

## **ORDINANCE NO. 1005**

**AN ORDINANCE AUTHORIZING THE CREATION OF THE VILLAGE SOUTH AT EDWARDSVILLE COMMUNITY IMPROVEMENT DISTRICT II IN THE CITY OF EDWARDSVILLE, KANSAS, AUTHORIZING THE IMPOSITION OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO BE COLLECTED WITHIN SUCH DISTRICT (CID II).**

**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;

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

**WHEREAS**, a petition (the “Petition”) was filed with the City Clerk requesting (a) that a new 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 within the CID in the amount of 1.00% (the “CID Sales Tax”); and (c) that certain community improvement district project costs to be incurred within the CID be financed, in part, from the issuance of special obligation bonds and, in part, on a pay-as-you-go basis, all in accordance with the Act;

**WHEREAS**, said Petition was signed by both the owners of record of more than 55% of the land area within the proposed CID and the owners of record collectively owning more than 55% by assessed value of the land area within the proposed CID;

**WHEREAS**, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, the 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;

**WHEREAS**, pursuant to Resolution No. 2018-17 of the City, adopted on July 23, 2018, the Governing Body of the City directed a public hearing on the proposed CID be held and declared its intent to levy the CID Sales Tax in the proposed CID;

**WHEREAS**, on August 27, 2018, 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;

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS:**

**Section 1. Creation of District; Boundaries.** The Governing Body of the City hereby creates the CID within the City, which shall be designated as the “Village South at Edwardsville Community Improvement District II.” The boundaries of the CID shall be as legally described on *Exhibit A* attached hereto and as labeled “CID 2” on the map attached as *Exhibit B* hereto.

**Section 2. Authorization of District Project; Estimated Costs.** The Governing Body of the City hereby authorizes the project within the CID described on *Exhibit C* attached hereto (the “Project”) and approves the total estimated cost of the Project at \$63,392,426. 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 will be financed, in part, from the issuance of special obligation bonds or notes payable from revenues received from the imposition of the CID Sales Tax within the CID, in part on a pay-as-you-go basis from the imposition of such CID Sales Tax, and in part from private equity and debt. No special assessments are proposed as part of the CID.

**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 community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services within the CID in the amount of 1.00%, *i.e.*, the “CID Sales Tax.” The collection of the CID Sales Tax shall commence on January 1, 2020 or the earliest date thereafter on which the Kansas Department of Revenue agrees to begin the imposition of the CID Sales Tax and shall expire 22 years from the date the Department of Revenue begins the collection of the CID Sales Tax. The CID Sales Tax shall be administered, collected and subject to the provisions of K.S.A. 12-187 *et seq.*, this Ordinance and a development agreement by and between the City and Compass Commodity Group III, LLC, or its assigns.

**Section 5. Effective Date.** This Ordinance shall be in force and take effect from and after publication of the Ordinance once in the official City newspaper. When this Ordinance becomes effective in accordance with this Section, Assistant City Manager/the City Clerk shall submit the Ordinance for recording in the office of the Register of Deeds of the Unified Government of Wyandotte County/Kansas City, Kansas, and provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189.

**PASSED AND APPROVED** by the Governing Body of the City of Edwardsville, Kansas  
this 27<sup>th</sup> day of August, 2018.



  
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John McTaggart  
Mayor

  
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Zachary Daniel  
Assistant City Manager/City Clerk

**EXHIBIT A**

**Legal Description of Village South at Edwardsville CID II**

All of Lot 3 and Tract A, Village South at Edwardsville, First Plat and part of the Public Right of Way of Village South Parkway as dedicated by the Final Plat of Village South at Edwardsville, First Plat AND part of Lot 2, Lustgraaf Acres, being a replat of part of Tract 4 and Tract 5, the Norman Farms Subdivision, all in the Southwest Quarter of Section 11, Township 11 South, Range 23 East, City of Edwardsville, Wyandotte County, Kansas and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 11; thence North 87°31'44" East, along the South line of said Southwest Quarter, a distance of 1330.00 feet to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 11, thence North 02°06'16" West, along the West line of said Quarter-Quarter, a distance of 471.80 feet to the Southeast corner of Lot 2, said Lustgraaf Acres; thence South 87°31'44" West (Measured — South 89°37'49" West, Platted) along the South line of said Lot 2, a distance of 903.41 feet; thence North 02°30'30" West, a distance of 234.63 feet to a point on the South line of Village South Parkway as now exists, said point being the POINT OF BEGINNING; thence South 87°29'30" West, continuing along said South line, a distance of 4.78 feet to the intersection of said South line with the West line of Lot 3 (extended), of Village South at Edwardsville, First Plat; thence North 02°51'38" West along said West line, a distance of 647.68 feet to the Northwest Corner of said Lot 3, said point being on the Southerly line of Right of Way conveyed to the City of Kansas City, Kansas by Document No. 1197804, recorded in Book 3744 at Page 543 in the Office of the Register of Deeds, Wyandotte County; thence North 66°44'54" East, along said Southerly Right of Way and along the North line of said Lot 3, a distance of 301.64 feet to the Southerly right of way of the Kansas Turnpike, thence North 85°25'56" East along the North line of Lot 3 and Tract A, of said Village South at Edwardsville, First Plat and Lot 2, Lustgraaf Acres, and South line of said Turnpike, a distance of 637.64 feet to the Northeast Corner of said Lot 2, Lustgraaf Acres; thence South 02°06'16" East, along the East line thereof, also being the West line of the Southeast Quarter of the Southwest Quarter of Section 11, Township 11, Range 23, a distance of 777.44 feet to the intersection of said West line with the South line of Village South Parkway as now exists; thence South 87°29'30" West, along said South line, a distance of 905.07 feet to the POINT OF BEGINNING;

