

ORDINANCE NO. 3666

**AN ORDINANCE REPEALING ORDINANCE NO. 3661 AND
ORDINANCE NO. 3662.**

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 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 the STAR Bond Project District to include additional property in the Heritage Area; and

WHEREAS, the City in consultation with the City’s Planning Commission prepared a STAR Bond Project Plan for the Heritage Area of the STAR Bond District dated March 10, 2015 (the “Heritage Area Project Plan”) pursuant to the Act, which Heritage Area Project Plan provides for the redevelopment of the Heritage Area of the STAR Bond District; and

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

WHEREAS, the City held a public hearing on April 20, 2015, after due published and mailed notice in accordance with the Act, regarding the Heritage Area Project Plan; and

WHEREAS, on March 16, 2015, the governing body of the City adopted Resolution No. 2015-05 setting a date for a public hearing with respect the Heritage Area Project Plan; and

WHEREAS, a public hearing was held on April 20, 2015, after proper notice was published in accordance with the Act, regarding the Heritage Area Project Plan; and

WHEREAS, the governing body of the City adopted Ordinance No. 3605 on April 20, 2015, adopting the Heritage Area Project Plan; and

WHEREAS, on December 5, 2016, the governing body of the City adopted Resolution No. 2016-30 establishing its intent to expand the Original STAR Bond Project District by including approximately 219 acres of additional real property in the Power Center Area (such expanded district to be referred to herein as the “STAR Bond Project District”) and setting a date for a public hearing with respect thereto; and

WHEREAS, a public hearing was held on January 5, 2017, after proper notice was published in accordance with the Act, regarding the expansion of the Original STAR Bond District; and

WHEREAS, on January 27, 2017, the Secretary determined that the expanded STAR Bond Project District is an “eligible area” under the Act; and

WHEREAS, the governing body of the City adopted Ordinance No. 3650 on February 3, 2017, which created the expanded STAR Bond Project District; and

WHEREAS, the City prepared the STAR Bond Project Plan for the Power Center Area 1 dated April 27, 2017 (the “Power Center Area 1 Project Plan”) in consultation with the City’s Planning Commission, which Project Plan provides for the redevelopment of the Power Center Area 1 of the STAR Bond Project District as described therein (the “Power Center Area 1 Project”); and

WHEREAS, the City prepared the Amended STAR Bond District Plan dated April 27, 2017 (the “Amended STAR Bond District Plan”), which Amended STAR Bond District Plan divided the land comprising the Power Center Area into the Power Center Area 1 and the Power Center Area 2 of the STAR Bond Project District, each as described therein; and

WHEREAS, on May 1, 2017, the governing body of the City adopted Resolution No. 2017-16 setting a date for a public hearing with respect the Power Center Area 1 Project Plan; and

WHEREAS, a public hearing was held on June 5, 2017, after proper notice was published in accordance with the Act, regarding the Amended STAR Bond District Plan and the Power Center Area 1 Project Plan; and

WHEREAS, on June 5, 2017 the governing body of the City approved Ordinance No. 3661 to adopt the Amended STAR Bond District Plan and the Power Center Area 1 Project Plan and approved Ordinance No. 3662 to authorize the issuance of Taxable Sales Tax Special Obligation Bonds (Power Center Area 1) in the aggregate original amount not to exceed \$11,000,000 on the assumption that the Act would not be extended by the Kansas legislature; and

WHEREAS, the Act has now been extended by the Kansas legislature and the governing body of the City desires to repeal Ordinance No. 3661 and Ordinance 3662 that were never published;

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

Section 1. The Governing Body of the City hereby repeals Ordinance No. 3661 and Ordinance No. 3662, each approved on June 5, 2017.

Section 2. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, and 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 Ordinance.

Section 3. This Ordinance shall be in force and effect from and after its passage, approval, and publication once in the official City newspaper.

PASSED and ADOPTED by a no less than two-thirds vote of the Governing Body of the City this 19th day of June, 2017.

Mayor

ATTEST:

City Clerk

(Published in *The Dodge City Daily Globe* on June ____, 2017)

SUMMARY OF ORDINANCE NO. _____

On June 19, 2017, the governing body of the City of Dodge City, Kansas (the “City”) passed an ordinance entitled:

**AN ORDINANCE REPEALING ORDINANCE NO. 3661 AND
ORDINANCE NO. 3662.**

The Ordinance repeals Ordinance Nos. 3661 and 3662 which related to the approval of an Amended STAR Bond District Plan and STAR Bond Project Plan (Power Center Area 1) and the approval of the issuance of STAR Bonds in an amount not to exceed \$11,000,000.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 802 Second Avenue, Dodge City, Kansas 67801. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.dodgecity.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: June ____, 2017

City Attorney

**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COMMISSION OF
THE CITY OF DODGE CITY, KANSAS
HELD ON JUNE 19, 2017**

The City Commission of the City of Dodge City, Kansas met in regular session at the usual meeting place in the City at 7:00 p.m., the following members of the City Commission present: Mayor _____, Commissioners _____

Absent: None

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *
(Other Proceedings)

Thereupon, there was presented to the City Commission an Ordinance entitled:

**AN ORDINANCE REPEALING ORDINANCE NO. 3661 AND
ORDINANCE NO. 3662.**

Thereupon, Commissioner _____ moved that said Ordinance be passed. The motion was seconded by Commissioner _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the City Commission, the vote being as follows:

Yea:

Nay: None

Thereupon, the Ordinance having been adopted by two-thirds vote of the members-elect of the City Commission, it was given No. _____, was directed to be signed by the Mayor and attested by the City Clerk, and the City Clerk was further directed to publish the Ordinance one time in the official City newspaper.

* * * * *
(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the City Commission of the City of Dodge City, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

[SEAL]

City Clerk