

(Published in the *Wichita Eagle* on August 19, 2016 and August 26, 2016)

RESOLUTION NO. 16-217

**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 "Downtown Hilton 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 owner of all of the real property within the proposed Downtown Hilton CID and the contractor purchaser of such real property; and

**WHEREAS**, the proposed Downtown Hilton CID is located North of Kellogg Drive on the on the southeast corner of Douglas and Topeka Avenues within the City; and

**WHEREAS**, the petition proposes that the City impose a one and one-half percent (1.5%) CID Sales Tax within the Downtown Hilton 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. **Petition.** The Governing Body hereby finds that the Petition is in compliance with the provisions of the Act.

2. **Public Hearing.** Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the Downtown Hilton CID and the imposition by the City of a one and one-half percent (1.5%) CID Sales Tax within the Downtown Hilton CID shall be held on September 6, 2016, 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.

3. **Description of the Project.** The general nature of the proposed community improvement district project ("Project"), is the design, engineering, construction, reconstruction, furnishing and equipping of a hotel, including a rooftop bar/restaurant and ground floor commercial space, together with related real property improvements, the City's administrative costs in establishing the District and other items permitted to be financed within the district under the Act.

4. **Estimated Costs of the Proposed Project.** The total estimated cost of the Project is Fourteen Million Two Hundred Thousand Dollars (\$14,200,000), of which the maximum amount eligible for reimbursement is Nine Hundred Thirty Thousand Dollars (\$930,000) exclusive of the City's administrative costs.

5. **Proposed Method of Financing.** The Project within the proposed Downtown Hilton CID will be financed on a pay-as-you-go basis from revenues received from the imposition of a one and one-half percent (1.5%) CID Sales Tax up to a maximum amount of \$930,000, plus the City's administrative costs, within the proposed Downtown Hilton CID. The tax is proposed to be limited to a ten-year period, even if the above-stated maximum amount has not then been raised. No assessments will be levied on property within the proposed Downtown Hilton CID.

6. **Boundaries of the Proposed Downtown Hilton CID.** A legal description of the proposed Downtown Hilton CID is set forth in **Exhibit A** attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the proposed Downtown Hilton CID is attached hereto as **Exhibit B** and incorporated herein by reference.

7. **Notice of Public Hearing.** Notice of such public hearing shall be given by publication of this Resolution once a week for two consecutive weeks in the official City newspaper, the last publication being not less than seven (7) days prior to the public hearing. In addition, the Clerk shall cause a copy of this Resolution by certified mail to all owners of property within the proposed District, such mailing to occur not less than ten (10) days prior to the public hearing

8. **Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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8-16, 2016. ADOPTED AND APPROVED by the governing body of the City of Wichita, Kansas, on



CITY OF WICHITA, KANSAS

By Jeff Longwell  
Jeff Longwell, Mayor

ATTEST:

Karen Sublett, mnc  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

Brian K. Magaña  
for Jennifer Magaña, City Attorney and Director of Law

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. 16-217 of the City of Wichita, Kansas, adopted by the governing body on 8-16, 2016, as the same appears of record in my office.

DATED: 8-18, 2016.

Karen Sublett, mnc  
City Clerk