

SPECIAL CITY COMMISSION MEETING

City Hall Commission Chambers

Monday, September 22, 2014

5:00 P.M.

MEETING #4973

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Consideration and adoption of Resolution No. 2014-23 providing for a Public Hearing to be held on October 6, 2014, to consider expansion of the Heritage Area of the existing STAR Bond Project District.

ADJOURNMENT

Memorandum

*To: City Manager
City Commissioners*

From: Ken Strobel, Attorney

Date: September 22, 2014

*Subject: Resolution 2014-23
Agenda Item: Ordinances and Resolutions*

Recommendation: Staff recommends adoption of Resolution No. 2014-23 which provides for a public hearing to consider the inclusion of addition property as part of the Heritage Area in the existing STAR bond project district.

Background: For some time staff has given consideration to the possibility of including additional property located along the eastern boundary of the Heritage Area of the existing STAR bond project district. Adopting Resolution No. 2014-23 is the first step in the process to expand the Heritage Area.

Justification: Inclusion of the addition property along the east boundary of the existing STAR bond district would allow for improvements to the east entrance of the downtown historic district which is anchored on the east by the historic Santa Fe Depot and on the west by the Boot Hill complex.

Financial Considerations: No direct financial impact by adoption of the Resolution No. 2014-23, however the inclusion of the additional property would enhance the incremental sale tax revenues resulting in more funding for project eligible cost and improvements.

Legal Considerations: Adoption of the Resolution and holding of the public hearing are required in order to expand the existing STAR bond project district.

Attachments: Resolution 2014-23

(Published in the Dodge City Daily Globe on ____, 2014)

RESOLUTION NO. 2014-23

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS DETERMINING THAT THE CITY IS CONSIDERING INCLUDING ADDITIONAL PROPERTY AS A PART OF THE HERITAGE AREA OF THE EXISTING STAR BOND PROJECT DISTRICT WITHIN THE CITY, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING.

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, on March 19, 2012 the City adopted Ordinance No. 3527 establishing a STAR bond project district within certain eligible areas of the City, as said terms are defined in the Act, ; and

WHEREAS, the City is considering the possibility of including additional real property in the City as part of the existing Heritage Area of the existing STAR bond project district; and

WHEREAS, prior to the inclusion of additional property within the existing STAR bond project district, the governing body of the City must adopt a resolution stating that the City is considering the inclusion of additional property to the existing STAR bond project district, which resolution shall: (1) Give notice that a public hearing will be held to consider the

inclusion of additional property to the existing STAR bond project district and fix the date, hour and place of such public hearing, which public hearing shall not be held less than 30 nor more than 70 days following the adoption of this Resolution, (2) describe the proposed boundaries of the amended STAR bond project district, (3) state the proposed STAR bond project district plan, (4) state that a description and map of the proposed amended STAR bond project district are available for inspection at a time and place designated, and (5) state that the governing body will consider findings necessary for the establishment of the proposed amended STAR bond project district; and

WHEREAS, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail return, receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed STAR bond project district, and to each owner and occupant of land within the proposed STAR bond project district not more than 10 days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing, which publication shall include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the existing STAR bond project area; and

WHEREAS, upon the conclusion of such public hearing and a finding by the Secretary of Commerce that the existing STAR bond project district, as extended and amended to include the additional property, is an “eligible area”, the governing body may pass an ordinance which shall: (1) make findings that the existing STAR bond project district may be expanded under the Act, (2) contain the STAR bond project district plan as approved, (3) contain the legal description of the expanded STAR bond project district, and

(4) may establish the amended and expanded STAR bond project district; and

WHEREAS, no privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of the Act, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the expanded STAR bond project district that the proposed expanded STAR bond project district will have an adverse effect on such county or school district; and

WHEREAS, upon the expansion and amendment 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, the governing body of the City has been presented a proposed expansion of existing STAR bond project district within an area of the City which meets the standards of an eligible area required by the Act and desires to call and conduct a public hearing under the provisions of the Act in order to determine whether it is advisable to adopt the expanded STAR bond project district pursuant to the Act; and

WHEREAS, after the conclusion of the public hearing, it is anticipated that the City will adopt the expanded STAR bond project district pursuant to the Act.

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

Section 1. Findings. The City is considering the expansion of the existing STAR bond project district pursuant to the Act.

Section 2. Proposed Expanded STAR Bond Project District. The proposed expanded STAR bond project district (the "Expanded STAR Bond Project District") would include

additional property in the Heritage Area of the existing STAR bond project district by the addition of approximately 25 acres along the east boundary of the existing district. A map depicting the boundaries of the proposed Expanded STAR Bond Project District is attached hereto as *Exhibit A*, which is incorporated herein by reference and legally described on *Exhibit B*.

Section 3. Proposed STAR Bond Project District Plan. The proposed preliminary plan for the proposed Expanded STAR Bond Project District provides for a single STAR bond project within the Expanded STAR Bond Project district. The buildings and facilities to be constructed or improved in the Heritage Area of the Expanded STAR Bond Project District shall be modified to be described in a general manner as follows:

The amended plan within the Heritage Area of the proposed Expanded STAR Bond Project would provide for: (1) the renovation and expansion of the Boot Hill Museum, including modernizing the exhibits and attractions, (2) infrastructure and themed aesthetic improvements to Front Street and Wyatt Earp and other portions of Dodge City south of Wyatt Earp, (3) a themed water park attraction, (4) construction of a new hotel, and (5) construction, renovation and expansion of regional, specialty-themed retail and restaurants to enhance this portion of the community as a super-regional draw.

