

028001 PUBLISHED IN THE WICHITA EAGLE ON WP

Ordinance No. 49-556

AN ORDINANCE OF THE CITY OF WICHITA ESTABLISHING THE K-96 STAR BOND COMMUNITY IMPROVEMENT DISTRICT; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING A 1.00% CID SALES TAX AND PROVIDING FOR THE METHOD OF FINANCING THE SAME.

WHEREAS, the provisions of K.S.A. 12-6a26, as amended, (the "CID Act") set forth the procedure for the establishment of a Community Improvement District ("CID"); and

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City proposing the creation of a community improvement district pursuant to the Act (the "K-96 STAR Bond Project CID"), the completion of a project relating thereto as more particularly described on **Exhibit A** attached hereto (the "CID Project"), and the imposition of a CID Sales Tax in order to pay the costs of the CID Project; and

WHEREAS, the Petition was signed by the owners of all of the land area within the proposed K-96 STAR Bond Project CID; and

WHEREAS, the CID Act provides that prior to creating any CID, the Governing Body shall, by resolution, direct and order a public hearing on the advisability of creation of such CID and the construction and expenditure of costs of community improvement district projects relating thereto, and give notice of the hearing by publication once each week for two consecutive weeks in the official City newspaper, the second publication to be at least seven days prior to the hearing, and by the mailing of notice to the owners of property within the proposed CID; and

WHEREAS, the Governing Body of the City adopted Resolution No. R-13-128 (the "Resolution") on July 16, 2013, directing that a public hearing on the proposed K-96 STAR Bond Project CID be held August 6, 2013, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

WHEREAS; the Resolution was published once each week for two consecutive weeks in the newspaper and notice of the hearing was given to all property owners within the proposed CID as required by the CID Act; and

WHEREAS, the CID Act further authorizes the City, in order to pay the costs of such projects, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a CID in any increment of .10% or .25% not to exceed 2.0% and to reimburse the costs of community improvement district projects from community improvement district sales tax; and

WHEREAS, on August 6, 2013, the Governing Body of the City conducted a public hearing on the proposed "K-96 STAR Bond CID", the proposed community improvement district projects related thereto, the method of financing the same and the imposition of a community improvement district sales tax; and

WHEREAS, the Governing Body of the City hereby finds and determines it to be advisable to create the K-96 STAR Bond CID and set forth the boundaries thereof, authorize CID Project relating thereto, approve the maximum costs of such community improvement district projects, approve the method of financing the same and impose the community improvement district sales tax, all in accordance with the provisions of the CID Act;

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

**Section 1. Creation of the K-96 STAR Bond CID District.** The Governing Body hereby finds and determines that the Petition is sufficient and that all notices required to be given under the CID Act were given in accordance with the CID Act. The Governing Body hereby finds and determines it is advisable to create the K-96 STAR Bond CID within the City and approve the boundaries thereof, and, as such, hereby creates K-96 STAR Bond CID and approves the boundaries thereof. A legal description of the property within the K-96 STAR Bond CID is set forth in **Exhibit B** attached hereto and incorporated by reference. A map generally outlining the boundaries of the K-96 STAR Bond CID is attached hereto as **Exhibit C** and incorporated herein by reference.

**Section 2. Authorization of CID Project.** The Governing Body hereby finds and determines that it is advisable to authorize the CID Project described on the attached **Exhibit A**, incorporated herein by reference, (the “CID Project”) within the K-96 STAR Bond CID and as such authorizes the CID Project.

**Section 3. Maximum Cost.** The maximum cost of the CID Project to be funded by the K-96 STAR Bond CID, exclusive of administrative fees and costs to be paid to the State of Kansas and to the City plus the cost of interest on borrowed money, is \$8,000,000.

**Section 4. Method of Financing.** The CID Project will be financed on a pay-as-you-go basis from revenues received from the imposition of a community improvement district sales tax in the amount of one percent (1%) (the “CID Sales Tax”) on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers’ sales tax act within the K-96 STAR Bond CID. There will be no special assessments levied pursuant to the CID Act within the boundaries of the K-96 STAR Bond CID. There will be no bonds issued pursuant to the CID Act.

**Section 5. Imposition of the Community Improvement District Sales Tax.** In order to provide for the payment of costs of the CID Project on a pay-as-you-go basis, the Governing Body hereby imposes the CID Sales Tax within the K-96 STAR Bond CID in an amount of one percent (1%) on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailers’ sales tax act within the K-96 STAR Bond CID, with such CID Sales Tax to commence on October 1, 2014. Such notice shall include submittal by the City of a certified copy of the ordinance to the KDOR following publication of the ordinance. Such CID Sales Tax shall remain in effect for the maximum period provided for in the CID Act, or such period as may be required for payment from CID Sales Tax revenues of the maximum amount of costs approved for CID Project in Section 3, above, whichever is the lesser period.

**Section 6. Collection of the Sales Tax.** The collection of the CID Sales Tax shall be made in the manner presented in the CID Act

**Section 7. Segregation of the 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 K-96 STAR Bond CID Sales Tax Revenue Fund. Such revenues shall be used to pay the costs of the CID Project on a pay-as-you-go basis and related expenses, including administrative fees and reimbursement to be paid to the State of Kansas and to the City.

**Section 8. Effective Date.** This Ordinance shall take effect from and after its passage by the Governing Body, and its publication once in the official newspaper of the City.

ADOPTED at Wichita, Kansas, this 13<sup>th</sup> day of August, 2013.

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

## EXHIBIT A

### **CID PROJECT**

The general nature of the proposed project (the “**CID Project**”) is the construction of a full-service highway interchange related to the Phase I STAR Bond Project Plan within the K-96 and Greenwich STAR Bond District including the construction, maintenance, and procurement of the CID Project, which may include, but are not limited to: infrastructure related items, streets, sidewalks, water management and drainage related items, landscaping, lighting, as well as associated soft costs related to the items, and the City’s administrative costs in establishing and maintaining the K-96 STAR Bond CID.

## EXHIBIT B

### LEGAL DESCRIPTION

A contiguous tract of land lying within portions of the Northwest and Southwest Quarters of Section 3, and within portions of the Northeast and Southeast Quarters of Section 4, all in Township 27 South, Range 2 East, of the Sixth Principal Meridian, said contiguous tract containing a portion of Reserve "A", Kensington Gardens, Sedgwick County, Kansas, AND ALSO, Reserve "A", Regency Lakes Commercial Addition, an addition to Wichita, Sedgwick County Kansas, AND ALSO, Reserve "A", Greenwich Business Park Addition, an addition to Wichita, Sedgwick County, Kansas, AND ALSO, a portion of Greenwich Road Right-of-Way, AND ALSO, a portion of Kansas State Highway 96 Road Right-of-Way as described in Condemnation Cases 87C-1432 and 87C-1434, said contiguous tract being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 3, being coincident with the Northwest corner of Greenwich Business Center Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the West line of said Section 3, being coincident with the West boundary of said addition, S00°32'28"E, 1344.46 feet to a point on a South boundary of said addition; thence along said South boundary, N89°14'33"E, 60.00 feet to a point on said South boundary also being the POINT OF BEGINNING; thence continuing along said South boundary, N89°14'33"E, 2586.39 feet to the Southeast corner of Lot 17, Block 3, of said addition; thence along the southern most West boundary of said addition, S00°35'43"E, 1331.13 feet to the Center of said Section 3, also being the Northwest corner of The Fairmont, an addition to Wichita, Sedgwick County, Kansas; thence along the West boundary of said addition, S00°35'31"E, 1815.57 feet to a point on the North line of Kansas State Highway 96 Road Right-of-Way; thence along the said North Right-of-Way line the following two courses and distances; N24°06'17"W, 532.89 feet to a point on a non-tangent curve to the left, having a radius of 2039.86 feet, a central angle of 41°27'31", a chord bearing of N44°22'20"W, and a chord distance of 1444.03 feet; thence along the arc of said curve a distance of 1476.03 feet; thence S24°53'55"W, 267.55 feet to a point on the South line of said Kansas State Highway 96 Road Right-of-Way; thence S01°00'51"E, 515.78 feet; thence S89°17'45"W, 209.59 feet to the Northeast corner of Lot 1, said Kensington Gardens; thence continuing along a Southerly line of Reserve "A" of said addition, S89°17'45"W, 1052.19 feet to a point on the East line of Greenwich Road Right-of-Way, said point also being the Northwest corner of Lot 10, Block 1, Village at Greenwich Addition, an addition to Wichita, Sedgwick County, Kansas; thence S89°16'10"W, 120.0 feet more or less to a point on the West line of said Greenwich Road Right-of-Way, also being a point on the East line of Lot 7, Block 1, Regency Lakes Commercial 3<sup>rd</sup> Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the East line of said Lot 7, N00°43'50"W, 148.40 feet to the Northeast corner of said Lot 7; thence along the North line of said Lot 7; S89°48'24"W, 325.71 feet; thence continuing along said North line and also along the North line of Reserve "A", Regency Lakes Commercial 2<sup>nd</sup> Addition, an addition to Wichita, Sedgwick County, Kansas, N73°57'21"W, 302.89 feet; thence continuing along North line of said Reserve "A" the following three courses and distances; N57°43'06" W, 366.66 feet; thence N65°25'19"W, 297.70 feet; thence N74°49'46"W, 179.58 feet to the Northwest corner of said addition, also being a point on the East line of Reserve "C", Regency Lakes, an addition to Wichita, Sedgwick County, Kansas; thence continuing along said East line, N00°43'50"W, 45.86 feet to the Northeast corner of said Reserve "C"; thence along the North line of said Reserve "C", N89°11'19"W, 175.06 feet to the Northwest corner of said Reserve "C"; thence N00°57'07"W, 360.49 feet to a point on the South boundary of Regency Park Addition, an addition to Wichita, Sedgwick County, Kansas; thence continuing along the said South boundary the following four courses and distances; N89°02'53"E, 434.62 feet; thence N54°11'18"E, 614.48 feet; thence N74°45'13"E, 316.18 feet; thence S89°59'32"E, 300.22 feet to the Southeast corner of Lot 13, Block 1, of said addition; thence N89°27'32"E, 120.0 feet more or less to a point on the East line of said Greenwich Road Right-of-Way established on Doc#

