

(Published in *The Legal Record* on October 29 and November 5, 2024)

RESOLUTION NO. 24-1053

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 TO BE KNOWN AS THE INDIAN CREEK CROSSING COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT.

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 dated July 24, 2024 (the "Petition") was filed with the City Clerk, proposing the creation of the Indian Creek Crossing Community Improvement District ("CID") under the Act, and 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 1.00% as requested in the Petition (the "CID Sales Tax"); and

WHEREAS, the City Council (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 1.00% and such other matters related thereto, such public hearing to be held on **November 19, 2024 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 redevelopment and improvement of certain real property generally located at the northeast corner of 135th Street and Mur-Len Road within the City, including some or all of the following:

retail development containing approximately 115,000 square feet of retail/commercial use, as well as related public infrastructure and other site improvements. The proposed Projects include a new to market sports/entertainment facility, a national all-inclusive physical fitness facility, a regional hardware store and a regional convenience store. Related public infrastructure include the conveyance of real property to the City for expansion of the existing fire station facility located immediately north of the Project. In addition, the developer anticipates conveying real property to the City for the purposes of the expansion and improvement of 135th Street;

related soft costs of the Projects, and the City and the petitioner’s administrative costs in establishing and maintaining the CID, and other items collectively permitted to be financed within the CID under the Act, and the City’s CID Policy (Policy F-9) (collectively, the “Projects”).

SECTION 4. Estimated Cost. The estimated cost of the proposed Projects is \$16,119,580, plus interest on financing, costs of issuance, debt service reserves, and capitalized interest (if any).

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 1.00% 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.

ADOPTED on October 15, 2024.

By: _____
John Bacon, Mayor

[SEAL]

By: _____
Brenda Swearingian, City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF PROPOSED INDIAN CREEK CROSSING
COMMUNITY IMPROVEMENT DISTRICT**

Lot 1 Mur-Len Commercial Park Third Plat, a subdivision in Olathe, Johnson County, Kansas;

AND

Lots 15, 16 and 17, and Trats C and E, Mur-Len Commercial Park Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas;

Except for and not including the South 182.99 feet of Lot 15, MUR-LEN COMMERCIAL PARK SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas.

[Balance of page intentionally left blank]

EXHIBIT B

**MAP OF PROPOSED INDIAN CREEK CROSSING
COMMUNITY IMPROVEMENT DISTRICT**

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

