

(Published in *The Leavenworth Times* on March 29 and April 5, 2022)

RESOLUTION NO. B-1-2022

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF MODIFYING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF LANSING, KANSAS, KNOWN AS THE 555 N. MAIN STREET COMMUNITY IMPROVEMENT DISTRICT, AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT.

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 and/or levy special assessments upon property within the district to finance projects; and

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

WHEREAS, on September 21, 2017, the governing body of the City of Lansing, Kansas (the "City") passed Ordinance No. 989 establishing the CID and levying a community improvement district sales tax in an amount equal to 1.0% as requested in such petition (the "CID Sales Tax"); and

WHEREAS, on March 10, 2022, an amended petition (the "Petition") was filed with the City Clerk, proposing to modify and expand the CID; and

WHEREAS, the City intends to modify and expand the CID and to levy the CID Sales Tax in an amount equal to 1.0%, as requested in the Petition; and

WHEREAS, the City Council (the "Governing Body") hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of modifying the CID, approving the Projects described herein and levying the CID Sales Tax, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS, AS FOLLOWS:

SECTION 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

SECTION 2. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects, and whether to impose a CID Sales Tax in an amount equal to 1.0% and such other matters related thereto, such public hearing to be held on **April 21, 2022 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at City Hall, 800 First Terrace, Lansing, Kansas, under the authority of the Act.

SECTION 3. Proposed CID Projects. The general nature of the proposed District projects described in the Petition to be constructed within the CID (the “Projects”) includes but is not limited to:

(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.

SECTION 4. Estimated Cost. 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 (“Reimbursable Project Costs”).

SECTION 5. Method of Financing, Community Improvement District Sales Tax and Special Assessments. The Project will be privately financed. The Reimbursable Project Costs will be financed on a pay-as-you-go basis, i.e., the Reimbursable Project Costs will be paid for by the petitioner without the issuance of notes or bonds by the City, and the petitioner will be reimbursed for the Reimbursable Project Costs as moneys are deposited in the CID fund through the imposition of the CID Sales Tax. No special assessments will be imposed within the CID in conjunction with the Projects.

SECTION 6. Map and Legal Description of Proposed CID. The legal description of the property to be contained in the proposed CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto, and incorporated by reference herein.

SECTION 7. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official City newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

SECTION 8. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

ADOPTED by the Governing Body of the City of Lansing, County of Leavenworth, State of Kansas, this 17th day of March, 2022.

CITY OF LANSING, KANSAS

Anthony R. McNeill, Mayor

[SEAL]

Tish Sims, CMC, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED 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.

AND ALSO INCLUDING:

All adjacent Right-of-Way.

EXHIBIT B

MAP OF PROPOSED 555 N. MAIN STREET COMMUNITY IMPROVEMENT DISTRICT

The following property located in Leavenworth County, Lansing, Kansas:

