City of Lansing, Kansas (the “City”) intends to create the District and to levy the CID Sales Tax as requested in the Petition; and

**WHEREAS**, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district projects therein, and to give notice of the hearing by publication at least once each week for two (2) consecutive weeks in the official City newspaper and by certified mail to all property owners within the proposed community improvement district, the second publication to be at least seven (7) days prior to the hearing and such certified mail sent at least ten (10) days prior to such hearing; and

**WHEREAS**, the Governing Body adopted Resolution No. B-4-17 on August 17, 2017 (the “Resolution”) directing that a public hearing on the proposed District within the City be held on September 21, 2017, declaring its intent to impose the CID Sales Tax, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

**WHEREAS**, the Resolution was mailed (by certified mail) to all property owners within the proposed District on September 1, 2017, and published once each week for two (2) consecutive weeks in *The Leavenworth Times*, the official City newspaper, on September 5, 2017 and September 12, 2017; and

**WHEREAS**, on this date, the Governing Body conducted a public hearing on the proposed District; and

**WHEREAS**, the Governing Body hereby finds and determines it to be advisable to create the District and set forth the boundaries thereof, authorize the Projects, approve the estimated costs of the Projects and approve the method of financing the same, all in accordance with the provisions of the Act; and

**WHEREAS**, the Development Agreement (the “Development Agreement”) between the City and Speedway Chrysler Dodge Jeep, Inc., a Kansas corporation, has been presented for consideration in connection with the District and the Projects:

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS:**

**SECTION 1. Creation of Community Improvement District; Boundaries.** That the Governing Body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District within the City to be referred to as the 555 N. Main Street Community Improvement District. A legal description of the boundaries of the proposed District is set forth on **Exhibit A**, attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed District is attached as **Exhibit B**, attached hereto and incorporated by reference herein.

**SECTION 2. Authorization of Community Improvement District Projects and Estimated Costs.**

(a) The general nature of the Projects is approved as follows:

(1) within the district, the acquisition, improvement, construction, demolition, removal, renovation, reconstruction, rehabilitation, maintenance, restoration, replacement, renewal, repair, installation, relocation, furnishing, equipping or extension of:

(A) buildings, structures and facilities;

(B) sidewalks, streets, roads, interchanges, highway access roads, intersections, alleys, parking lots, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, pedestrian amenities, abandoned cemeteries, drainage systems, water systems, storm systems, sewer systems, lift stations, underground gas, heating and electrical services and connections located within or without the public right-of-way, water mains and extensions and other site improvements;

(C) parking garages;

(D) streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;

(E) parks, lawns, trees and other landscape;

(2) within or without the district, costs for infrastructure located outside the district but contiguous to any portion of the district and such infrastructure is related to a project within the district or substantially for the benefit of the district.

(b) The total estimated cost of the proposed Project is \$4,312,000 of which \$4,312,000 plus the City's administrative costs are to be funded by the CID Sales Tax.

**SECTION 3. Method of Financing.**

(a) The costs of the Projects will be financed with the CID Sales Tax levied pursuant to the provisions of the Act and reimbursed on a pay-as-you-go basis, as defined in the Act. The CID Sales Tax is hereby imposed at the rate of **1.0%** on the sale of tangible personal property at retail or rendering or furnishing services which are taxable pursuant to the Kansas Retailers' Sales Tax Act (K.S.A. 79-3601 *et seq.*) within the District with such CID Sales Tax to commence on January 1, 2017 or such other date as the Governing Body sets by ordinance and continue for a period of twenty (22) years or such earlier date as provided in the Development Agreement.

(b) There will be no issuance of bonds, including full faith and credit bonds, pursuant to the Act.

(c) There will be no District special assessments.

**SECTION 4. Segregation of CID Sales Tax Revenues.** All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the 555 N. Main Street Community Improvement District Revenue Fund. Such revenues shall be used to pay the costs of the Project, including the City's administrative fee of 5.0%.

**SECTION 5. Development Agreement.** The Development Agreement in substantially the form presented to the Governing Body of the City is hereby approved and the Mayor and City Clerk are hereby authorized to execute and deliver the Development Agreement.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication once in the official City newspaper.

**PASSED** by the Governing Body on this 21st day of September, 2017 and **APPROVED AND SIGNED** by the Mayor.

**CITY OF LANSING, KANSAS**

By: \_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE 555 N. MAIN STREET  
COMMUNITY IMPROVEMENT DISTRICT**

                      
A tract of land in Lots 34 and 35, Block 2, HOLIDAY HILLS, City of Lansing, Leavenworth County, Kansas, described as follows:

Beginning at a point 501.50 feet South and 53.38 feet West of the Northeast corner of Section 24, Township 9 South, Range 22 East of the 6th P.M., which point lies on the West right-of-way of U.S. Highway #73 and Kansas Highway #7; thence South 89°53'00" West 653.57 feet; thence South 00°00'05" East 239.15 feet; thence North 88°13'30" East 654.84 feet to said West right-of-way and Southeast corner of Lot 35; thence North 00°16'00" West 220.20 feet to the point of beginning, less any part thereof taken or used for road purposes.

Commonly known as: 555 N. Main Street, Lansing, KS 66043  
Tax ID#: 12948

**ALSO INCLUDING:**

**All adjacent Right-of-Way.**

**EXHIBIT B**  
**MAP OF 555 N. MAIN STREET COMMUNITY IMPROVEMENT DISTRICT**

**Leavenworth County, KS**



**CITY OF LANSING**  
**FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE**

**Ordinance No. 989:** An Ordinance authorizing the creation of the 555 N. Main Street Community Improvement District in the City of Lansing, Kansas; authorizing the making of certain project improvements relating thereto; approving the estimated costs of such project improvements; levying a Community Improvement District sales tax within such district; and providing for the method of financing the same and approving a development agreement.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

**Ordinance No. 989 Summary:**

On September 21, 2017, the City of Lansing, Kansas, adopted Ordinance No. 989, authorizing the creation of the 555 N. Main Street Community Improvement District. A complete copy of this ordinance is available at [www.lansing.ks.us](http://www.lansing.ks.us) or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 21, 2017

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Gregory C. Robinson, City Attorney