

ORDINANCE NO. 3774

AN ORDINANCE AUTHORIZING THE CREATION OF THE VILLAGE SQUARE MALL 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 (VILLAGE SQUARE MALL 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 April 22, 2022, 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 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 May 16, 2022, the Governing Body of the City adopted Resolution No. 2022-21 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 June 20, 2022, following proper notice as provided in the Act, the Governing Body 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 GOVERNING BODY OF THE CITY OF DODGE CITY, KANSAS:

Section 1. Creation of District; Boundaries. The Governing Body 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 "Village Square Mall CID."

Section 2. Authorization of District Project; Estimated Costs. The Governing Body of the City hereby authorizes the project within the Village Square Mall 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 six million dollars (\$6,000,000). 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 Village Square Mall 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 Village Square Mall CID in the amount of one percent (1%). The collection of the CID Sales Tax shall commence on October 1, 2022, 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 Village Square Mall 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 Village Square 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 ____ day of _____, 2022.

By: _____
Mayor

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

EXHIBIT A to CID Ordinance

Legal Description

Lot 1

Part of Lot 1 and Lot 2, Block 1, The Village Square Subdivision, City of Dodge City, Ford County, Kansas being more particularly described as follows: Beginning of the Northwest corner of said Lot 1 the Village Square Subdivision, thence South 85°45'18" East, 629.11 feet along the North line of said Lots 1 and 2; thence South 1°41'26" West, 398.41 feet; thence South 88°37'57" East, 199.40 feet to a point on the East line of said Lot 1, The Village Square Subdivision, thence South 1°17'49" West, 38.34 feet along said East line; thence South 25°24'07" East, 27.54 feet along said East line; thence South 1°31'19" West, 465.26 along said East line; thence North 88°16'19" West, 200.00 feet; thence South 1°31'19" West, 69.92; thence North 88°31'51" West, 79.06 feet; thence South 0°45'48" West, 15.83 feet; thence North 88°05'09" West, 55.00 feet; thence South 1°33'11" West, 214.10 feet to a point on the South line of said Lot 1, The Village Square Subdivision; thence North 88°16'55" West, 480.78 feet along said South line to a point being the SW corner of said Lot 1; thence North 0°24'07" East, 1253.34 feet along the West line of said Lot 1 to the point of beginning.

Lot 2

Part of Lot 1 and Lot 2, Block 1, The Village Square Subdivision, City of Dodge City, Ford County, Kansas, being more particularly described as follows: Beginning at the Northeast corner of said Lot 2; thence South 1°17'49" West, 360.77 feet along the East line of said Lots 2 and 1; thence North 88°37'57" West, 199.40 feet; thence North 1°41'26" East, 398.41 feet to a point on the North line of said Lot 2; thence South 85°45'18" East, 109.69 feet along said North line, thence South 68°23'53" East, 92.89 feet along said North line to the point of beginning.

EXHIBIT B to CID Ordinance

(Map)

EXHIBIT C to CID Ordinance

Proposed Project

The general nature of the proposed projects (the "**Projects**") is to promote the development of a new tenant for Space #3 at Village Square Mall (the former "Gordmans" space) and to do additional improvements to Village Square Mall including a new Pylon sign, parking lot improvements, infrastructure repairs, and other various improvements to the property. The renovation of space #3 would consist of meeting new tenant requirements to accommodate a new tenant. This would be accomplished 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: infrastructure-related items, parking lot work, tenant improvements, utilities, lighting, signage, cleaning and maintenance, security, soft costs of the Projects, 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.