

Published in the Wichita Eagle on July 23 and July 30, 2010

RESOLUTION NO. 10-174

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 "WaterWalk Hotel 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 WaterWalk Hotel CID; and

WHEREAS, the proposed WaterWalk Hotel CID is located at the northwest corner of Main Street and Dewey within the City; and

WHEREAS, the City intends to impose a two percent (2%) CID Sales Tax within the WaterWalk Hotel 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 WaterWalk Hotel CID and the imposition by the City of a two percent (2%) CID Sales Tax within the WaterWalk Hotel 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 WaterWalk Hotel CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein.

3. The estimated cost of the Project within the proposed WaterWalk Hotel CID is \$9,600,000.

4. The Project within the proposed WaterWalk Hotel CID will be financed, in part, on a pay-as-you-go basis, from revenues received from the imposition of a two percent (2%) CID Sales Tax within the proposed WaterWalk Hotel CID.

5. A legal description of the proposed WaterWalk Hotel CID is set forth in **Exhibit B** attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the proposed WaterWalk Hotel 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 July 13, 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

That the general nature of the proposed community improvement district ("CID") project, Marriott Fairfield Inn and Suites Hotel at WaterWalk ("Project"), is a hotel located at the northwest corner of Main Street and Dewey, in the WaterWalk Development, Wichita, Kansas, consisting of 115-131 rooms. The community improvement financing in accordance with City of Wichita policy and the Act will be used to finance the construction, maintenance, and procurement of certain improvements, costs and services within the District, which may include, but are 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 ,and the City's financing costs (if any) as well as the City's administrative costs in establishing and maintaining the District.

EXHIBITS B & C LEGAL DESCRIPTION AND MAP OF CID DISTRICT

City of Wichita)
 Sedgwick County) ss L/S No. 2112
 State of Kansas) Copy 2 of 2

I, John L. Schlegel, Director of Plan 7, Wichita-Sedgwick County Metropolitan Area Planning Department, do hereby certify under the Authority granted in the Subdivision Rules and Regulations that the lot split to which this stamp affixed has been approved.

Given under my hand and seal, this 21st day of April, 2010



John L. Schlegel
 John L. Schlegel

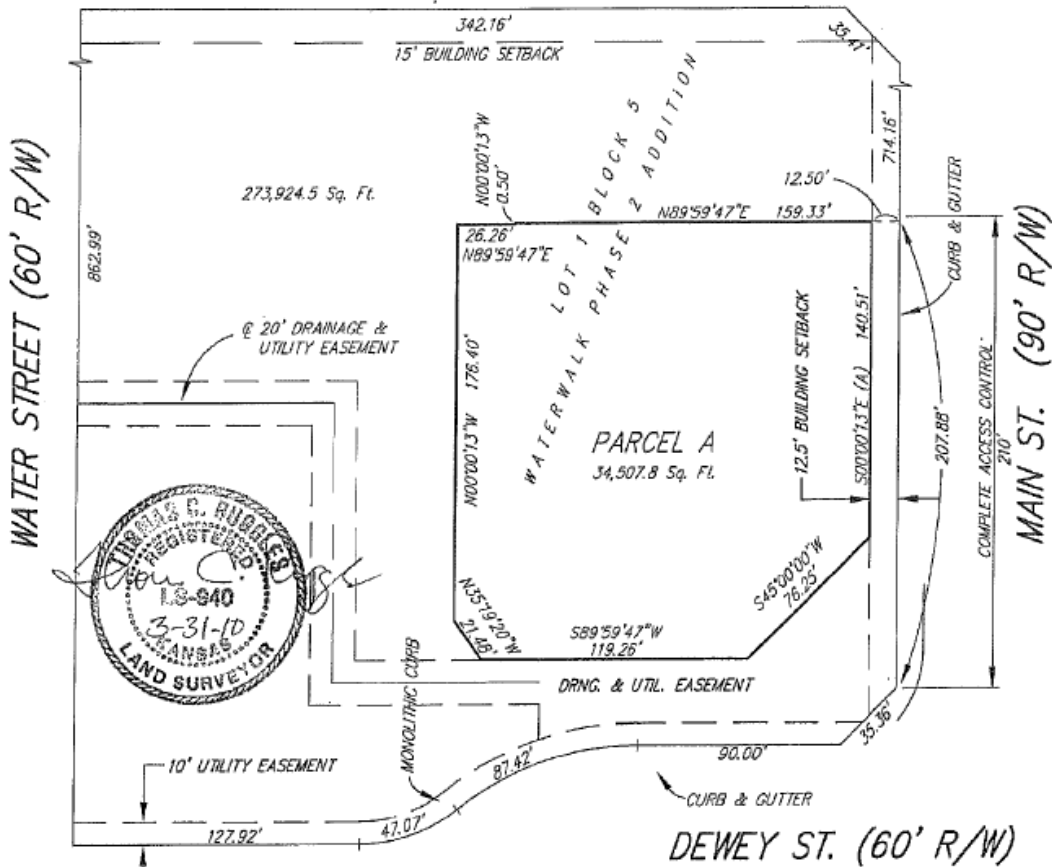
LOT SPLIT

PARCEL A

Commencing at the easterly most south corner of lot 1, Block 5, Waterwalk Phase 2 Addition, an addition to Wichita, Sedgwick County, Kansas; thence N00°00'13"W, along the east line of said Lot 1, 207.88 feet; thence S89°59'47"W, perpendicular to said east line, 12.50 feet for a place of beginning; thence S00°00'13"E, parallel with said east line, 140.51 feet; thence S45°00'00"W, 76.25 feet; thence S89°59'47"W, parallel with the south line of said lot 1, 119.26 feet; thence N35°19'20"W, 21.48 feet; thence N00°00'13"W, parallel with said east line, 176.40 feet; thence N89°59'47"E, parallel with said south line, 26.26 feet; thence N00°00'13"W, parallel with said east line, 0.50 feet; thence N89°59'47"E, parallel with said south line, 159.33 feet to the place of beginning.



WATERMAN STREET (85' R/W)



DEWEY ST. (60' R/W)

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DWG FILE: SURVEY BASE
 PROJECT NO. 3622L
 MARCH 31, 2010
 REVISED

