

(Published in *The Leavenworth Times* on April 26, 2022)

ORDINANCE NO. 1081

AN ORDINANCE AUTHORIZING THE CREATION AND MODIFICATION 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 AN AMENDMENT TO 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 or about 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; and

WHEREAS, pursuant to Ordinance No. 989 passed by the City Council (the “Governing Body”) of the City of Lansing, Kansas (the “City”), the City created the District and levied the CID Sales Tax as requested in the Petition and entered into that certain Development Agreement related to the District dated as of November 1, 2017 (the “Development Agreement”); and

WHEREAS, the Governing Body has received from the sole property owner within the District an amended petition dated as of March 14, 2022 (the “Amended Petition”) requesting certain modifications to the District and the costs of projects as described therein (the “Projects”), and the City and CDJ Automotive, LLC, a Missouri limited liability company, DBA Speedway of Lansing Chrysler Dodge Jeep Ram now desire to enter into a First Amendment to Development Agreement (the “Amendment”); and

WHEREAS, the Governing Body adopted Resolution No. B-1-2022 on March 17, 2022 (the “Resolution”) directing that a public hearing on the proposed modification to the District be held on April 21, 2022, 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 April 1, 2022, and published once each week for two (2) consecutive weeks in *The Leavenworth Times*, the official City newspaper, on March 29, 2022 and April 5, 2022; and

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

WHEREAS, the Governing Body hereby finds and determines it to be advisable to modify the District and 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

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

SECTION 1. Creation and Modification of Community Improvement District; Boundaries.

That the Governing Body hereby finds and determines that it is advisable to create and modify the District in accordance with the Act and the Amended Petition. A legal description of the boundaries of the District is set forth on Exhibit A, attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the District is attached as Exhibit B 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 \$7,000,000 of which \$7,000,000 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, such CID Sales Tax originally commencing on January 1, 2018, and shall continue for a period of twenty (22) years from such date of commencement or such earlier date as provided in the Development Agreement (as may be amended from time to time).

(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. Amendment. The Amendment 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 Amendment.

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 April, 2022 and **APPROVED AND SIGNED** by the Mayor.

CITY OF LANSING, KANSAS

Anthony R. McNeill, Mayor

[SEAL]

Tish Sims, CMC, 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 degrees 53 minutes 00 seconds West 653.57 feet; thence South 00 degrees 00 minutes 05 seconds East 239.15 feet; thence North 88 degrees 13 minutes 30 seconds East 654.84 feet to said West right-of-way and Southeast corner of Lot 35; thence North 00 degrees 16 minutes 00 seconds West 220.20 feet to the point of beginning, less any part thereof taken or used for road purposes.

AND

A TRACT OF LAND IN LOT 34, BLOCK 2, HOLIDAY HILLS ADDITION TO THE CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 502.80 FEET SOUTH AND 706.87 FEET WEST OF THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., THENCE SOUTH 00°00'05" EAST FOR A DISTANCE OF 239.15 FEET; THENCE SOUTH 88°13'30" WEST FOR DISTANCE OF 75.04 FEET; THENCE NORTH 00°00'05" WEST FOR A DISTANCE OF 241.32 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PLAZA LANE, THENCE NORTH 89°53'00" EAST FOR A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.

ALSO INCLUDING:

All adjacent Right-of-Way.

EXHIBIT B

MAP OF 555 N. MAIN STREET COMMUNITY IMPROVEMENT DISTRICT

