

(Published in *The Legal Record* on August 12 and August 19, 2025)

**RESOLUTION NO. 25-1068**

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF OLATHE, KANSAS, AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT (LONE ELM & 175<sup>TH</sup> STREET).**

**WHEREAS**, K.S.A. 12-6a26 *et seq.* (the "Act") authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects; and

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk on July 22, 2025, proposing the creation of a community improvement district ("CID") under the Act, the imposition of a community improvement district sales tax in order to pay the costs of Projects (defined herein); and

**WHEREAS**, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

**WHEREAS**, the City of Olathe, Kansas (the "City") intends to create the CID and to levy a community improvement district sales tax in an amount equal to 2.0% as requested in the Petition (the "CID Sales Tax"); and

**WHEREAS**, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the CID, approving the Projects described herein and levying the CID Sales Tax, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:**

**SECTION 1. Petition.** The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

**SECTION 2. Public Hearing.** It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects, and whether to impose a CID Sales Tax in an amount equal to 2.0% and such other matters related thereto, such public hearing to be held on **September 2, 2025, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at City Hall, City Council Chambers, 100 East Santa Fe, Olathe, Kansas, under the authority of the Act.

**SECTION 3. Proposed CID Projects.** The general nature of the proposed project is the construction of approximately 60,000 square feet of commercial/retail space and other facilities or improvements associated with or incidental to such use generally located within and/or contiguous to any portion of the proposed CID; related soft costs of the Projects, and the City's administrative costs in

establishing and maintaining the CID, and other items collectively permitted to be financed within the CID under the Act (collectively, the “Projects”).

**SECTION 4. Estimated Cost.** The estimated cost of the proposed Projects is \$25,000,000.

**SECTION 5. Method of Financing, Community Improvement District Sales Tax and Special Assessments.** The estimated cost of the proposed Projects will be financed by through a combination of private equity, private debt and pay-as-you-go financing, as defined in the Act. It is proposed that a CID Sales Tax in an amount equal to 2.0% be levied. There will not be any special assessments on property within the boundaries of the CID to pay the costs of the Projects.

**SECTION 6. Map and Legal Description of Proposed CID.** The legal description of the property to be contained in the proposed CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto and incorporated by reference herein.

**SECTION 7. Notice of Hearing.** The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

**SECTION 8. Effective Date.** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

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**ADOPTED** on August 5, 2025.

By: \_\_\_\_\_  
John Bacon, Mayor

[SEAL]

By: \_\_\_\_\_  
Brenda Swearingian, City Clerk

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF PROPOSED COMMUNITY IMPROVEMENT DISTRICT**

All that part of the Southwest Quarter of Section 23, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described by Phelps Engineering, Inc., on June 25, 2025, for project 250489, as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 23; thence N 2°00'24" W, along the East line of the Southwest Quarter of said Section 23, a distance of 176.35 feet, to a point on the Northerly Right-of-way line of 175th Street, as now established; thence along said Northerly Right-of-Way line for the following four (4) courses; thence S 70°51'07" W, a distance of 174.22 feet; thence S 76°54'58" W, a distance of 146.84 feet; thence S 84°34'22" W, a distance of 488.87 feet; thence S 87°49'22" W, a distance of 1047.00 feet, to the Point of Beginning; thence, continuing along said Northerly Right-of-Way line for the following three (3) courses, S 87°49'22" W, a distance of 53.00 feet; thence S 88°46'37" W, a distance of 600.08 feet; thence N 71°37'16" W, a distance of 85.44 feet, to a point on the Easterly Right-of-Way line of Lone Elm Road, as now established; thence along said Easterly Right-of-Way line for the following two (2) courses; thence N 8°28'14" W, a distance of 191.16 feet; thence N 2°03'05" W, a distance of 302.30 feet; thence N 87°56'59" E, a distance of 749.86 feet; thence S 2°32'51" E, a distance of 530.65 feet, to the Point of Beginning, containing 8.9960 acres, more or less, of unplatted land.

**EXHIBIT B**

**MAP OF PROPOSED COMMUNITY IMPROVEMENT DISTRICT**

The following property located in Johnson County, Olathe, Kansas:

