

ORDINANCE NO. 970

AN ORDINANCE AUTHORIZING THE CREATION OF THE VILLAGE SOUTH AT EDWARDSVILLE COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF EDWARDSVILLE, KANSAS; AND AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED WITHIN SUCH DISTRICT.

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), municipalities are authorized to create community improvement districts for economic development purposes and any other purpose for which public money may be expended; and

WHEREAS, the City of Edwardsville, Kansas (the “City”), is a municipality within the meaning of the Act; and

WHEREAS, a petition (the “Petition”) was filed with the City Clerk requesting (a) that the community improvement district described therein (the “CID”) be created; (b) that the City levy a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services within the CID in the amount of 1.00% (the “CID Sales Tax”); and (c) that certain community improvement district project costs to be incurred within the CID be financed on a pay-as-you-go basis, all in accordance with the Act; and

WHEREAS, said Petition was signed by both the owners of record of more than 55% of the land area within the proposed CID and the owners of record collectively owning more than 55% by assessed value of the land area within the proposed CID; 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 project therein, and provide for notice of the hearing by publication at least once each week for two consecutive weeks in the official city newspaper, with the second publication occurring at least seven days prior to the hearing, and by certified mail to all property owners within the proposed community improvement district, with such certified mail sent at least ten days prior to such hearing; and

WHEREAS, pursuant to Resolution No. 2016-14 of the City, adopted on September 12, 2016, the Governing Body of the City directed a public hearing on the proposed CID be held and declared its intent to levy the CID Sales Tax in the proposed CID; and

WHEREAS, on October 10, 2016, following proper notice as provided in the Act, the Governing Body of the City held a public hearing on the proposed CID, the proposed community improvement district project and the imposition of the CID Sales Tax in the proposed CID; and

WHEREAS, the Governing Body hereby finds and determines that it is in the best interests of the City and in furtherance of the purposes of the Act to create the CID;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS:

Section 1. Creation of District; Boundaries. The Governing Body of the City hereby creates the CID within the City, which shall be designated as the “Village South at Edwardsville Community Improvement District.” The boundaries of the CID shall be as legally described on *Exhibit A* attached hereto and as depicted on the map attached as *Exhibit B* attached hereto.

Section 2. Authorization of District Project; Estimated Costs. The Governing Body of the City hereby authorizes the project within the CID described on *Exhibit C* attached hereto (the “Project”) and approves the total estimated cost of the Project at \$62,499,350. Notwithstanding the approval of the Project by this Ordinance, the Project and owner or owners of all property comprising the Project must comply with all applicable zoning, planning permit and other laws and regulations applicable to the Project.

Section 3. Method of Financing. The Project within the proposed CID will be financed on a pay-as-you-go basis, from revenues received from the imposition of the CID Sales Tax. No special assessments shall be implemented under the Act to pay for the Project and no special or general obligations bonds or notes will be issued to finance the Project.

Section 4. Levy of Sales Tax. In accordance with the Act and to provide funds to pay costs of the Project, the Governing Body of the City hereby levies a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services within the Edwardsville Center CID in the amount of 1.00%, *i.e.*, the “CID Sales Tax.” The collection of the CID Sales Tax shall commence on January 1, 2018 or the earliest date thereafter on which the Kansas Department of Revenue agrees to begin the imposition of the CID Sales Tax and shall expire 22 years from the date the Department of Revenue begins the collection of the CID Sales Tax. The CID Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.*, this Ordinance and a development agreement by and between the City and Compass Commodity Group III, LLC, or its assigns.

Section 5. Effective Date. This Ordinance shall be in force and take effect from and after publication of the Ordinance once in the official City newspaper. When this Ordinance becomes effective in accordance with this Section, the City Clerk shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

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PASSED AND APPROVED by the Governing Body of the City of Edwardsville, Kansas this 24th day of October, 2016.





