

(Published in *The Dodge City Daily Globe* on \_\_\_\_\_, 2015)

**RESOLUTION NO. 2015-05**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING FOR CONSIDERATION OF ADOPTION OF A STAR BOND PROJECT PLAN WITHIN A STAR BOND DISTRICT PREVIOUSLY CREATED WITHIN THE CITY PURSUANT TO K.S.A. 12-17,160 *ET SEQ.*, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (HERITAGE AREA).**

**WHEREAS**, the City of Dodge City, Kansas (the "City") desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by authorizing cities and counties to acquire certain property and to issue sales tax and revenue (STAR) bonds for the financing of STAR bond projects pursuant to the provisions of K.S.A. 12-17,160 *et seq.*, as amended (the "Act"); and

**WHEREAS**, pursuant to the Act the City is authorized to establish STAR bond project districts within eligible areas of the City, as said terms are defined in the Act, to approve STAR bond project district plans for the completion of STAR bond projects within such STAR bond project district, and to finance all or a portion of STAR bond project costs from state and local sales revenues derived from the STAR bond project district, other revenues described in the Act, or a combination thereof or from the proceeds of special obligation tax increment bonds of the City payable from such described revenues; and

**WHEREAS**, upon the creation of a STAR bond project district pursuant to the Act, the City may propose to undertake one or more STAR bond projects and shall prepare a STAR bond project plan, which may be implemented in separate development stages, in consultation with the City's planning commission; and

**WHEREAS**, after a public hearing after notice in accordance with the Act, the City Commission on March 19, 2012, adopted Ordinance No. 3527 creating a STAR Bond Project District; and

**WHEREAS**, after a public hearing after notice in accordance with the Act, the City Commission on October 23, 2014, adopted Ordinance No. 3594 expanding STAR Bond Project District to include the Heritage Area; and

**WHEREAS**, the City Commission is considering the adoption of the STAR Bond Project Plan for the Heritage Area dated March 10, 2015 which has been prepared by the City in consultation with the City's Planning Commission (the "STAR Bond Project Plan") pursuant to the Act for the STAR Bond District, which STAR Bond Project Plan provides for the redevelopment of the STAR Bond District; and

**WHEREAS**, on March 10, 2015 the Planning Commission of the City made a finding that the STAR Bond Project Plan is consistent with the intent of the City's comprehensive plan for the development of the City; and

**WHEREAS**, the governing body of the City shall provide notice of such public hearing in accordance with the Act; and

**WHEREAS**, at the public hearing a representative of the City shall present the proposed STAR Bond Project Plan and all interested persons shall be given an opportunity to be heard; and

**WHEREAS**, following the conclusion of such public hearing, the governing body may adopt the STAR Bond Project Plan by ordinance passed upon a 2/3 vote; and

**WHEREAS**, the City Commission desires to establish April 20, 2015 as the date for the public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS:**

**Section 1. Public Hearing.** Notice is hereby given that a public hearing will be held by the City Commission to consider the approval of the STAR Bond Project Plan on April 20, 2015, at the Commission Chambers located at City Hall, 806 North Second Avenue, Dodge City, Kansas, 67801, the public hearing to commence at 7:00 p.m. or as soon thereafter as the City Commission can hear the matter. At the public hearing a representative of the City shall present the STAR Bond Project Plan, the City Commission will receive public comment on such STAR Bond Project Plan, and may, after the conclusion of such public hearing, the City Commission may approve the STAR Bond Project Plan by Ordinance passed upon a 2/3rds vote of the City Commission in accordance with the provisions of the Act.

**Section 2. Notice of Public Hearing.** The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, within 10 days of this date to:

- (i) the Board of County Commissioners of Ford County, Kansas;
- (ii) the Board of Education of U.S.D. No. 443;
- (iii) each owner and occupant of land within the proposed STAR Bond Project District.

(b) This resolution, specifically including *Exhibits A* and *B* attached hereto, shall be published once in the official newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.

**Section 3. STAR Bond Project District and Heritage Area.** The STAR Bond Project District consists of two STAR bond project areas, which are depicted on the maps on *Exhibit A* attached hereto. The Heritage Area within the STAR Bond Project District is depicted on *Exhibit A* and legally described on *Exhibit B* attached hereto.

**Section 4. Public Records.** Copies of the STAR Bond Project Plan, including a summary of the feasibility study, relocation assistance plan and any financial guarantees of the proposed developer and a description and map of the STAR Bond District are public records and are available for public inspection during regular office hours in the office of the City Clerk, City Hall, 806 North Second Avenue, Dodge City, Kansas, 67801.

**Section 5. Further Action.** The Mayor, City Manager, City Clerk and other officials and employees of the City, including Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

**Section 6. Reimbursement.** The City expects to make capital expenditures after the date of this Resolution in connection with acquisition of property and costs related to the STAR Bond Project Plan and the City intends to reimburse itself for such expenditures with the proceeds of bonds, notes or a lease purchase agreement in the maximum principal amount of \$4,105,000.

