

RESOLUTION NO. 15-188

A RESOLUTION OF THE CITY OF WICHITA, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY AND THE PROPOSED LEVY OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX PURSUANT TO K.S.A. 12-6a26 ET SEQ., AS MAY BE AMENDED.

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"), the City of Wichita, Kansas (the "City"), is authorized to create a community improvement district as provided in the Act to provide for the acquisition, improvement, construction, demolition, removal, renovation, reconstruction, restoration, replacement, repair, furnishing and equipping of buildings, structures, facilities, sidewalks, roads, parking lots, traffic signs and signals, utilities, pedestrian amenities, drainage, water, storm and sewer systems, underground gas, heating and electrical services and extensions, water mains and extensions, site improvements, street lights, lighting, street light fixtures, benches, awnings, canopies, walls, trees, landscapes and other cultural amenities (collectively, the "CID Projects" or each a "CID Project"); and

WHEREAS, upon proper petition, the Act further authorizes the City, in order to pay the costs of any project which is a CID Project, 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 community improvement district in any increment of .10% or .25% not to exceed 2% (a "CID Sales Tax") and to reimburse the costs of the such project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such community improvement district sales tax; and

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

WHEREAS, the Petition was signed by the owners of all of the land area within the proposed Kellogg and West CID; and

WHEREAS, the proposed Kellogg and West CID is located North of Kellogg Drive on the east and west sides of West Street within the City; and

WHEREAS, the petition proposes that the City impose a one percent (1%) CID Sales Tax within the Kellogg and West CID which may be levied by ordinance following the hearing; and

WHEREAS, the Act provides that prior to creating any community improvement district, the City shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and authorizing a CID Project therein and the proposed CID Sales Tax within such district which may be levied by ordinance and shall give notice of said public hearing in accordance with the Act;

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

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the Kellogg and West CID and the imposition by the City of a one percent (1%) CID Sales Tax within the Kellogg and West CID shall be held on August 4th, 2015, beginning at 9:00 a.m. or as soon thereafter as possible, in the City Council Chambers, City Hall, 455 North Main Street, Wichita, Kansas.

2. The general nature of the proposed Project to be constructed within the proposed Kellogg and West CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein.

3. The estimated cost of the Project within the proposed Kellogg and West CID is \$23,847,500.

4. The Project within the proposed Kellogg and West CID will be financed on a pay-as-you-go basis from revenues received from the imposition of a one percent (1%) CID Sales Tax up to a maximum amount of \$13,213,750 within the proposed Kellogg and West CID.

5. A legal description of the proposed Kellogg and West CID is set forth in **Exhibit B** attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the proposed Kellogg and West CID is attached hereto as **Exhibit C** and incorporated herein by reference.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act by publishing this resolution at least once each week for two consecutive weeks in the newspaper and sending this resolution by certified mail to all owners. The second publication of this resolution shall occur at least seven days prior to the date of hearing and the certified mailed notice shall be sent at least ten days prior to the date of hearing.

ADOPTED by the Governing Body this 7th day of July, 2015.

APPROVED and **SIGNED** by the Mayor the 7th day of July, 2015.

CITY OF WICHITA, KANSAS

By: _____
Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

EXHIBIT A

PROJECT

The general nature of the proposed project (the “**CID Project**”) is to promote the redevelopment and revitalization of the Kellogg & West corridor, as is more particularly described herein, by providing community improvement district financing in accordance with the petition, the Act, and with City of Wichita policy to finance the demolition, construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: land acquisition, infrastructure related items, streets, potential traffic signal on West Street, sidewalks, parking lots and facilities, buildings, facilities, tenant improvements, water management and drainage related items, landscaping, lighting, art, water features and other cultural amenities, ongoing maintenance of the District, marketing, advertisement and economic development, cleaning and maintenance, and the City and the developer’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

EXHIBIT B

A TRACT OF LAND LOCATED IN SEDGWICK COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE SIXTH PRINCIPLE MERIDIAN, AND THE CENTERLINE OF U.S. 54 HIGHWAY (COMMONLY KNOWN AS KELLOGG AVENUE);

THENCE WEST ALONG SAID CENTERLINE OF U.S. 54 HIGHWAY TO A POINT OF INTERSECTION WITH THE WEST LINE, EXTENDED, LOT 3, BLOCK 1, KELLOGG WEST SQUARE ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS;

THENCE NORTH ALONG SAID WEST LINE EXTENDED OF SAID LOT 3 TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3 TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 3 TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 3, EXTENDED TO THE EAST RIGHT OF WAY LINE OF TRACEY STREET; THENCE NORTH ALONG SAID EAST LINE OF TRACEY STREET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF UNIVERSITY (NOW TAFT) STREET;

THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF TAFT STREET TO A POINT OF INTERSECTION WITH THE PROLONGATION OF THE EAST RIGHT OF WAY LINE OF FLORENCE STREET;

THENCE SOUTH ALONG SAID PROLONGATION OF THE EAST RIGHT OF WAY LINE OF FLORENCE STREET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF EUREKA ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS;

THENCE EAST ALONG SAID SOUTH LINE OF EUREKA ADDITION TO POINT OF INTERSECTION WITH WEST LINE EXTENDED OF STARBUCKS ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS;

THENCE SOUTH ALONG SAID WEST LINE EXTENDED OF STARBUCK ADDITION TO THE SOUTHWEST CORNER OF STARBUCKS ADDITIONS;

THENCE EAST ALONG THE SOUTH LINE OF SAID STARBUCKS ADDITION TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND IN SEDGWICK COUNTY, KANSAS, DESCRIBED AS THE EAST 284 FEET OF THE NORTH 15 FEET 6 INCHES OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE SIXTH P.M. LESS THAT PART DEEDED TO CITY FOR HIGHWAY RIGHT OF WAY, SAID TRACT HAVING A SEDGWICK COUNTY PARCEL IDENTIFICATION NUMBER OF 00528856;

THENCE SOUTH ALONG THE WEST LINE OF SAID TRACT OF LAND HAVING A SEDGWICK COUNTY PARCEL IDENTIFICATION NUMBER OF 00528856 TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT OF LAND HAVING A SEDGWICK COUNTY PARCEL IDENTIFICATION NUMBER OF 00528856 TO THE WEST RIGHT OF WAY LINE WITH WEST STREET;

THENCE SOUTH ALONG THE WEST RIGHT OF WAY LINE OF WEST STREET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF C.J. LUBBERS ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS; THENCE WEST ALONG THE NORTH LINE OF SAID C.J. LUBBERS ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS, TO THE NORTHWEST CORNER OF SAID C.J. LUBBERS ADDITION;

THENCE SOUTH ALONG THE WEST LINE OF C. J. LUBBERS ADDITION TO POINT OF INTERSECTION WITH THE NORTH LINE EXTENDED OF THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND IN SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE 6TH P. M. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 462 FEET NORTH AND 67 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST CORNER 1/4, SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE 6TH P.M., THENCE WEST 133 FEET, THENCE SOUTH 115.5 FEET, THENCE EAST 78.2 FEET, THENCE NORTHEASTERLY 44.3 FEET, THENCE NORTHEASTERLY 87.7 FEET TO THE POINT OF BEGINNING; THENCE EAST ALONG SAID NORTH LINE EXTENDED OF THE AFORE-DESCRIBED TRACT OF LAND TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID AFORE-DESCRIBED TRACT OF LAND;

THENCE SOUTH ALONG THE WEST LINE OF THE AFORE-DESCRIBED TRACT OF LAND TO THE NORTH RIGHT OF WAY LINE OF KELLOGG DRIVE;
THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF KELLOGG DRIVE TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF WEST STREET;
THENCE NORTH ALONG THE WEST RIGHT OF WAY LINE OF WEST STREET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF TAFT STREET;
THENCE WEST ALONG THE SOUTH RIGHT OF WAY LINE OF TAFT STREET FOR A DISTANCE OF 200 FEET;
THENCE NORTH TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF TAFT STREET;
THENCE EAST, ALONG SAID NORTH RIGHT OF WAY LINE OF TAFT STREET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF WEST STREET;
THENCE NORTH, ALONG THE WEST RIGHT OF WAY LINE OF WEST STREET FOR A DISTANCE OF 200 FEET;
THENCE EAST TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF WEST STREET;
THENCE SOUTH ALONG THE EAST RIGHT OF WAY LINE OF WEST STREET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF TAFT STREET;
THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF TAFT STREET FOR A DISTANCE OF 200 FEET;
THENCE SOUTH TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF TAFT STREET;
THENCE WEST ALONG THE SOUTH RIGHT OF WAY LINE OF TAFT STREET TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF WEST STREET;
THENCE SOUTH ALONG THE EAST RIGHT OF WAY LINE OF WEST STREET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF LOT 7, BLOCK 1, EUREKA GARDENS ADDITION TO SEDGWICK COUNTY, KANSAS;
THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 7 TO THE SOUTHEAST CORNER OF LOT 7, SAID SOUTHEAST CORNER OF LOT 7 ALSO BEING THE NORTHEAST CORNER OF LOT 8, BLOCK 1 IN SAID EUREKA GARDENS ADDITION; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 8 TO THE SOUTHEAST CORNER OF SAID LOT 8, SAID SOUTHEAST CORNER ALSO BEING THE NORTHEAST CORNER OF LOT 9, BLOCK 1, EUREKA GARDENS ADDITION;
THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 9 TO THE SOUTHEAST CORNER OF SAID LOT 9, SAID SOUTHEAST CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 20, BLOCK 1, EUREKA GARDENS ADDITION;
THENCE EAST ALONG THE NORTH LINE OF SAID LOT 20 TO THE WEST RIGHT OF WAY LINE OF ILLINOIS STREET;
THENCE CONTINUING EAST ALONG THE NORTH LINE OF SAID LOT 20 EXTENDED, TO THE NORTHERLY MOST NORTHWEST CORNER OF BONANZA ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS, SAID NORTHWEST CORNER LYING ON THE EAST RIGHT OF WAY LINE OF ILLINOIS STREET;
THENCE SOUTH ALONG THE EAST RIGHT OF WAY LINE OF ILLINOIS STREET TO THE SOUTH LINE OF ILLINOIS STREET;
THENCE WEST ALONG THE SOUTH RIGHT OF WAY LINE OF ILLINOIS STREET TO THE SOUTHERLY MOST NORTHWEST CORNER OF SAID BONANZA ADDITION, SAID CORNER ALSO LYING ON THE NORTH LINE OF PARKWAY ADDITION;
THENCE SOUTH ALONG THE WEST LINE OF BONANZA ADDITION TO THE NORTH RIGHT OF WAY LINE OF KELLOGG DRIVE;
THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF KELLOGG DRIVE FOR A DISTANCE OF 300 FEET;
THENCE SOUTH TO A POINT OF INTERSECTION WITH THE CENTERLINE OF U.S. 54 HIGHWAY;
THENCE WEST ALONG THE CENTERLINE OF U. S. 54 HIGHWAY TO THE POINT OF BEGINNING;

EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

THAT PART OF THE SOUTHEAST CORNER OF THE NE $\frac{1}{4}$, SECTION 26, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE 6TH P.M. TAKEN FOR STREET RIGHT-OF-WAY IN CONDEMNATION CASE C-3820;
ALONG WITH,

THAT PART OF PARKWAY ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS, DEEDED TO THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS AS DESCRIBED IN DEED RECORDED WITH THE SEDGWICK COUNTY REGISTER OF DEEDS AT DOC.#/FLM-PG: 29474106;

AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

LOT 2, GMC ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS, EXCEPT THE EAST 50 FEET OF THE SOUTH 80 FEET THEREOF;

THE SOUTH HALF OF LOT 9 ALONG WITH LOTS 10 THROUGH 15 INCLUSIVELY, ALONG WITH THE EAST 50 FEET OF THE SOUTH 80 FEET OF LOT 2;

LOT 1, BALES ADDITION, WICHITA, SEGWICK COUNTY, KANSAS, EXCEPT THAT PART TAKEN FOR STREET RIGHT OF WAY.

EXHIBIT C
MAP OF DISTRICT
(On Following Page)

1. The applicant has provided a detailed site plan showing the proposed layout of the building and parking areas. The plan includes lot numbers, dimensions, and area calculations for each building footprint and parking space. The total area of the site is approximately 1.2 acres, with the building footprints occupying about 0.4 acres and parking areas occupying the remainder. The applicant has also provided a site plan showing the proposed layout of the building and parking areas, including lot numbers, dimensions, and area calculations. The total area of the site is approximately 1.2 acres, with the building footprints occupying about 0.4 acres and parking areas occupying the remainder.