John McTaggart
Mayor



Zachary Daniel
Assistant to the City Manager/City Clerk

EXHIBIT A

Legal Description of Village South at Edwardsville CID

A part of Lot 1 and Lot 2, Lustgraaf Acres, being a Replat of part of Tract 4 and Tract 5, The Norman Farm, all in Wyandotte County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 11, Township 11 South, Range 23 East, thence North 02°06'15" West, along the West line of the Southwest Quarter of said Section 11, with this and the following bearings based upon the Kansas State Plane Coordinate System of 1983, 2011 Adjustment, a distance of 471.80 feet to intersection of said West line with the South line of Lot 2, said Lustgraaf Acres; thence North 87°31'44" East (North 89°37'49" East – Platted), along said South line, a distance of 30.00 (measured and platted) feet to the Easterly right of way of 110th Street as dedicated by said Lustgraaf Acres, said point being the Southwestern most corner of said Lot 2 and POINT OF BEGINNING; thence North 02°06'15" West (North 00°00'00" East – Platted), along said Easterly right of way and Westerly line of said Lot 2, a distance of 10.71 feet (Measured and Platted); thence North 87°53'45" East (North 89°37'49" East – Platted), continuing along said right of way and Westerly line of said Lot 2, a distance of 20.00 feet (Measured and Platted) to the Easterly Right of Way of 110th Street as established for the Kansas Turnpike Authority, Contract 9-38-E(1), circa 1955; thence North 00°17'22" East (North 02°24'03" East – Platted), continuing along said Easterly right of way and Westerly line of said Lot 2 and Lot 1, a distance of 746.89 feet to the intersection of said Easterly right of way with the South line of a Permanent Easement recorded as Document No. 1197804, in Book 3744 at Page 543 in the Office of the Register of Deeds, Wyandotte County, Kansas; thence North 66°44'54" East, along said South line, a distance of 655.90 feet to the intersection of said South line with the Southerly Right of Way of said Kansas Turnpike and North line of said Lustgraaf Acres; thence North 85°25'56" East (North 87°34'00" East – Platted) along said Southerly Turnpike Right of Way and North line of said Lots 1 & 2, a distance of 637.64 feet (634.69' – Platted) to the intersection of said lines with the Easterly line of said Lot 2; thence South 02°06'15" East (South 00°00'00" East – Platted) along the East line of said Lot 2, a distance of 1,012.66 feet (1,009.20 feet – Platted) to the Southeast corner of said Lot 2; thence South 87°31'44" West (South 89°37'49" West – Platted), along the South line of said Lot 2, a distance of 1,300.00 feet (measured and platted) to the POINT OF BEGINNING;

LESS AND EXCEPT:

A part of Lot 2, Lustgraaf Acres, being a Replat of part of Tract 4 and Tract 5, The Norman Farm, all in Wyandotte County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest Corner of Section 11, Township 11 South, Range 23 East, thence North 02°06'15" West, along the West line of the Southwest Quarter of said Section 11, with this and the following bearings based upon the Kansas State Plane Coordinate System of 1983, 2011 Adjustment, a distance of 471.80 feet to intersection of said West line with the South line of Lot 2, said Lustgraaf Acres; thence North 87°31'44" East (North 89°37'49" East – Platted), along said South line (and extension thereof), a distance of 312.71 feet to the POINT OF BEGINNING; thence North 02°30'30" West, departing said South line, a distance of 234.55 feet;

thence North $87^{\circ}29'30''$ East, a distance of 387.70 feet to a point of curvature; thence easterly and northerly along a curve to the left, said curve having a Radius of 440.00 feet, Delta of $17^{\circ}07'35''$ for an Arc Length of 131.52 feet to the point of tangency; thence North $70^{\circ}21'54''$ East, a distance of 180.76 feet; thence North $02^{\circ}51'38''$ West, a distance of 413.57 feet; thence North $87^{\circ}42'26''$ East, a distance of 334.89 feet to a point on the East line of said Lot 2; thence South $02^{\circ}06'15$ East (South $00^{\circ}00'00''$ East – Platted), a distance of 720.28 feet to the Southeast Corner of said Lot 2; thence South $87^{\circ}31'44''$ West (South $89^{\circ}37'49''$ West – Platted), a distance of 1,017.29 feet to the POINT OF BEGINNING.

EXHIBIT B

Map of Village South at Edwardsville CID



EXHIBIT C

Project Description

To acquire, redevelop and improve certain property located generally at or in the vicinity of the southeast corner of Interstate 70 and 110th Street in the City of Edwardsville, Kansas. The Project may be described in a general manner as consisting of: (a) two hotels containing approximately 185 rooms; (b) a conference center/meeting space; (c) a restaurant; (d) a retail component; (e) a fast food restaurant; and (f) a convenience store, along with such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and other associated and appurtenant structures and facilities to the extent permitted under the City's Community Improvement District (CID) Policy.