**Section 7. Effective Date.** This resolution shall be effective upon its adoption by the City Commission of the City of Dodge City, Kansas.

**ADOPTED** by the City Commission of the City of Dodge City, Kansas on March 16, 2015.



  
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Mayor

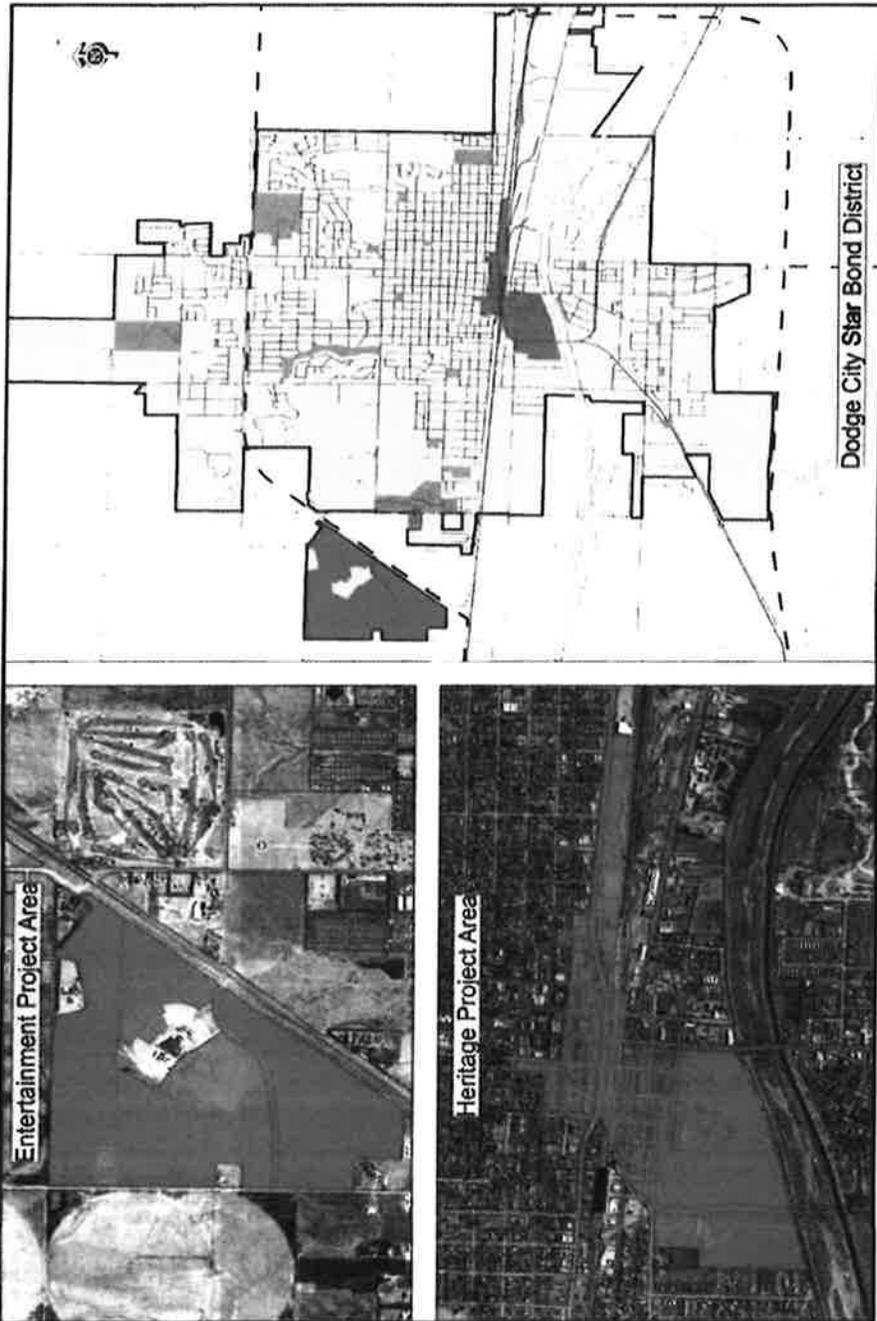
  
\_\_\_\_\_  
City Clerk

Approved As To Form Only:

  
\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**MAP OF STAR BOND PROJECT DISTRICT  
AND  
PROJECT AREAS**



## EXHIBIT B

### LEGAL DESCRIPTION OF HERITAGE PROJECT AREA

Beginning at the intersection of the east r/w line of Fifth Ave. and the south r/w line of Wyatt Earp Blvd. as the point of beginning; thence north along the east r/w line of Fifth Ave. to the extended south line of the north 60 feet of Lots 41,42,43 and 44 of Walnut Street, Original Town; thence west along the said extended line to the west line of Lot 44, Walnut Street, Original Town; thence north along the west line of said Lot 44 to the south line of the platted alley; thence east along the south line of said alley to a point that is 82 feet west of the west r/w line of Fifth Ave.; thence north and parallel with a line that is 82 feet west of the west r/w line of Fifth Ave. to the south r/w line of West Spruce Street; thence east along the south r/w line of said West Spruce Street to the extended east line of the n-s alley in Block 20, Original Town; thence north along the said n-s alley to the south r/w line of West Vine Street; thence east along the south r/w line of said West Vine Street to the west r/w line of Third Ave.; thence south along the west r/w line of said Third Ave. to the extended south line of the e-w alley along Lots 17 thru 24, Gunsmoke Street, Original Town; thence east along the south line of said alley and continuing east extending thru the vacated alley along Lots 9 thru 16, Gunsmoke Street, Original Town; thence continuing along the south line of the e-w alley along Lots 1 thru 8, Gunsmoke Street, Original Town to the west r/w line of Central Ave.; thence south along the west r/w line of said Central Ave. to the projected south r/w line of Military Ave.; thence east along the projected south r/w line of said Military Ave. to the west line

of Lot 12, Block 2, F.W. Boyd's Addition; thence south along the west line of said Lot 12 for a distance of 160 feet to the north line of an e-w alley; thence east along the north line of said e-w alley to the projected west line of Lot 1, Block 9, Centennial Addition; thence south along the projected west line of said Lot 1 to a point that intersects the south r/w line of Wyatt Earp Blvd.; thence east for a distance of 387.07 feet; thence south for a distance of 187.9 feet to the north r/w line of the B.N.&S.F. Railroad; thence west along the north r/w line of said B.N.&S.F. Railroad to the extended east r/w line of Central Ave.; thence south along the extended east r/w line of said Central Ave. to the north r/w line of the BN&SF Railroad; thence west along the north r/w of said BN&SF Railroad which is also the south r/w line of Wyatt Earp Blvd. to extended west line of Lot 49, West Trail Street, Original Town; thence south along the extended west line of said Lot 49 to the north r/w line of West Trail Street; thence east along the north r/w line of said West Trail Street to the west r/w line of South Second Ave.; thence south along the west r/w line of said South Second Ave. to the north line of the Arkansas River; thence in a southwesterly direction along the north line of said Arkansas River to the east line of Young's Place; thence north along the east line of said Young's Place to a point that is 528 feet south of the south r/w line of Park Street; thence east for a distance of 245 feet; thence north for a distance of 528 feet to the south line of Park Street; thence east along the south r/w line of said Park Street to the west/north line of the Burlington Northern/Cimarron Valley Railroad; thence northeasterly along the north line of said Burlington Northern/Cimarron Valley Railroad and extending to the point of beginning.

AND

A tract of land beginning at a point along the south r/w line of Military Ave. and the west line of Lot 12, Block 2, F.W. Boyd's Addition; thence south along the west line of said Lot 12 for a distance of 160 feet to the north line of an e-w alley; thence east along the north line of said e-w alley to the projected west line of lot 1, Block 9, Centennial Addition; thence south along the projected west line of said Lot 1 to a point that intersects the south r/w line of Wyatt Earp Blvd.; thence east for a distance of 387.07 feet; thence south for a distance of 187.9 feet to the north r/w line of the B.N. & S.F. Railroad; thence east along the said north r/w line of the B.N. & S.F. Railroad to the southeast corner of Western Beverage; thence northeasterly to the southwest corner of Lot 1, Santa Fe Plaza; thence easterly along the south line

of Santa Fe Plaza to the southeast corner of Lot 5, Santa Fe Plaza; thence north along the east line of said Lot 5 to the south r/w line of Wyatt Earp; thence west along the south r/w line of Avenue B; thence north along the extended west r/w line of said Avenue B to the northeast corner of Lot 7, Block 9, Centennial Addition; thence west along the south r/w line of military Ave. to the extended east line of Lot 29, Block 2, Original town; thence north along the extend east line of said Lot 29, Block 2, Original Town to the south r/w of Spruce Street; thence west along the south r/w of said spruce street to the northwest corner of Lot 21, Block 2, Original Town, said corner being on the east r/w line of Avenue A; thence south along the east r/w line of said Avenue A extending to the south r/w line of military Ave.; thence west along the south r/w line of Military Ave. to the point of beginning.

AND

A track of land beginning at a point along the south r/w line of Wyatt Earp Blvd. And the west r/w Line of Second Ave.; thence south along the west line of Second Ave. to the south r/w line of South Front Street as platted in Original Town; thence east along the south r/w line of South Front Street to a point that is 250 feet east of the east r/w line of Second Ave.; thence north to the north r/w line of the B.N. & S.F. Railroad; thence west along the north r/w line of said B.N. & S.F. Railroad, said line also being the extended south r/w line of Wyatt Earp Blvd. to the point of beginning.