FLM/PG 28739057; thence along said East Right-of-Way line, N00°32'28"W, 911.75 feet to the POINT OF BEGINNING,

EXCEPT,

COMMENCING at the West Quarter corner of said Section 3, thence along the west line of said Northwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N00°32'28"W, 203.91 feet; thence N89°27'32"E, 60.00 feet to the POINT OF BEGINNING, thence N44°27'32"E, 130.71 feet; thence N89°27'32"E, 124.54 feet; thence N85°09'28"E, 60.00 feet; thence N89°27'32"E, 123.20 feet; thence S00°32'28"E, 223.18 feet; thence S89°07'40"W, 221.49 feet; thence S00°32'26"E, 75.00 feet; thence S89°07'40"W, 178.51 feet; thence N00°32'28"W, 203.57 feet to the POINT OF BEGINNING,

AND EXCEPT,

COMMENCING at the West Quarter corner of said Section 3, thence along the west line of said Northwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N00°32'28"W, 1336.67 feet; thence N89°27'32"E, 60.00 feet to the POINT OF BEGINNING, thence N89°14'33"E, 400.00 feet; thence S00°32'28"E, 941.34 feet; thence S89°27'32"W, 113.93 feet; thence N85°22'10"W, 72.11 feet; thence S89°27'32"W 121.83 feet; thence N45°32'28"W, 130.71 feet; thence N00°32'28"W, 840.90 feet to the POINT OF BEGINNING,

AND EXCEPT,

COMMENCING at the West Quarter corner of said Section 3, thence along the west line of said Northwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N00°32'28"W, 1336.67 feet; thence N89°27'32"E, 60.00 feet; thence N89°14'33"E, 743.00 feet to the POINT OF BEGINNING, thence N89°14'33"E, 1214.20 feet; thence S00°35'43"E, 1047.75 feet to a point on a non-tangent curve to the left, said non-tangent curve to the left having a radius of 1048.00 feet, a central angle of of 25°18'06", a chord bearing of S77°53'25"E, and a chord distance of 459.04 feet, thence along the said curve to the left 462.79 feet; thence S89°27'32"W, 957.28 feet; thence N00°32'28"W, 692.47 feet; thence N89°27'31.88"E, 190.00 feet; thence N00°32'28"W, 250.16 feet to the POINT OF BEGINNING,

