

ORDINANCE NO. 25-20

AN ORDINANCE AUTHORIZING THE CREATION OF THE 200 W. SANTA FE COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF OLATHE, KANSAS; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT; PROVIDING FOR THE METHOD OF FINANCING THE SAME; AND RATIFYING A DEVELOPMENT AGREEMENT.

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 upon property within the district to finance projects; and

WHEREAS, a petition (the “Petition”) was filed with the City Clerk on June 5, 2025, proposing the creation of the 200 W. Santa Fe Community Improvement District (the “District”) under the Act and the imposition of a community improvement district sales tax (the “CID Sales Tax”) in order to pay the costs of the project as described in the Petition (the “Project”); 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 Governing Body of the City of Olathe, Kansas (the “City”) intends to create the District and to levy the CID Sales Tax as requested in the Petition; and

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 projects therein, and to give notice of the hearing by publication at least once each week for two (2) consecutive weeks in the official City newspaper and by certified mail to all property owners within the proposed community improvement district, the second publication to be at least seven (7) days prior to the hearing and such certified mail sent at least ten (10) days prior to such hearing; and

WHEREAS, the Governing Body adopted Resolution No. 25-1056 on June 17, 2025 (the “Resolution”) directing that a public hearing on the proposed District within the City be held on July 15, 2025, declaring its intent to impose the CID Sales Tax, and requiring that the City Clerk provide for notice of such public hearing as set forth in the Act; and

WHEREAS, the City, as a property owner within the District, waived certified mail receipt of the Resolution; and

WHEREAS, the Resolution was mailed to all other property owners within the District on June 25, 2025 and the Resolution was published once each week for two (2) consecutive weeks in *The Legal Record*, the official City newspaper, on June 24, 2025 and July 1, 2025; and

WHEREAS, on July 15, 2025, the Governing Body conducted a public hearing on the proposed District; and

WHEREAS, the Governing Body hereby finds and determines it to be advisable to create the District and set forth the boundaries thereof, authorize the Project as described herein, approve the estimated costs of the Project and approve the method of financing the same, all in accordance with the provisions of the Act; and

WHEREAS, the Development Agreement (Char Bar), dated May 19, 2025 (the “Development Agreement”) between the City and CB Olathe Holdings LLC, a Kansas limited liability company, has been presented for consideration in connection with the District and the Project.

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

SECTION 1. Creation of Community Improvement District; Boundaries. The Governing Body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District within the City to be referred to as the 200 W. Santa Fe Community Improvement District. A legal description of the boundaries of the proposed District is set forth on Exhibit A, attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed District is attached as Exhibit B, attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Community Improvement District Projects and Estimated Costs.

(a) The general nature of the Project is to renovate, redevelop or improve the District to consist of: construction and reconstruction of the approximately 8,827 square foot existing structure and addition of approximately 15,500 additional square feet for purposes of a family-friendly restaurant and entertainment establishment similar in concept to Char Bar located at 15348 Old Town Drive, Parkville, Missouri, and other facilities or improvements associated with or incidental to such use, including demolition of existing facilities and all public and private infrastructure improvements or facilities as further described in the Development Agreement; and the City’s administrative costs in establishing and maintaining the District, and other items collectively permitted to be financed within the District under the Act.

(b) The total estimated cost of the Project is \$10,521,660.

SECTION 3. Method of Financing.

(a) A portion of the costs of the Project will be financed with the CID Sales Tax levied pursuant to the provisions of the Act and reimbursed on a pay-as-you-go basis, as defined in the Act. The CID Sales Tax is hereby imposed at the rate of **2.0%** on the sale of tangible personal property at retail or rendering or furnishing services which are taxable pursuant to the Kansas Retailers’ Sales Tax Act (K.S.A. 79-3601 *et seq.*) within the District with such CID Sales Tax to commence on July 1, 2026 or such other date as the governing body of the City sets by ordinance and continue for a period of twenty-two (22) years or such earlier date as provided in the Development Agreement.

(b) There will be no issuance of bonds, including full faith and credit bonds, pursuant to the Act.

(c) There will be no District special assessments.

SECTION 4. Segregation of CID Sales Tax Revenues. 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 200 W. Santa

Fe Community Improvement District Revenue Fund. Such revenues shall be used to pay the costs of the Project.

SECTION 5. Development Agreement. The Development Agreement is hereby ratified and approved by the Governing Body.

SECTION 6. Recording. The City Clerk shall file a certified copy of this Ordinance with the Register of Deeds of Johnson County, Kansas

SECTION 7. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication once (or a summary thereof) in the official City newspaper.

[Balance of page intentionally left blank]

PASSED by the Governing Body on this 15th day of July, 2025 and **APPROVED AND SIGNED** by the Mayor.

CITY OF OLATHE, KANSAS

By: _____
John Bacon, Mayor

[SEAL]

ATTEST:

Brenda Swearingian, City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF THE 200 W. SANTA FE
COMMUNITY IMPROVEMENT DISTRICT**

LOTS 1 AND 2, CHAMBER DISTRICT, A SUBDIVISION IN THE CITY OF OLATHE,
JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

[Balance of page intentionally left blank]

EXHIBIT B

MAP OF 200 W. SANTA FE COMMUNITY IMPROVEMENT DISTRICT

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



[Balance of page intentionally left blank]

(Published in *The Legal Record* on July 22, 2025)

SUMMARY OF ORDINANCE NO. 25-__

On July 15, 2025, the City Council of the City of Olathe, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CREATION OF THE 200 W. SANTA FE COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF OLATHE, KANSAS; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT; PROVIDING FOR THE METHOD OF FINANCING THE SAME; AND RATIFYING A DEVELOPMENT AGREEMENT.

In accordance with a petition submitted by the property owner, the Ordinance: authorizes the creation of a community improvement district (“CID”) generally located at the northwest corner of Santa Fe Street and N. Kansas Avenue, with an address of 200 W. Santa Fe Street all within the City of Olathe, Kansas (the “City”); authorizes certain projects therein; and levies a 2.0% CID sales tax within the CID to pay certain costs of such projects, all pursuant to K.S.A. 12-6a26 et seq. The Ordinance also ratifies a Development Agreement between the City and developer relating to the CID and the related projects.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 E. Santa Fe Street. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://www.olatheks.org/government/city-clerk/public-notices>.

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

DATED: July 15, 2025.

Ronald R. Shaver, City Attorney