

ORDINANCE NO. 3620

AN ORDINANCE AUTHORIZING THE CREATION OF THE LEISURE DEVELOPMENT COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF DODGE CITY, KANSAS; AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED WITHIN SUCH DISTRICT; AND APPROVING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH (LEISURE DEVELOPMENT CID).

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), municipalities are authorized to create community improvement districts for economic development purposes and any other purpose for which public money may be expended; and

WHEREAS, the City of Dodge City, Kansas (the “City”), is a municipality within the meaning of the Act; and

WHEREAS, on December 3, 2015, a petition (the “Petition”) was filed with the City Clerk requesting (a) that the community improvement district described therein (the “CID”) be created; (b) that the City levy a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer’s sales tax act, within the CID in the amount of one percent (1%) (the “CID Sales Tax”); and (c) that certain community improvement district project costs to be incurred within the CID be financed with pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such CID Sales Tax, all in accordance with the Act; and

WHEREAS, said Petition was signed by all [more than 55%] of the owners of the land area within the proposed CID, exclusive of right of way; and

WHEREAS, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, a governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district project therein, and provide for notice of the hearing by publication at least once each week for two consecutive weeks in the official city newspaper, with the second publication occurring at least seven days prior to the hearing, and by certified mail to all property owners within the proposed community improvement district, with such certified mail sent at least ten days prior to such hearing; and

WHEREAS, on December 7, 2015, the Board of Commissioners of the City adopted Resolution No. 2015-29 directing a public hearing on the proposed CID be held and declaring its intent to levy the CID Sales Tax in the proposed CID; and

WHEREAS, on January 4, 2016, following proper notice as provided in the Act, the Board of Commissioners of the City held a public hearing on the proposed CID, the proposed community improvement district project and the imposition of the CID Sales Tax in the proposed CID; and

WHEREAS, the Governing Body hereby finds and determines that it is in the best interests of the City and in furtherance of the purposes of the Act to create the CID and impose the CID Sales Tax.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF DODGE CITY, KANSAS:

Section 1. Creation of District; Boundaries. The Board of Commissioners of the City hereby creates the CID within the boundaries legally described on *Exhibit A* attached hereto and are depicted on the map attached hereto as *Exhibit B*, which CID shall generally be referred to as the "Leisure Development CID."

Section 2. Authorization of District Project; Estimated Costs. The Board of Commissioners of the City hereby authorizes the project within the Leisure Development CID described in *Exhibit C* attached hereto (the "Project") and approves the estimated cost of the Project which may be financed with CID Sales Tax as \$825,000. Notwithstanding the approval of the Project by this Ordinance, the Project and owner or owners of all property comprising the Project must comply with all applicable zoning, planning permit and other laws and regulations applicable to the Project.

Section 3. Method of Financing. The Project within the Leisure Development CID will be financed on a pay-as-you-go basis payable from revenues received from the imposition of the CID Sales Tax. No special assessments shall be implemented under the Act to pay for the Project, and no special obligation notes or bonds will be issued for the Project.

Section 4. Levy of Sales Tax. In accordance with the Act and to provide funds to pay costs of the Project, the Governing Body of the City hereby levies a CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailer's sales tax act, within the Leisure Development CID in the amount of one percent (1%). The collection of the CID Sales Tax shall commence on April 1, 2017, or any other effective date the City may approve by ordinance if a change in the effective date outlined herein is requested in writing by all owners of record, exclusive of right of way, in the Leisure Development CID.

Section 5. Segregation of CID Sales Tax. All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Leisure Development Community Improvement District Revenue Fund. Such revenues shall be used to pay the costs of the Project on a pay-as-you-go basis, including the City's administrative fee of two percent (2%).

Section 6. Further Action. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney and City consultants, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper. When this Ordinance becomes effective in accordance with this Section, the City Clerk shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189. The City Clerk is hereby further authorized to submit this Ordinance to the Ford County Register of Deeds, for recording.

ADOPTED by the Governing Body of the City of Dodge City, Kansas on this 4th day of January, 2016.

By: _____
Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

By: _____

City Attorney

EXHIBIT A to CID Ordinance

Legal Description of Leisure Development CID

A tract of land in the East Half of Sections 26 and 35, Township 26 South, Range 25 West of the Sixth Principal Meridian, City of Dodge City, Ford County, Kansas described as follows:

Beginning at a point that is N88°34'21"W 2070.29 feet from the Southeast Corner of the Southeast Quarter of said Section 26; thence S03°49'07"W 23.82 feet; thence N88°57'34"W 918.86 feet; thence S01°25'37"W 728.08 feet; thence S02°29'17"W 138.49 feet; thence S26°13'48"E 237.82 feet; thence S54°12'05"E 54.24 feet; thence S00°00'00"E 359.14 feet; thence S75°21'41"W 173.17 feet; thence S73°36'57"W 131.20 feet; thence S76°11'54"W 68.63 feet; thence S81°58'16"W 110.71 feet; thence N01°52'28"W 863.68 feet; thence S88°41'57"E 279.91 feet; thence N01°25'37"E 788.25 feet; thence S88°34'21"E 742.00 feet; thence N04°34'31"E 245.33 feet; thence S85°17'03"E 145.21 feet; thence N04°39'09"E 185.00 feet; thence S85°17'04"E 101.86 feet; thence S62°05'46"E 7.62 feet; thence S04°41'43"W 122.00 feet; thence S04°39'12"W 60.00 feet; thence S04°32'57"W 260.78 feet to the point of beginning, containing 12.43 acres. Subject to easements and restrictions of record.

Exhibit B

(Map)

Exhibit C

Proposed Project

The general nature of the proposed project (the "**Project**") is to promote the development of an approximately 90 room hotel to be located at 201 4th Avenue, an approximately 12,000 square foot restaurant to be located at 301 4th Avenue and a R/V campground to be located at 701 Park Street, all in the City for Inn Vestments II, L.L.C by providing community improvement district financing, in accordance with this Petition and with the Act, 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, sidewalks, parking lots, buildings, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Project, and the City and the petitioner's administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