LESS AND EXCEPT (Billboard Tract)

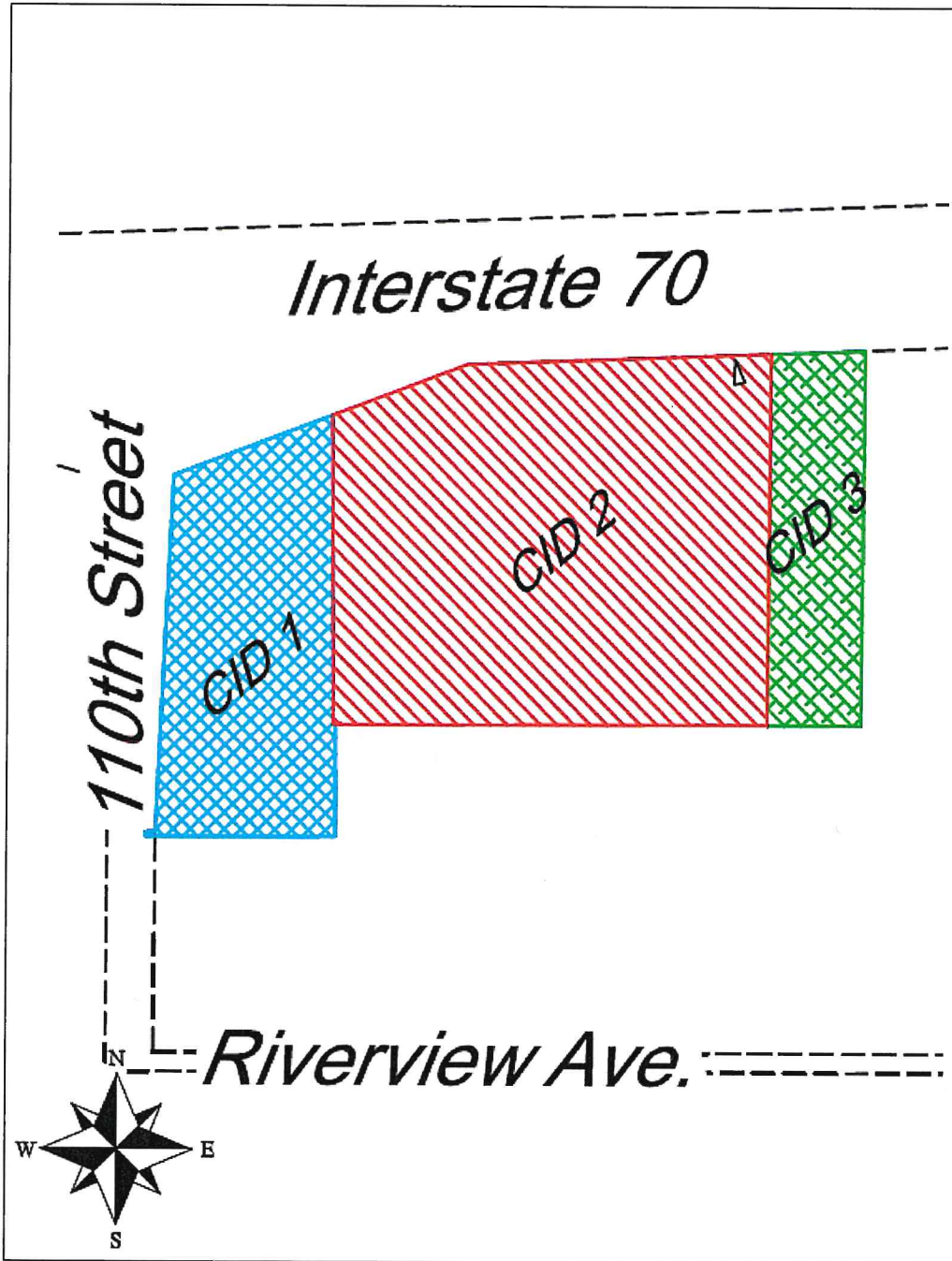
All that part of Lot 2, Lustgraaf Acres, a Replat of part of Tract 4 and Tract 5, the Norman Farms Subdivision in Edwardsville, Wyandotte County, Kansas described as follows:

Commencing at the Northeast corner of said Lot 2; thence South 85°25'56" West (Measured - South 87° 34' 00" West, Deeded), along the North line of said Lot 2, 76.29 feet; thence South 04°34'04"E (Measured - South 02° 26' 00" East, Deeded) a distance of 9.17 feet to the POINT OF BEGINNING of the tract to be herein described; thence South 26°06'59" East (Measured - South 23° 58' 55" East, Deeded) a distance of 52.13 feet; thence South 76°41'41" West, (Measured - South 78° 49' 45" West, Deeded) a distance of 23.03 feet; thence North 00°35'20" West (Measured - North 01° 34' 54" West, Deeded), a distance of 52.11 feet (Measured - 52.03 feet, Deeded) POINT OF BEGINNING.

The Net Tract Area containing 681,849.78 square feet or 15.65 acres, more or less.

*EXHIBIT B*

Map of Village South at Edwardsville CID



## ***EXHIBIT C***

### **Project Description**

To acquire, redevelop and improve certain property located generally at or in the vicinity of the southeast corner of Interstate 70 and 110th Street in the City of Edwardsville, Kansas. The Project may be described in a general manner as consisting of: (a) one hotel containing approximately 207 rooms; (b) a conference center/meeting space; (c) a restaurant; and/or (d) other commercial uses; along with (e) accompanying parking facilities; and (f) such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, and other associated and appurtenant structures and facilities to the extent permitted under the City's Community Improvement District (CID) Policy.