

**ORDINANCE NO. 25-30**

**AN ORDINANCE AUTHORIZING THE CREATION OF THE OLATHE STATION NORTH 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 APPROVING 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 July 22, 2025, proposing the creation of the Olathe Station North 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. 25-1067 on August 5, 2025 (the “Resolution”) directing that a public hearing on the proposed District within the City be held on September 2, 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 Resolution was mailed via certified mail to each owner within the District as provided in the Act, and the Resolution was published once each week for two (2) consecutive weeks in *The Legal Record*, the official City newspaper, on August 12, 2025 and August 19, 2025; and

**WHEREAS**, on September 2, 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 (Olathe Station North), dated September 2, 2025 (the “Development Agreement”) between the City and Olathe Station North, 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 Olathe Station North 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 Cost.**

(a) The general nature of the proposed project is the redevelopment and improvement of certain real property generally located at the intersection of 119th Street & Strang Line Road within the City as a first-class shopping center, including some or all of the following:

1. New Pad Sites;
2. Building façade renovation;
3. New and redeveloped signage;
4. Public gathering areas with art displays;
5. Public safety improvements to the ingress/egress of Blackbob;
6. Enhanced lighting and landscaping; and

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”).

(b) The estimated cost of the proposed Projects is \$48,996,500.

**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 **1.0%** 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 **January 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 Olathe Station North 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 approved by the Governing Body, and the Mayor (or, in the Mayor's absence, the acting Mayor) is authorized to execute the same in substantially the form presented on this date, with such changes as may be approved by the City.

**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.

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**PASSED** by the Governing Body on this 2<sup>nd</sup> day of September, 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 OLATHE STATION NORTH COMMUNITY IMPROVEMENT DISTRICT**

#### **ALSO INCLUDING:**

Any and all adjacent Right-of-Way.

#### **Tract I:**

Lots 2, 4 and Tract B, Olathe Station Replat, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

And All that part of Lot 5, Olathe Station Replat, a platted subdivision of land in the City of Olathe, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of said Lot 5, thence S 02°09'39" E on the Easterly line of said Lot 5, 214.00 feet to the point of beginning of Lot 5B; thence continuing S 02°09'39" E on said Easterly line of Lot 5, 508.68 feet; thence S 87°50'21" W, 103.51 feet; thence S 71°27'37" W, 52.40 feet; thence S 58°15'12" W, 54.30 feet; thence S 02°09'39" E, 97.00 feet; thence S 88°14'32" W, 344.02 feet; thence N 02°09'39" W, 154.57 feet; thence S 87°50'21" W, 94.17 feet; thence N 02°09'39" W, 98.00 feet; thence S 87°50'21" W, 11.92 feet; thence N 02°09'39" W, 228.28 feet; thence N 87°50'21" E, 131.10 feet; thence N 02°09'39" W, 413.00 feet; thence N 87°50'21" E, 25.00 feet; thence S 02°09'39" E, 15.00 feet; thence N 87°50'21" E, 70.00 feet; thence S 75°03'29" E, 68.01 feet; thence N 87°50'21" E, 137.50 feet; thence S 02°09'39" E, 214.00 feet; thence N 87°50'21" E, 222.50 feet to the point of beginning. according to Lot Split filed in Book 201711, Page 005418.

#### **Tract II:**

Appurtenant easement for ingress, egress and parking, as established in Operation and Easement Agreement filed in Book 4908, Page 135; First Amendment filed in Book 5128, Page 834; Second Amendment filed in Book 5260, Page 802; Third Amendment filed in Book 5441, Page 354; Fourth Amendment filed in Book 6368, Page 300; Fifth Amendment filed in Book 7741, Page 147; Sixth Amendment filed in Book 200802, Page 005185; Assignment and Assumption of OEA rights and Obligations filed in Book 201405, Page 001295. Assignment of Declarant's Rights filed in Book 201405, Page 001298.

Seventh Amendment filed in Book 201408, Page 006535.

#### **Tract III:**

Ingress-Egress, Drainage Easement established in Cross-Easement Agreement filed in Volume 3032, Page 677, and Amendment I to Cross-Easement Agreement filed in Volume 3525, Page 431.

#### **Tract IV:**

Non-exclusive easements established in Easement Agreement filed in Book 4908, Page 118, for ingress and egress of vehicles over and across property described in said instrument.

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## EXHIBIT B

### MAP OF OLATHE STATION NORTH COMMUNITY IMPROVEMENT DISTRICT

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



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(Published in *The Legal Record* on \_\_\_\_\_, 2025)

**SUMMARY OF ORDINANCE NO. 25-\_\_**

On September 2, 2025, the City Council of the City of Olathe, Kansas passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE CREATION OF THE OLATHE STATION NORTH 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 APPROVING A DEVELOPMENT AGREEMENT.**

In accordance with a petition submitted by the property owner, the Ordinance: authorizes the creation of a community improvement district (“CID”) located approximately at the intersection of 119th Street & Strang Line Road within the City of Olathe, Kansas (the “City”); authorizes certain projects therein; and levies a 1.0% 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 approved 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-notice>.

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

DATED: September 2, 2025.

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Ronald R. Shaver, City Attorney