

**ORDINANCE NO. 1004**

**AN ORDINANCE AUTHORIZING THE CREATION OF THE VILLAGE SOUTH AT EDWARDSVILLE COMMUNITY IMPROVEMENT DISTRICT I IN THE CITY OF EDWARDSVILLE, KANSAS, AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED WITHIN SUCH DISTRICT (CID I), AND REPEALING ORDINANCE NOS. 970 AND 974 OF THE CITY.**

**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;

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

**WHEREAS**, pursuant to Ordinance No. 970 of the City, passed October 24, 2016, as amended by Ordinance No. 974 of the City, passed January 9, 2017, the City previously approved a community improvement district in connection with the Village South at Edwardsville project (the “Original CID”);

**WHEREAS**, the City and the developer of the Original CID have mutually determined that the Original CID is no longer desirable or feasible and shall be terminated;

**WHEREAS**, a petition (the “Petition”) was filed with the City Clerk requesting (a) that a new 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;

**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;

**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;

**WHEREAS**, pursuant to Resolution No. 2018-16 of the City, adopted on July 23, 2018, 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;

**WHEREAS**, on August 27, 2018, 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 I.” The boundaries of the CID shall be as legally described on *Exhibit A* attached hereto and as labeled “CID 1” on the map attached as *Exhibit B* 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 \$19,225,804. 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; provided, however, that if requested by the developer of the Project, the City shall consider the issuance of special obligation community improvement district bonds to finance all or a portion of 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 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, 2021 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. Repeal of Prior Ordinances.** Ordinance Nos. 970 and 974 of the City are hereby repealed in their entirety.

**Section 6. 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 Assistant City Manager/City Clerk shall submit the Ordinance for recording in the office of the Register of Deeds of the Unified Government of Wyandotte County/Kansas City, Kansas, and provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

**PASSED AND APPROVED** by the Governing Body of the City of Edwardsville, Kansas this 27<sup>th</sup> day of August, 2018.



(SEAL)

  
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John McTaggart  
Mayor

ATTEST:

  
\_\_\_\_\_  
Zachary Daniel  
Assistant City Manager/City Clerk

***EXHIBIT A***

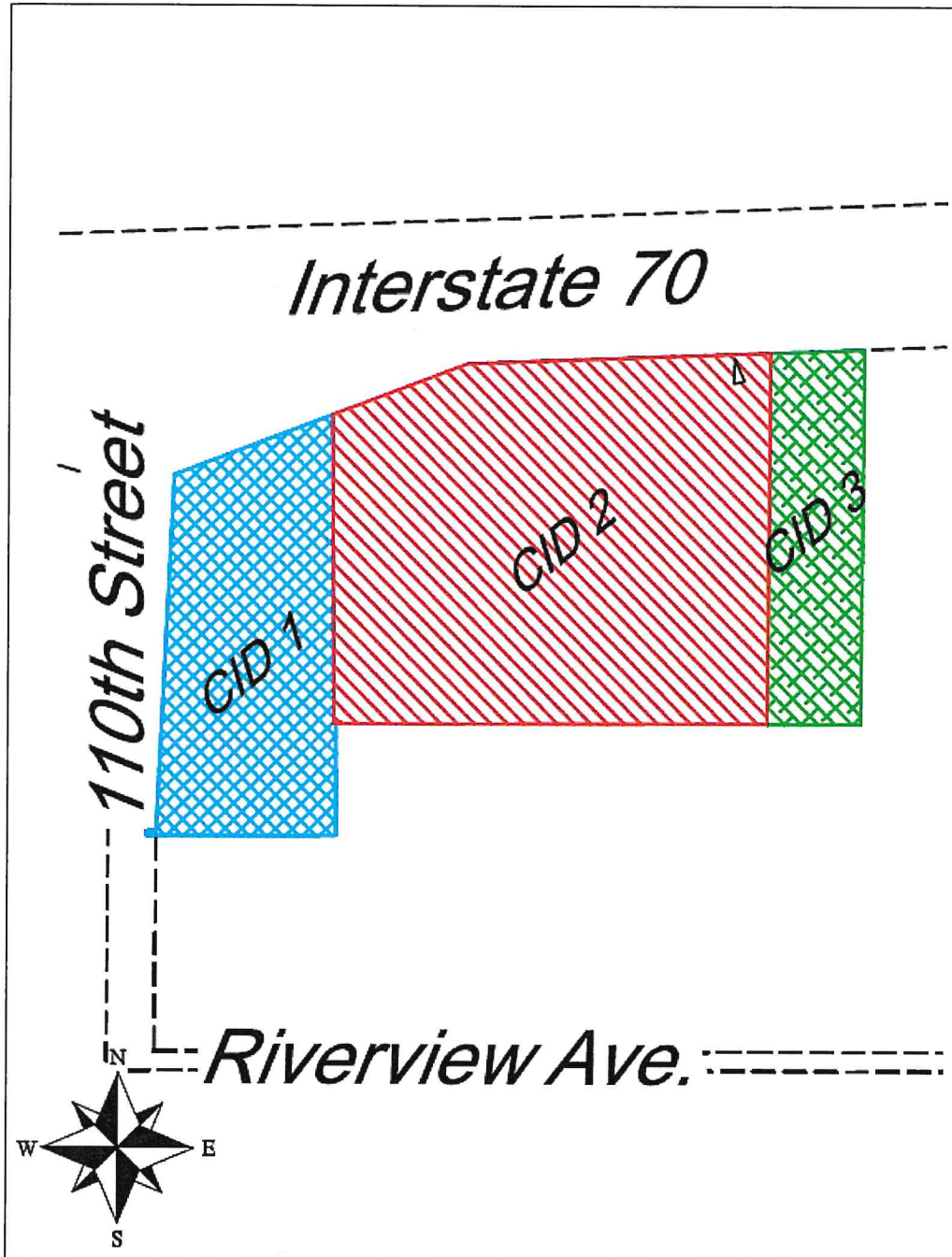
**Legal Description of Village South at Edwardsville CID I**