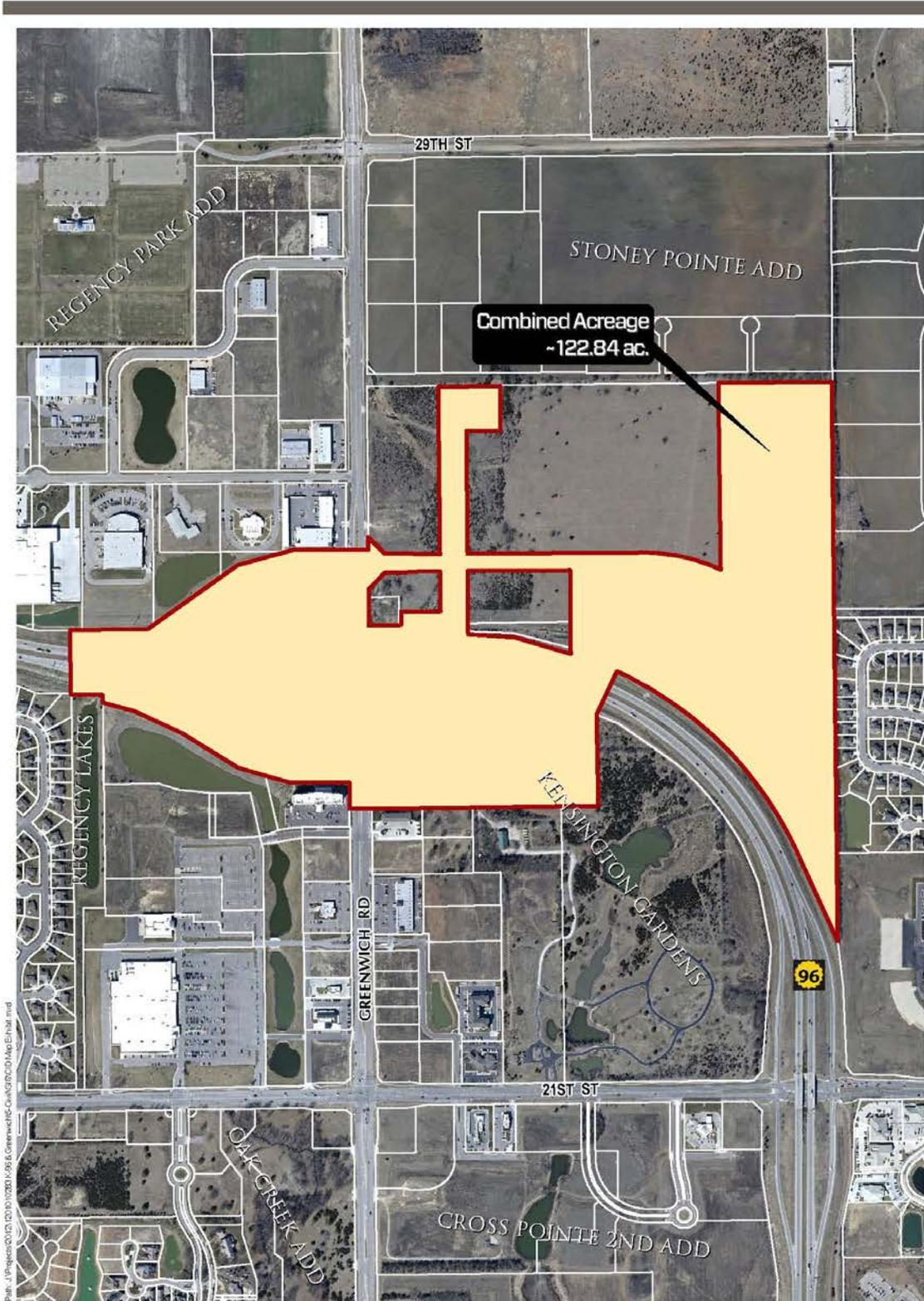
AND EXCEPT,

COMMENCING at the West Quarter corner of said Section 3, thence along the west line of said Northwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N00°32'28"W, 300.84 feet; thence N89°27'32"E, 613.00 feet to the POINT OF BEGINNING, thence N89°27'32"E, 568.70 feet; thence S00°32'28"E, 470.23 feet; thence N73°43'09"W, 322.14 feet; thence N85°58'06"W, 261.18 feet; thence, N00°32'28"W 356.18 feet to the POINT OF BEGINNING.

CONTAINING 5,351,044 square feet or 122.84 acres more or less.

EXHIBIT C

MAP OF DISTRICT



Path: J:\Projects\012\_12010\02031\K96 & Greenwich\CID Map\CID Map Exhibit.mxd

**CID MAP EXHIBIT**

K96 AND GREENWICH  
Monday, July 29, 2013



The information presented herein is based on available data gathered by MKEC from various outside sources. MKEC does not guarantee the positional accuracy of the data shown. In no event shall MKEC be liable to users of the data presented herein, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use of the presented data. By using the data presented herein, users further agree to indemnify, defend, and hold harmless MKEC for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