Section 4. Public Hearing. Notice is hereby given that a public hearing will be held by the City Commission to consider the Expanded STAR Bond Project District on October __, 2014 at the Commission Chambers located at City Hall, 806 North Second Avenue, Dodge City, Kansas, 67801, the public hearing to commence at 5:00 p.m. or as soon thereafter as the City Commission can hear the matter. At the public hearing, the governing body will receive public comment on the adoption of the proposed Expanded STAR Bond Project District, and

may, after the conclusion of such public hearing, consider the findings necessary for adoption of the Expanded STAR Bond Project District pursuant to the Act.

Section 5. 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 existing and Expanded STAR Bond Project District.

(b) This resolution, specifically including *Exhibit A* 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 6. Public Records. Copies of a description and map of the proposed Expanded STAR Bond Project 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 7. 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 8. Effective Date. This resolution shall be effective upon its adoption by the City Commission of the City of Dodge City, Kansas.

Brian Delzeit, Mayor

Nannette Pogue, City Clerk

Approved As To Form Only:

Ken Strobel, City Attorney

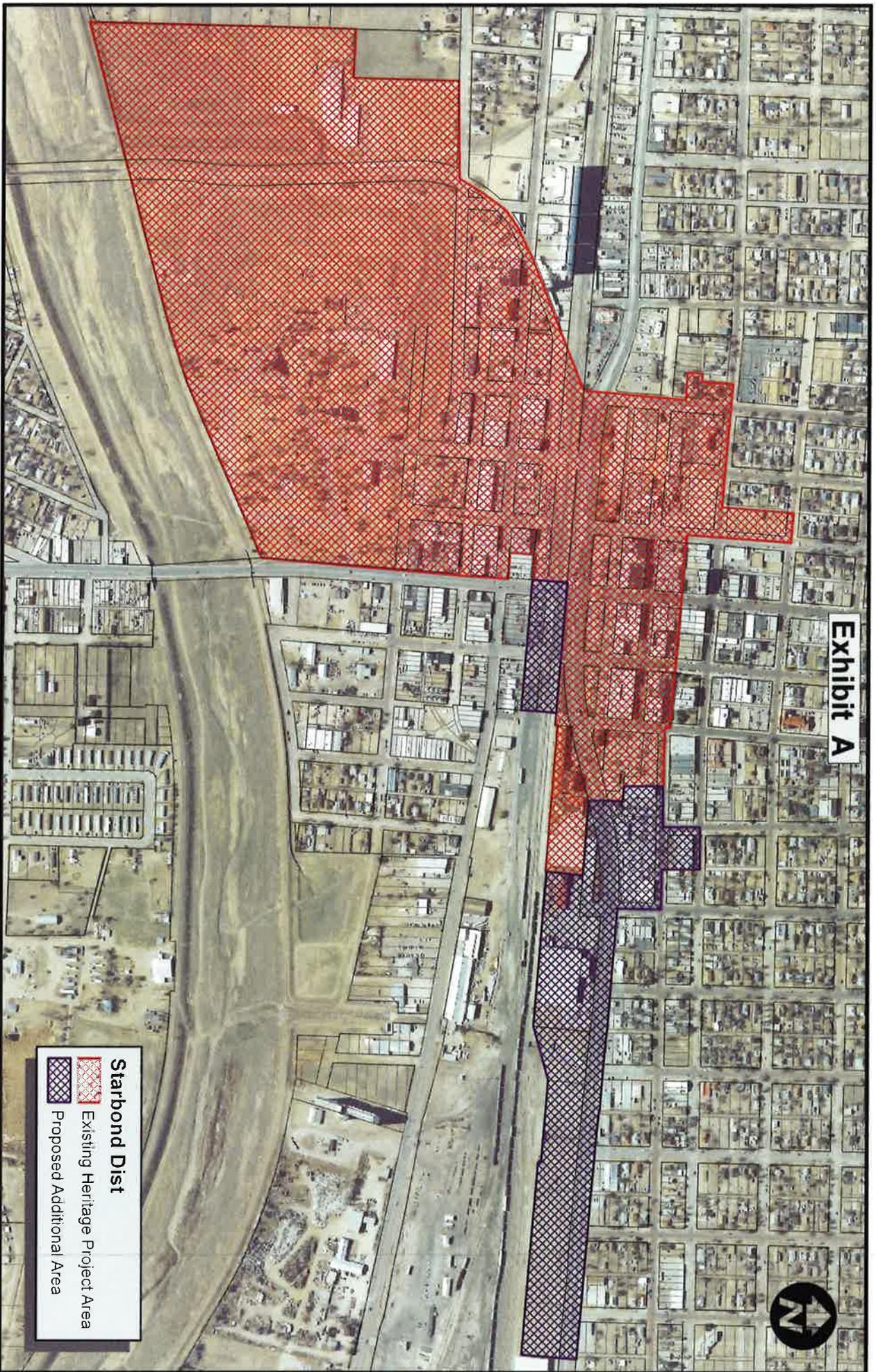


Exhibit A

Starbond Dist

 Existing Heritage Project Area

 Proposed Additional Area



STAR BOND LEGAL DESCRIPTION
HERITAGE DISTRICT

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 Lott 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.