Part of Lots 1 & 2, Lustgraaf Acres, said lots being a replat of part of Tract 4 and Tract 5, the Norman Farms Subdivision AND part of the Public Right of Way of Village South Parkway as dedicated by the Final Plat of Village South at Edwardsville, First Plat, all in the Southwest Quarter of Section 11, Township 11 South, Range 23 East, City of Edwardsville, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 11; thence North 87°31'44" East, along the South line of said Southwest Quarter, a distance of 1330.00 feet to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 11; thence North 02°06'16" West, along the West line of said Quarter-Quarter, a distance of 471.80 feet to the Southeast corner of Lot 2, said Lustgraaf Acres; thence South 87°31'44" West (Measured – South 89°37'49" West, Platted) along the South line of said Lot 2, a distance of 903.41 feet to the POINT OF BEGINNING; thence South 87°31'44" West (Measured – South 89°37'49" West, Platted) continuing along the South line of said Lot 2, a distance of 396.59 feet to the Westerly line of said Lot 2 and Easterly Line of 110th Street, as now exists; thence North 02°06'15" West (Measured – North 00°00'00" East, Platted), along the Easterly line of said 110th Street and Westerly line of said Lot 2, a distance of 10.71 feet; thence North 87°53'45" East (Measured – North 87°39'49" East, Platted), continuing along the Easterly line of said 110th Street and Westerly line of said Lot 2 a distance of 20.00 feet; thence North 00°17'22" East (Measured – North 02°24'03" East, Platted), continuing along the Easterly line of said 110th Street and Westerly line of said Lot 2 and said Lot 1, a distance of 746.89 feet to the Southerly line of Right of Way conveyed to the City of Kansas City, Kansas by Document No. 1197804, recorded in Book 3744 at Page 543 in the Office of the Register of Deeds, Wyandotte County; thence North 66°44'54" East, along said Southerly Right of Way, a distance of 354.26 feet to the Northwest corner of Lot 3, Village South at Edwardsville, First Plat; thence South 02°51'38" E along said South line, a distance of 647.68 feet to the intersection of said West line with the South line Village South Parkway, as now exists; thence North 87°29'30" East, along said South line, a distance of 4.78 feet; thence South 02°30'30" East, departing said South line, a distance of 234.63 feet to the POINT OF BEGINNING and containing 289,023.34 sq. ft. or 6.64 acres, more or less.

*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) one retail component; (b) a fast food restaurant; (c) a convenience store; and/or (d) other commercial uses; along with (e) accompanying parking facilities; and (f) such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, and other associated and appurtenant structures and facilities to the extent permitted under the City's Community Improvement District (CID) Policy.