

RESOLUTION NO. 10-175

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 DECLARING THE INTENT OF THE CITY TO LEVY 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 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 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, upon proper petition, the Act further authorizes the City, in order to pay the costs of such project, to levy and collect special assessments upon property in a community improvement district to provide for the payment of all or any part of the cost of such project, including retiring special obligation notes and bonds; 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 Central and Oliver CID"), the completion of a project relating thereto as more particularly described on Exhibit A attached hereto (the "Project"), the imposition of a CID Sales Tax and the levying of a special assessments 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 Central and Oliver CID; and

WHEREAS, the proposed Central and Oliver CID is located at the northeast and southeast corners of the intersection of Central and Oliver Avenues within the City; and

WHEREAS, the City intends to impose a one percent (1%) CID Sales Tax within the Central and Oliver CID; 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 intent of the City to levy a CID Sales Tax within such district 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 Central and Oliver CID and the imposition by the City of a one percent (1%) CID Sales Tax within the Central and Oliver CID shall be held on August 10, 2010, 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 Central and Oliver CID is set forth on Exhibit A attached hereto and incorporated by reference herein.

3. The estimated cost of the Project within the proposed Central and Oliver CID is \$12,500,000.

4. The Project within the proposed Central and Oliver CID will be financed, in part, on a pay-as-you-go basis and/or special obligation notes and bonds payable, in part, from revenues received from the imposition of a one percent (1%) CID Sales Tax within the proposed Central and Oliver CID. The issuance of special obligation notes and bonds rests solely on the discretion of the governing body and approval of a CID does not obligate the City to issue said notes and bonds.

5. A legal description of the proposed Central and Oliver CID is set forth in Exhibit B attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the proposed Central and Oliver 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 13th day of July, 2010.

APPROVED and SIGNED by the Mayor the 13th day of July, 2010.

CITY OF WICHITA, KANSAS

By: _____
Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, City Attorney

EXHIBIT A

PROJECT

The general nature of the proposed projects (the “Projects”) is to promote the redevelopment and revitalization of a blighted portion of the Central and Oliver corridor and to finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: land acquisition, infrastructure related items, streets, 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

LEGAL DESCRIPTION

Lots 28 through 35, Block 4, East Highlands, Sedgwick County, Kansas, EXCEPT the north 11 feet of Lot 28 AND the north 11 feet of Lot 35 in said Block 4 of said Addition, AND EXCEPT that part dedicated for road right of way;

ALONG WITH Lots 26 through 33, Block 14, East Highlands, Sedgwick County, Kansas, EXCEPT that part deeded to city for road right of way AND EXCEPT LOTS 24, 25, 34, 35 in said Block 14 of said Addition;

ALONG WITH the vacated portion of said Highland Drive (now Elm Street) described in the vacation order recorded on Film 679, Page 797;

ALONG WITH the following described vacated portion of Elm Street described as follows:

Beginning at a point on the south line of Elm Street (formerly Highland Drive) as platted in East Highlands Addition, Wichita, Sedgwick County, Kansas, said point being the northeasternmost corner of the vacated portion of said Highland Drive described in the vacation order recorded on Film 679, Page 797, for a point of beginning; Thence northwesterly, along the northeast line of said vacated portion of Highland Drive for a distance of 60 feet, to the north line of said Elm Street right-of way; Thence northeasterly along the north line of said Elm Street right-of-way for a distance of 169.25 to a point of curvature to the left, (said curve having a radius of 100 feet, an arc length of 77.81 feet and a deflection angle of 44°35'); Thence northeasterly along said curve to the left for a distance of 77.81 feet, to the west line of Glendale right-of-way as platted in said Addition; Thence south along the west line of said Glendale right-of-way extended for a distance of 88.32 feet, to a point of intersection with the south line of said Elm Street right-of-way extended, said south line of Elm also being the north line of Block 14 in said Addition; Thence east along said south line of Elm Street right-of-way extended for a distance of 79.48 feet to a point of curvature on said south line of Elm Street; Thence southwestly along the south line of said Elm Street right-of-way along a curve to the left, said curve having a radius of 100 feet, an arc length of 79.44 feet and a deflection angle of 45°31'; Thence southwestly along the south line of said Elm Street right-of-way, for a distance of 160.89 feet to the point of Beginning; Along With Lots 20 through 23, and Lots 36 through 39, Block 14, East Highlands, Sedgwick County, Kansas, EXCEPT that part deeded to city for road right of way.

ALONG WITH Lots 1, 3, 5 and the north 8.50 feet of Lot 7, Block 2, East Boulevard Addition to Wichita, Kansas; Along With All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 13, EXCEPT the west 5 feet thereof for street all in Block 1, East Boulevard Addition to Wichita, Sedgwick County, Kansas.

ALONG WITH the Bleckley Drive street right-of-way from the south line of the Third Street right-of-way extended to the south line of the Central Avenue street right-of-way extended,

ALONG WITH the Third Street right-of-way from the west line of Bleckley Drive street right-of-way to the east line of Oliver Street right-of-way,

ALONG WITH the Oliver Street right-of-way from the south line of Third Street right-of-way extended to a line, 11 feet south of the north line of Lot 35, Block 14, East Highlands, Sedgwick County, Kansas, extended,

ALONG WITH the Central Avenue right-of-way from the west line of the Oliver Street right-of-way extended to the east line of Lot 1 , Block 2, East Boulevard Addition to Wichita, Kansas, extended.

Said tract contains 462,798 square feet more or less.

